

# Planning Proposal Request

21 Barham Place, Horsely

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Submitted to The Wollongong City Council on behalf of Mr Jerew

16 June 2024  
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*Disclaimer*

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**16 June 2024**

**LOCAL GOVERNMENT AREA:**

Wollongong City Council

**NAME OF LEP:**

Wollongong Local Environment Plan 2009  
Barham Road Planning Proposal

**ADDRESS OF LAND:**

21 Barham Road, Horsely, Wollongong

Part Lot 203 in DP 1290802



*Figure 1, The site subject the Planning Proposal Request - 21 Barham Road, Horsely*

## 1. Introduction

The subject site, legally described as Lot 203 in DP 1290802 and known as No. 21 Barham Place, Horsley, encompasses a total area of approximately 33 hectares. This planning proposal request applies to a small portion of the site, as illustrated in Figure 1 above.

This Planning Proposal Request (PPR), prepared by Jadara Planning on behalf of Mr. Fras Jerew, seeks to amend the Wollongong Local Environmental Plan 2009 (WLEP 2009). It aims to rezone a small portion of the site (approximately 1700 sqm) from RE2 Private Recreation to R2 Low Density Residential Zone, and to establish a Floor Space Ratio (FSR) and a minimum lot size for a the small portion of the site.

A pre-lodgement meeting with Council staff took place on 6 December 2023. A scoping proposal was submitted to the Council on 15 January 2024.

On 20 February 2024, a letter from Wollongong Council indicated that Council staff had completed a preliminary review of the provided documentation and deemed it sufficient to proceed to a Scoping Proposal Meeting. The letter also highlighted the need for further details on how stewardship of the flood-prone land would be managed, as well as clarification of the minimum lot size for the lot responsible for this stewardship. A response to the Council's letter was sent via email on 27 March 2024.

Subsequent correspondence from the Council requested clarification regarding the subdivision pattern and waste collection for the site's future layout. A revised subdivision plan, addressing the Council's concerns, has been prepared and is included in this report. In our opinion, the revised indicative subdivision layout satisfactorily addresses the Council's concerns.

Although the requested rezoning is not expected to substantially augment the housing capacity in the Wollongong Local Government Area (LGA), it is acknowledged that it would facilitate the development of an additional 3 to 6 residential dwellings depending on the type of development application. This is especially important given the acute housing shortage in New South Wales (NSW).

The site of the proposed rezoning is near existing services. The site is within proximity to Dapto Mall and Wollongong CBD. Servicing infrastructure (water, sewer, telecommunication and electricity) are all available to service the additional lots.

This report has been prepared in accordance with the NSW Department of Planning and Environment's (DPE) Local Environmental Plan Making Guideline – August 2023.

This report presents the findings of an assessment of the PPR against regional and local strategic planning documents, state environmental planning policies and local planning directions, in line with the Wollongong Planning Proposal Council Policy, adopted by the Council on 23 May 2022.

The outcome of the assessment of the proposal, in our opinion, indicates that there are sufficient strategic and site merits to progress the planning proposal request to Council.

## 2. Public Benefit

While on face value, there may appear to be no public benefit of the proposal, there can still be certain indirect public benefits as follows:

- **Aesthetic Value:** Open space enhances the visual appeal of the local area, contributing to a more attractive and well-maintained residential neighborhood.
- **Wildlife Habitat:** Even without public access, the open space can still serve as a habitat for local wildlife, contributing to biodiversity and ecological balance within the suburban environment.
- **Environmental Benefits:** Privately owned open spaces may still offer environmental benefits by absorbing carbon dioxide, mitigating the urban heat island effect, and contributing to overall ecological health.
- **Buffer Zone:** The open space could act as a buffer between residential areas and sources of noise or pollution, providing a more serene environment for residents.
- **Stormwater Management:** The major stormwater easements within the site help control water runoff, preventing flooding and erosion. This contributes to improved water quality and overall environmental health.
- **Utility Infrastructure:** The electricity easement that traverse the site supports the essential infrastructure required for power distribution, ensuring a reliable energy supply for the residential area.

The new landowner must prioritise the ongoing maintenance and preservation of the open space to ensure its continued positive impact on the neighbourhood and the residents' well-being. Consequently, endorsing the proposed rezoning would grant the new owner access to financial resources aimed at supporting the upkeep of the open space.

### 3. The Site

Horsley suburb is located in the Wollongong LGA, approximately 18km south-west of the Wollongong CBD. Horsley is characterised by low-density housing stock with ample parks including Gerringulli Park and Purrungully Park. This suburb has a primary school and has expanded significantly since 1999. Robins Creek is located north of Horsley, while Mullet Creek runs through it (Refer to Figure 2).

According to the Australian Bureau of Statistics (ABS), 2022, Horsley has a population of approximately 9,567 people with a population density of 1,723 persons per square km. There are 695 couples with young children in Horsley in 2021, comprising 22.3% of households.

In 2021, Horsley had a higher proportion of children (under 18) and a lower proportion of persons aged 60 or older than Wollongong City.

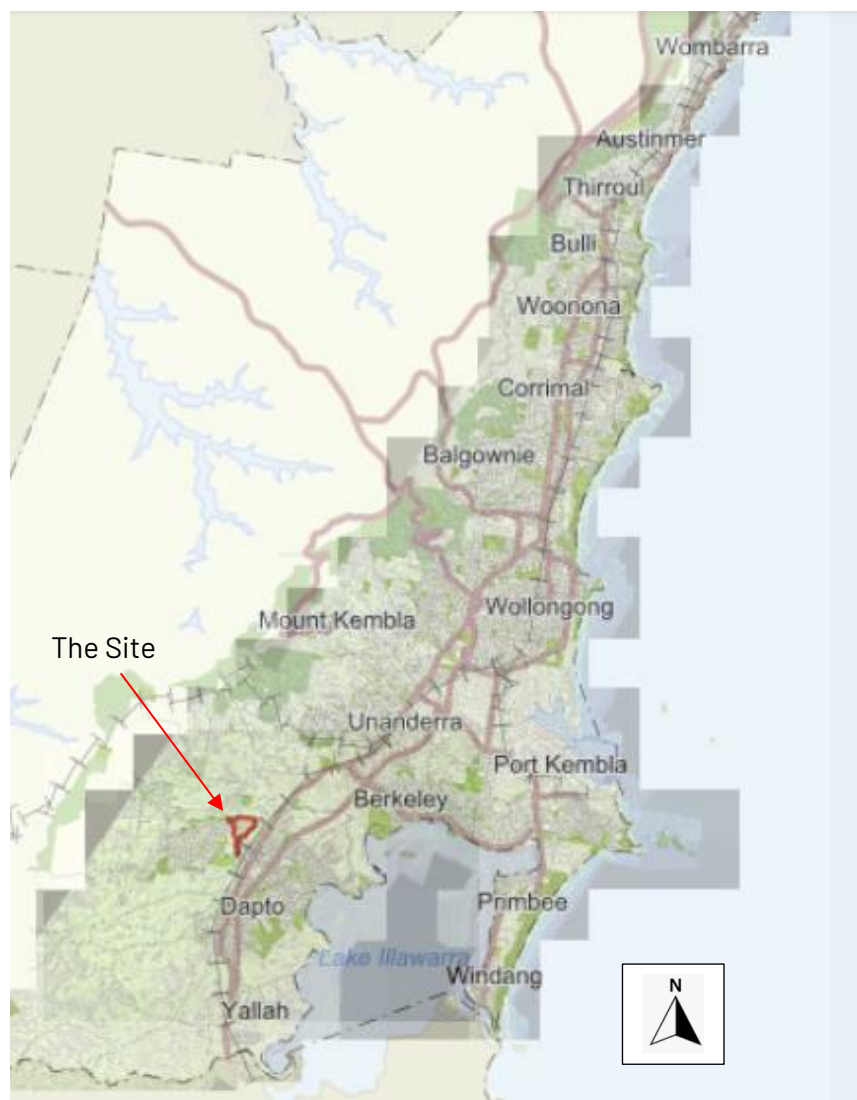


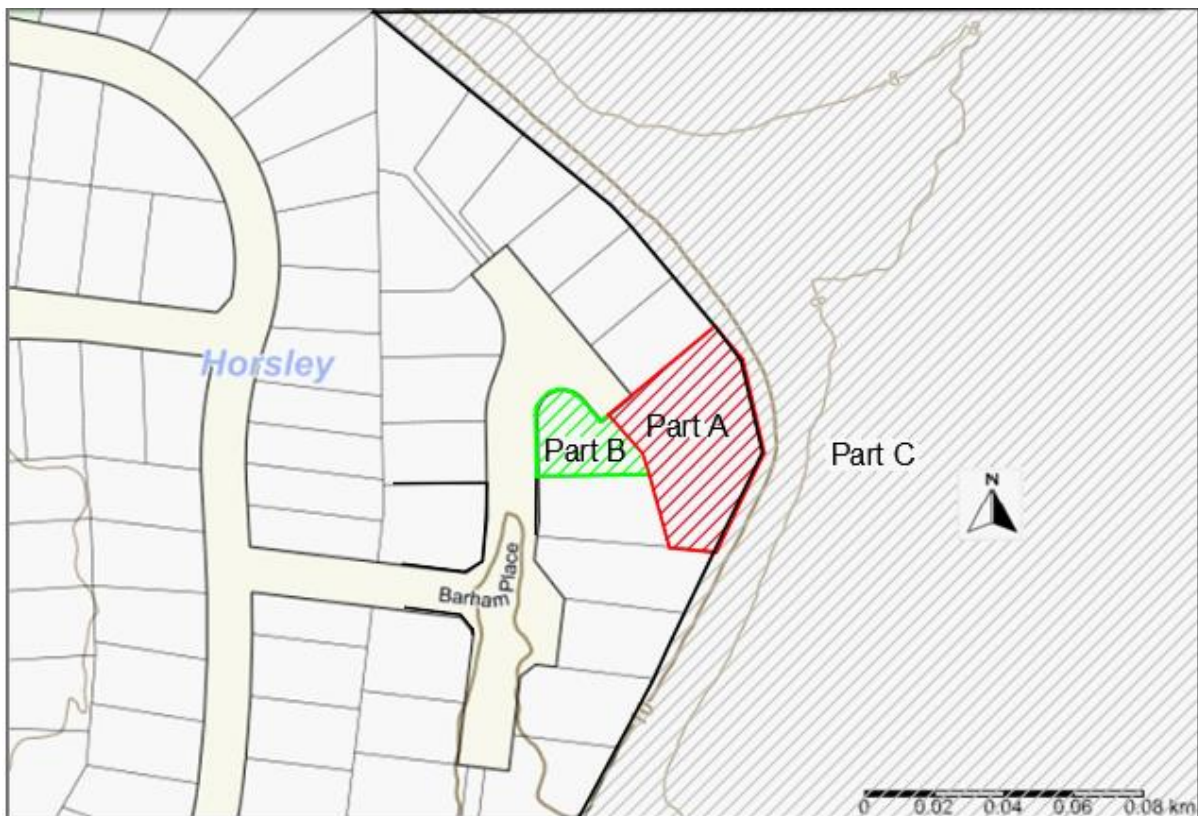
Figure 2 Locality Map



The site is known as No 21 Barham Place, Horsley (Lot 203 in DP 1290802) and has a total area of 32.9 hectares.

For the purpose of this PPR report, the following references to parts of the site are noted:

- **Part A** - is a reference to the part of the site that is proposed to be rezoned for residential purposes- (shaded red in Figure 3).
- **Part B** - is a reference to the part of the site that as is currently zoned R2 Low-Density Residential under the Wollongong Local Environmental Plan 2009 (the WLEP 2009) - (Shaded Green in Figure 3)
- **Part C** - is a reference to the remaining part of the site that is currently zoned RE2 Private Recreation under WLEP 2009 and is not subject to any rezoning or amendments as part of the PPR - (shaded grey in Figure 3).
- The reference to **the site** is a reference to the whole parcel (Parts A, B, and C).



*Figure 3 Site References*

The site has only one access point from Barham Place as shown in Figures 4 and 5 below. However, the site can be accessed by way of Easements V and S by public authorities (Refer to Figure 6). The site is currently vacant.



Figure 4 Aerial Photo of the site (Source Six Map)



Figure 5 Photo showing the access point to the site from Barham Place

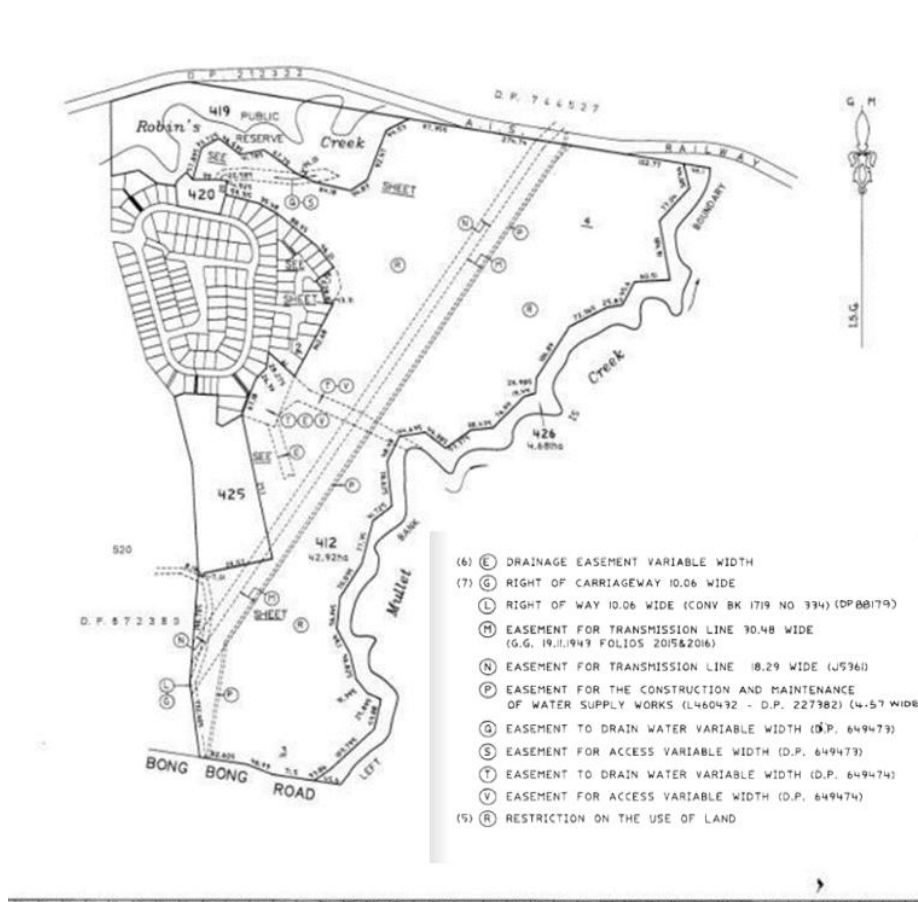


Figure 6 Site Constraints and Access Easements

The site bears encumbrances in the form of electricity transmission lines, stormwater drainage, as illustrated in Figure 5 above. Mullet Creek runs through the site, and there is some vegetation along its course, delineating the eastern boundary of the site.

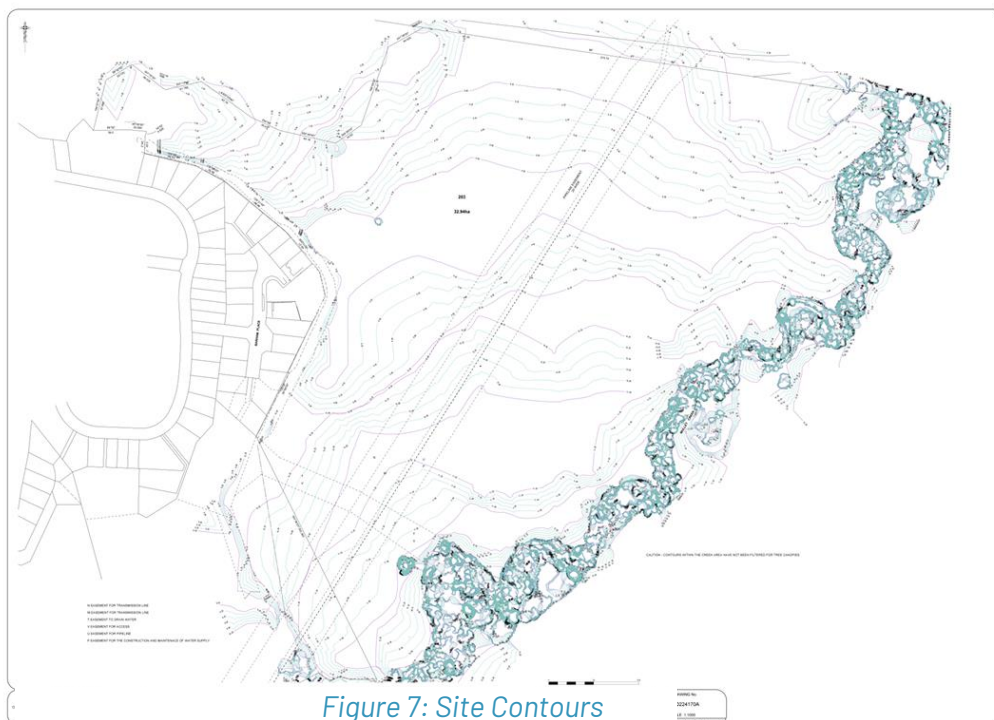


Figure 7: Site Contours



The site has a slight slope from east to west with the Ridge of RL10 at Barham Place and along the rear fences of existing residential properties. The lowest point is at Mullet Creek and has an RL of 6, refer to Figure 7 on previous page).

The majority of the site is characterised by grassland, with dense vegetation along the course of Mullet Creek. Below are two photos (Figure 87) of the site taken from Barham Place, showing the grassland and the more dense vegetation at the eastern boundary of the site along Mullet Creek.



*Figure 8: Electricity Easement and vegetation along the western boundary of the site at Mullet Creek.*

## Site Specific Consideration

This section focuses on Part A of the site that is proposed to be rezoned from RE2 Private Recreation to R2 Low-Density Residential.

### Existing development and land uses

The portion of the site that is subject to the future Planning Proposal Request (PPR) is currently vacant and has an area of about 1700 sqm. The exact site boundary and area have been informed by a site survey that was undertaken and is attached with this PPR as Attachment 3.

The site is surrounded by low density residential development. Part B of the site is currently zoned for residential purposes and is vacant.

A site visit was conducted on 7 January 2024, and it was noticed the portion of the site that is currently zoned for Residential purposes (Part B) has not be developed and is currently utilised for small truck parking and car parking by neighbouring properties. Refer to Figures 9, 10 and 11)

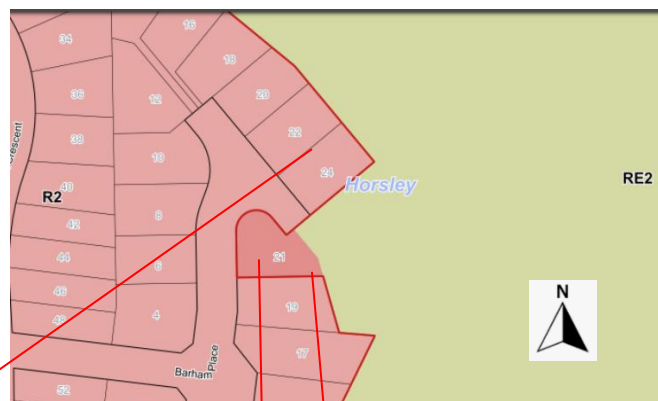


Figure 9 Photos of site boundaries with No 24 and 19 Barham Place, Horsley



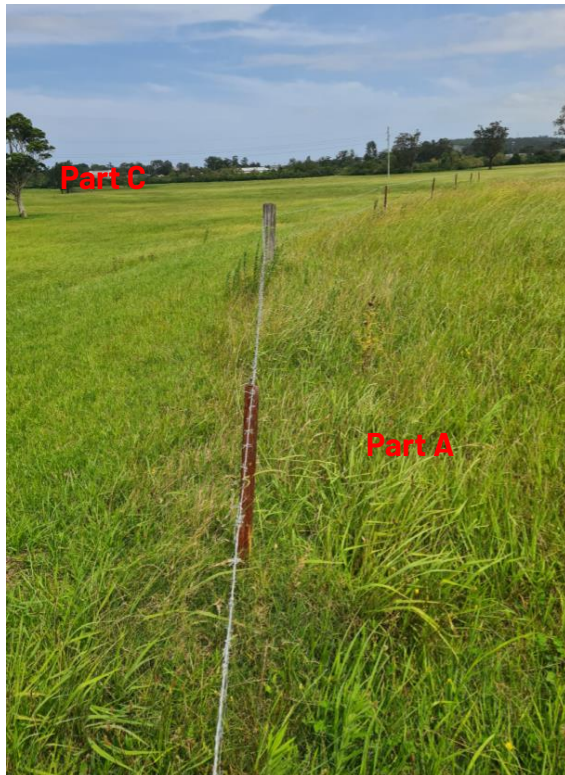


Figure 10: Fencing along the ridge line  
of Part A of the site



Figure 11: Surrounding Development – Barham  
Place

### Part A Topography

Part A and Part B of the site are relatively flat and situated at RL10, which corresponds to the site ridge. The boundary of Site A aligns with this ridge line at RL10, and from there to the east of the site, there is a relatively sharp decline of approximately 2 meters from RL10 to RL8 (refer to Figure 12 which shows 200mm contour lines).

Given the above the terrain of 'Site A' presents no constraints to the proposed rezoning.

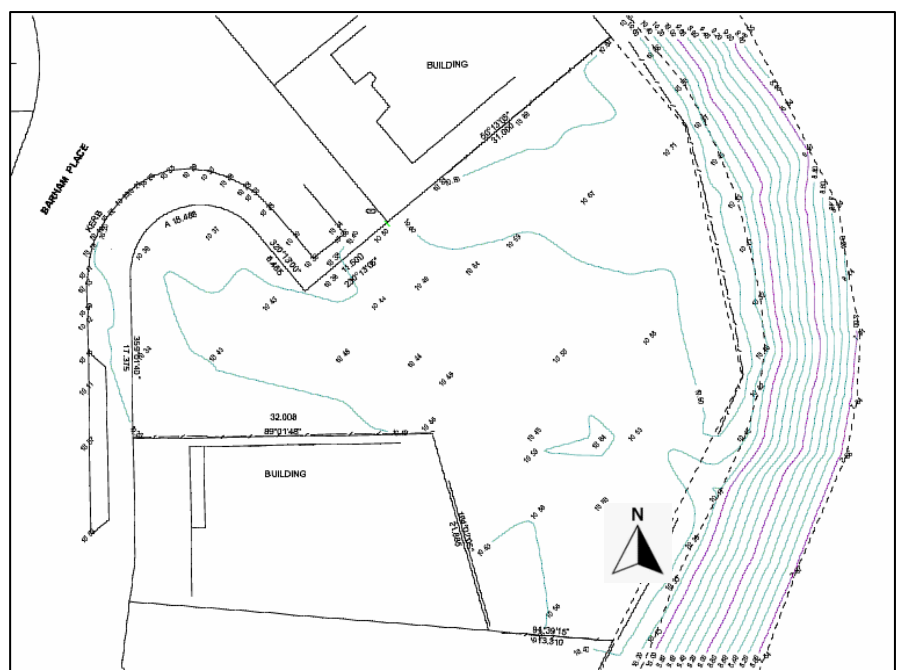


Figure 12 Site Contours

## 4. Planning Proposal

### Part 1: Objectives and Intended Outcomes

To amend the WLEP 2009 to enable the subject site that is currently used for private recreation to be rezoned to accommodate a small number of residential lots and introduce an FSR of 05:1.

#### Intended outcomes

Facilitate the creation of three additional low-density residential lots in the suburb of Horsley. Ensure that the flood-impacted land, currently zoned for private recreation, is maintained under stewardship by incorporating it into one of the proposed residential lots.

### Part 2 – Explanation of Provisions

Part A of the site is currently Zoned RE2 Private Recreation under the WLEP 2009.

#### Zone RE2 Private Recreation

##### 1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

##### 2 Permitted without consent

Nil

##### 3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Function centres; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures

##### 4 Prohibited

Any development not specified in items 2 or 3

### Proposed Amendments to the Wollongong LEP 2009

The objectives and intended outcomes identified in Section 4 of this report will be achieved by amending the Wollongong LEP 2009 to apply a residential zone to the part of the site that is subject to this planning proposal request, and applying a floor space ratio and a minimum that is commensurate with the existing floor space ratio of the adjoining R2 zoned land Site.





### Strategic Justification/Merit

The land covered by the PPR is suitable for residential development with minimal impact on the natural and built environment. It will provide three additional residential lots with appropriate configurations and sizes.

Given the housing shortage, this land will support the construction of three houses with potentially three secondary dwellings (subject to development consent), creating new homes for families and residents.

### Proposed Zoning - amendments to the WLEP 2009

The Land Zoning boundary should be amended as shown in Figure 20 - Proposed Land Use Zoning.

It is proposed that the area of 1670sqm be rezoned from RE2 Private Recreation to R2 Low Density Residential Zone as shown on Figure 15 below.

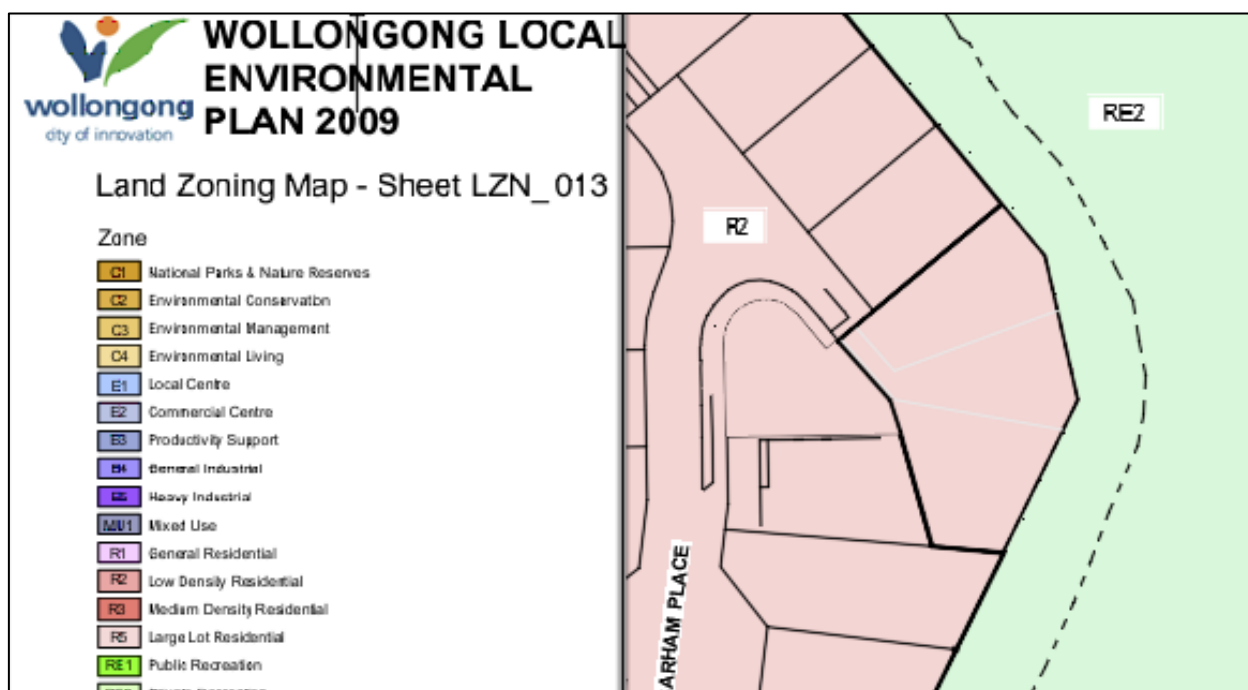


Figure 15 Proposed Land Use Zoning Map

### Suggested drafting instructions

Amend the Land Zoning Map to reflect the boundary as outlined in red in Figure 16 - Proposed Land Use

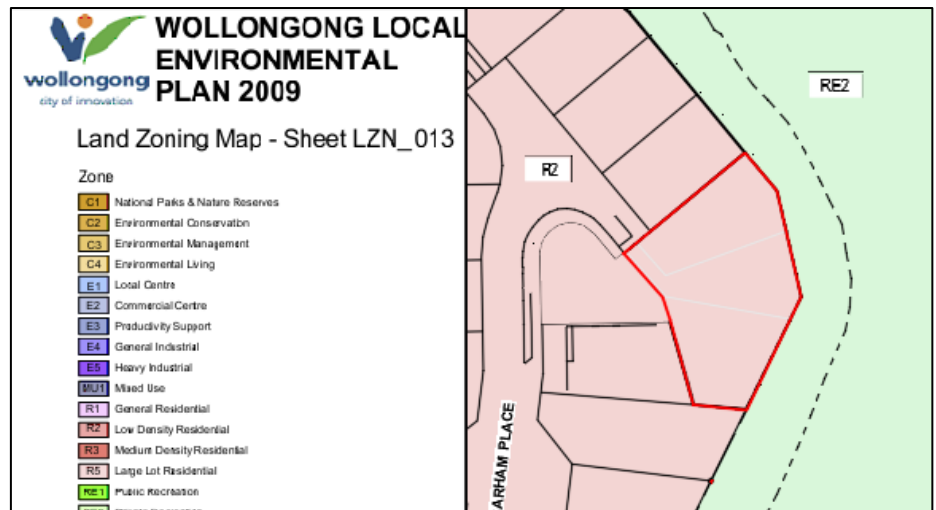


Figure 16 Area bounded by Red to be rezoned from RE2 to R2

## 2- Amend the Floor Space Ratio Map as it applies to the subject to introduce a floor space ratio of 0.5:1.

The subject site does not currently have an FSR that applies to it. It is proposed to apply an FSR of 0.5:1, as shown in Figure 17 Below:

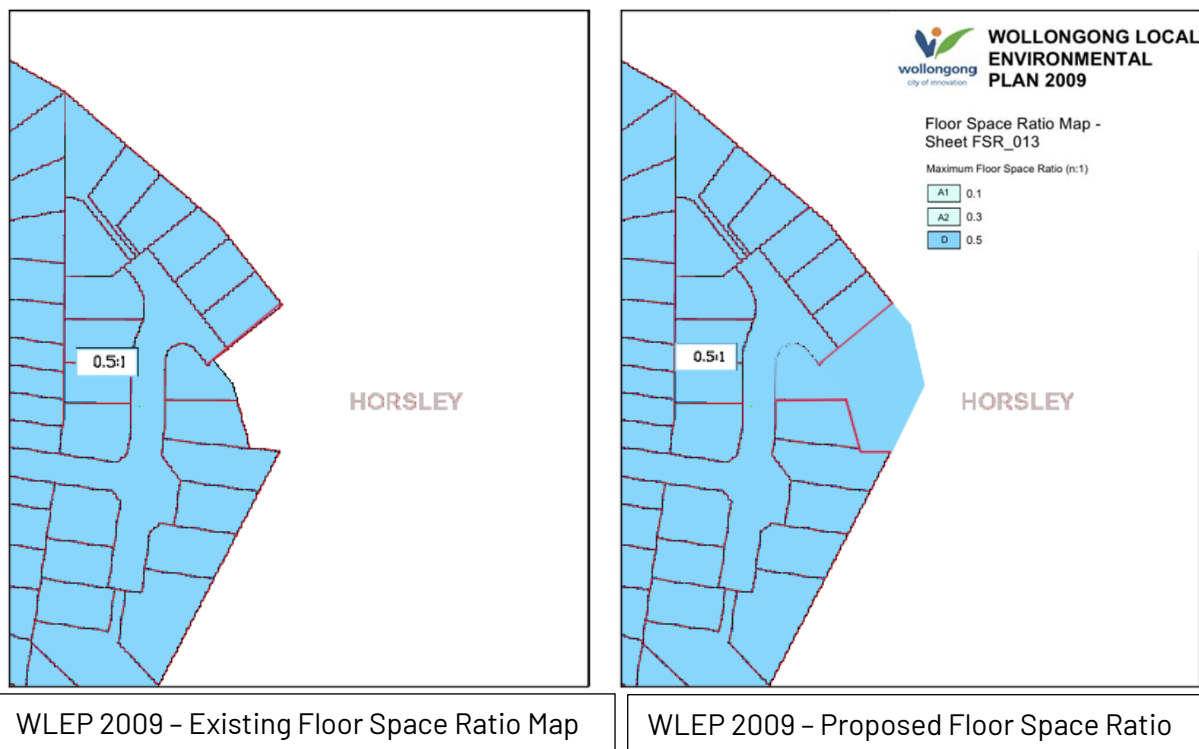


Figure 17 Existing and proposed FSR Maps under WLEO 2009

### Strategic Justification/Merit

The proposed Floor Space Ratio (FSR) of 0.5:1 aligns with the existing FSR of the surrounding properties. This consistency ensures that the future development will be appropriately scaled and proportioned, allowing it to blend harmoniously with its surroundings.

### Suggested drafting instructions

Amend the Floor space Ratio Map to reflect the boundary as outlined in red in Figure 18 to the right.

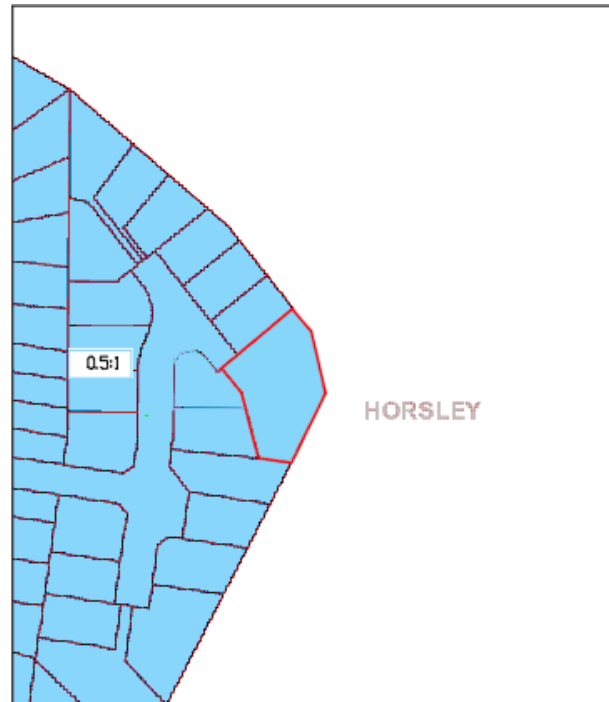


Figure 18 Proposed FSR of 0.5:1 to be Applied to the Area A

### 3- Amend the Minimum Subdivision Lot size Map -Sheet LSZ\_013 as it applies to the subject site to introduce a minimum lot size requirement of 449m<sup>2</sup>.

The subject site does not currently have a minimum lot size that applies to it. Refer to Figure 19 below.

### Strategic Justification/Merit

The proposed minimum lot size/subdivision aligns with the existing lot sizes of the surrounding properties. This consistency ensures that the future development will be appropriately subdivided, allowing it to blend harmoniously with its surroundings.

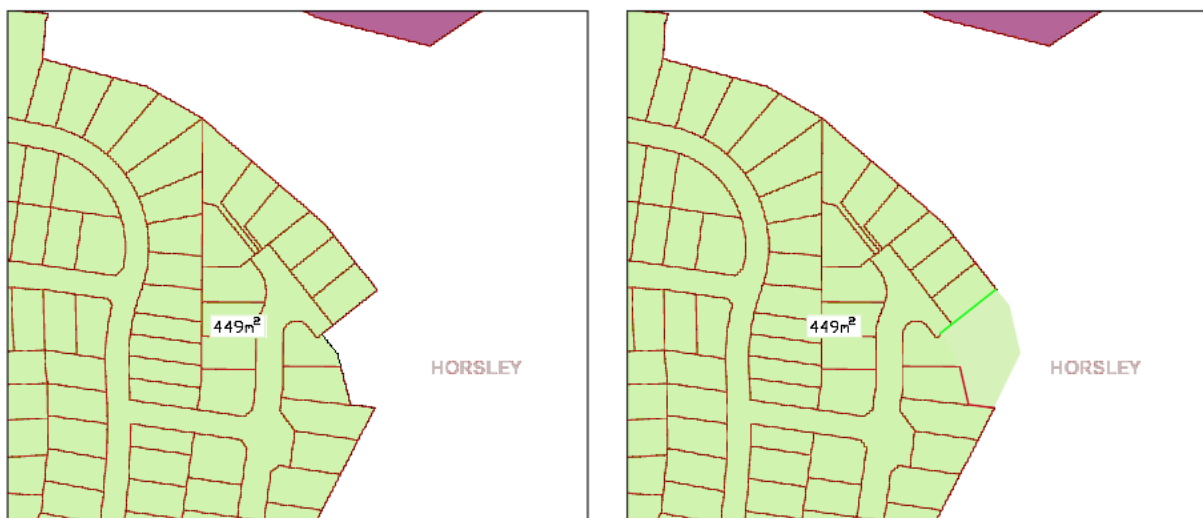


Figure 19: Existing and Proposed Lot Size Map

### Suggested drafting instructions

Amend the Lot Size Map to reflect the boundary as outlined in red in Figure 20 below.

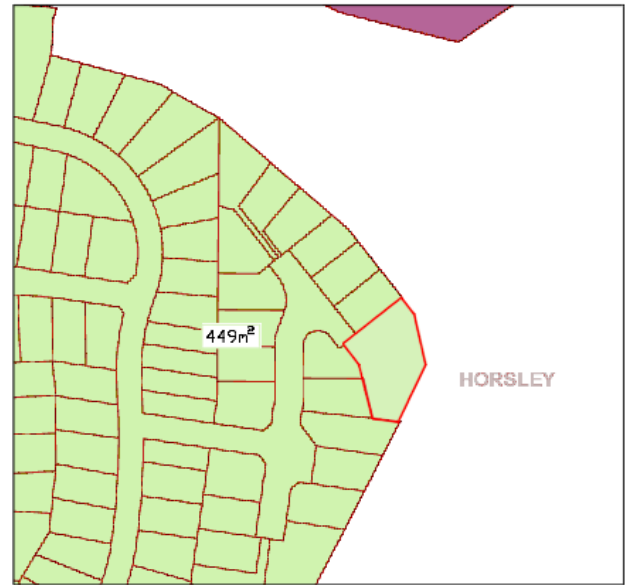


Figure 20: Proposed Lot size of 449sqm to be applied  
Area A - red boundary

## **Part 3 – Justification of Strategic and Site-Specific Merits**

This section of the report delineates that the envisaged rezoning aligns with the prevailing regional and local strategic goals and directives applicable to the Wollongong Local Government Area (LGA). Due to the small magnitude of the proposal, the consequential contributions towards realising jobs and dwelling targets would be relatively modest. However, given the acute shortage in housing supply, every dwelling will contribute to providing a much-needed home for families and individuals.

### **Section A – need for the planning proposal**

**Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

No. The planning proposal is not a result of endorsed strategic study. The planning proposal has not been derived from an endorsed strategic study or the Wollongong Local Strategic Planning Statement (LSPS). Nevertheless, an assessment of the proposal against all pertinent local and regional strategies indicates that it aligns with these strategies. Additionally, the planning proposal is consistent with the Council's housing strategy.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The Planning Proposal is the only means of achieving the objectives and intended outcomes.

### **Section B – Relationship to the strategic planning framework**

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)**

**The Illawarra Shoalhaven Regional Plan 2041**

The Illawarra Shoalhaven Regional Plan 2041 (the Plan) establishes a strategic framework for the region, with a focus on safeguarding and enhancing regional assets while planning for a sustainable future. This 20-year land use plan, in accordance with section 3.3 of the Environmental Planning and Assessment Act 1979, applies to the local government areas of Wollongong, Shellharbour, Kiama, and Shoalhaven.

The plan plays a crucial role in guiding Wollongong Councils' land use planning, assisting infrastructure agencies in preparing for growth and change, and informing the private sector and the broader community about the NSW Government's vision for creating a connected, sustainable, innovative, and vibrant Illawarra Shoalhaven.

It is acknowledged that the scale of Part A of the site is small, and therefore it would not have any noticeable contribution nor impact on the realisation of the strategic visions and directions for the Wollongong LGA. However, the below assessment was undertaken

to ensure that the proposed rezoning, despite its small scale, is not inconsistent with any regional strategic direction/vision.

The Plan has 4 Main Pillars and several objectives under each pillar as follows:

<b>Main Pillars - The Illawarra Shoalhaven Regional Plan 2041</b>	
<b>Pillar 1: A productive and innovative region</b>	
<b>Objective</b>	<b>Comments</b>
1. Strengthen Metro Wollongong as a connected, innovative, and progressive City	The proposal is not inconsistent with this objective, as it will not have negative impacts on strengthening Metro Wollongong.
2. Grow the region's Regional Cities	Not inconsistent
3. Grow the Port of Port Kembla as an international trade hub	N/A
4. Activate regionally significant employment precincts to support new and innovative economic enterprises	N/A
5. Create a diverse visitor economy	N/A
6. Activate the region's harbours to promote the blue highway	N/A
7. Respond to the changing nature of retail	N/A
8. Strengthen the economic self-determination of Aboriginal communities	N/A
9. Promote agriculture innovation, sustainability, and value-add opportunities	N/A
10. Sustainably maximise the productivity of resource lands	N/A
<b>Pillar 2: A sustainable and resilient region</b>	
11. Protect important environmental assets	The proposal will not have impacts on environmental assets
12. Build resilient places and communities	The proposal will provide a place for a small number of people to live in a place that is free from flooding and other risks.
13. Increase urban tree canopy cover	There would be an opportunity to plan additional trees within the site, and this may be implemented at the development stage.
14. Enhance and connect parks, open spaces and bushland with walking and cycling paths	N/A
15. Plan for a Net Zero region	N/A
16. Support the development of a circular economy	N/A
17. Secure water resources	N/A
<b>Pillar 3: A region that values its people and places</b>	
18. Provide housing supply in the right locations	The proposed location is considered appropriate to house additional people.
19. Deliver housing that is more diverse and affordable	The proposal will enable the rezoned land to be subdivided and

	redeveloped for a range of housing types under the WLEP 2009 including multi dwelling housing, single dwellings or semi-detached.
20. Establish a shared vision for the future of Bombo Quarry lands	N/A
21. Respond to the changing needs of local neighbourhoods	N/A
22. Embrace and respect the region's local character	The proposal would deliver several dwellings in line with the region's and locality's character
23. Celebrate, conserve, and reuse cultural heritage	The proposal will not impact on heritage
Support major events, public gatherings, and cultural activities	N/A
<b>Pillar 4: A smart and connected region</b>	
24. Collaborate to leverage opportunities from Western Sydney's growth	N/A
25. Create faster rail connections between Greater Sydney, Wollongong, and Nowra	N/A
26. Protect major freight networks	N/A
27. Create connected and accessible walking and cycling networks	N/A
28. Utilise smart infrastructure to drive resilience, prosperity, and vibrant places	N/A
29. Prepare for mobility changes that improve connectivity and sustainability	N/A

To address the need for 58,000 new houses by 2041, the Regional Plan aims to provide housing opportunities in both urban release areas and existing urban zones. Wollongong, Shellharbour, and Shoalhaven possess adequate housing supplies to meet the demand until 2041, with a specific focus on growth areas like West Lake Illawarra and Nowra-Bomaderry. Refer to Figure 21 that shows Location of Site A on the West Lake Illawarra Growth Area Map

Objective 18 of the Plan is considered the most relevant objective to the proposed rezoning as it identifies the need to 'provide housing supply in the right locations.

The proposed rezoning will result in an additional 3-6 dwellings, which is considered not inconsistent with the Plan.



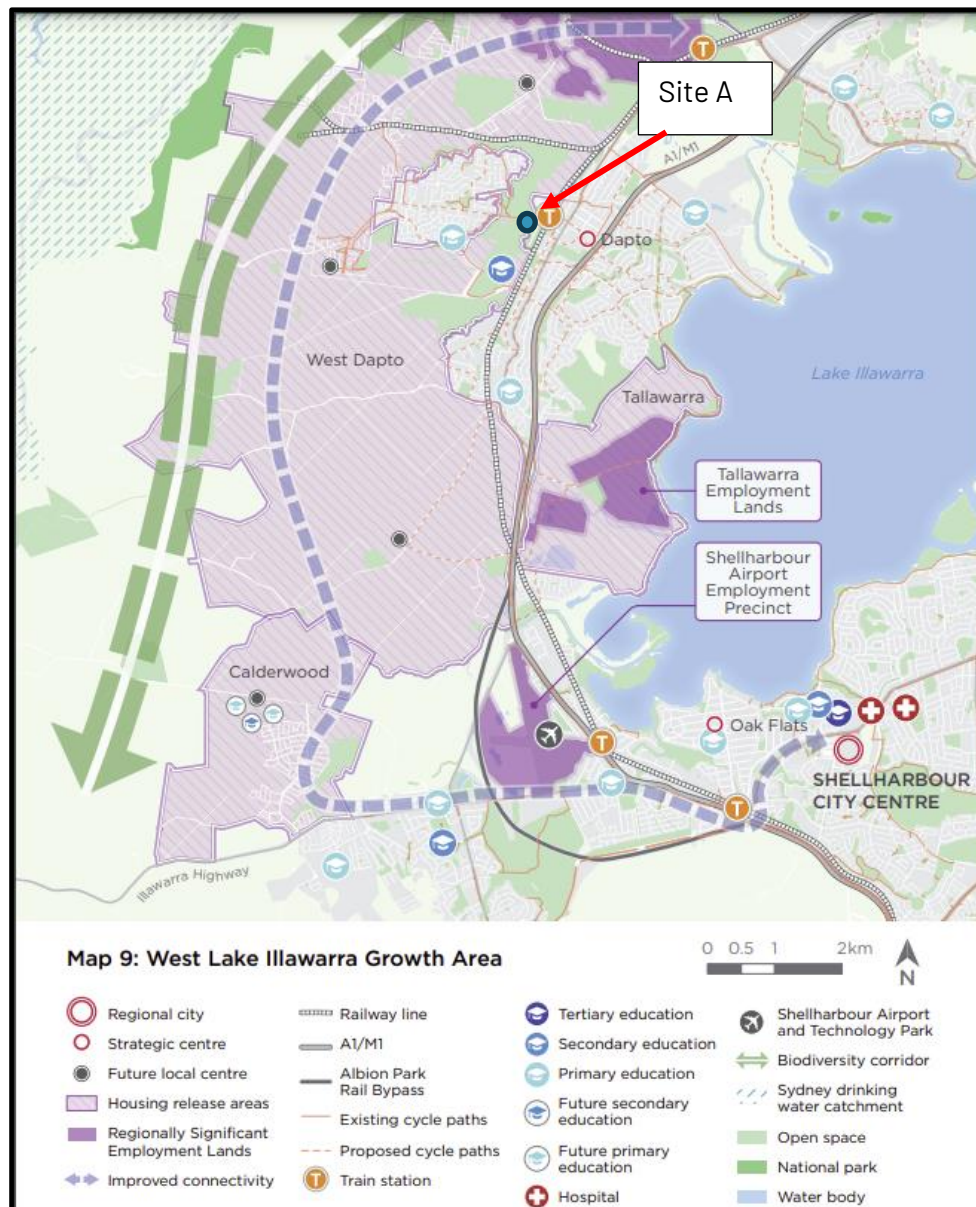


Figure 21: Location of Site A on the West Lake Illawarra Growth Area Map (source The Regional Plan)

Below is an assessment of the strategies under Objective 18 as identified by the Plan.

**Table 1: Assessment against the strategies under Objective 18**

Strategy	Comments
<b>Strategy 18.1</b> Identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations.	The proposal is considered consistent with this strategy as the additional housing supply will be located in an appropriate location and is within the urban growth boundaries identified under the Regional Plan (refer to Figure 21)
<b>Strategy 18.2</b> Facilitate housing opportunities in existing urban areas, particularly within strategic centres.	The site proposed for rezoning is within existing urban areas and is within proximity to services and social infrastructure as illustrated in this report.



<p>Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> <li>• review planning controls so that they are creating flexible and feasible conditions for the housing supply</li> <li>• align infrastructure and service delivery to match housing supply needs</li> <li>• explore public domain improvements that would increase capacity for growth</li> <li>• identify policies and processes that could be reviewed to improve certainty and streamline development processes</li> <li>• promote urban design outcomes to support healthy and vibrant communities.</li> </ul>	<p>The rezoning of Part A of the site would enhance the public domain and would facilitate the redevelopment of a vacant site for residential development. This vacant site is currently used for parking trucks and cars, which is not a good outcome for the public domain of this neighbourhood.</p> <p>Thus, the proposal is considered an enhancement to this part of the residential neighbourhood.</p>
<p><b>Strategy 18.3</b> Identify, prioritise, and coordinate the infrastructure needed to support vibrant and healthy communities in the region's urban release areas through the Illawarra Shoalhaven Urban Development Program.</p>	<p>The proposal is not inconsistent with this strategy. The site is well serviced with all the necessary infrastructure that is needed to support the additional dwellings.</p>
<p><b>Strategy 18.4</b> Monitor land and housing supply through the Illawarra Shoalhaven Urban Development Program.</p>	<p>The proposal will contribute to the housing supply, impacting 3 to 6 families and individuals who will now have the opportunity to construct a home within this area.</p>

**Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan**

**Wollongong Local Strategic Planning**

Yes. The Wollongong Local Strategic Planning Statement (2020)(the WLSPS) was adopted by the Wollongong Council on 29 June 2020 and sets out the 20-year land use vision for the Wollongong local government area, however, it is noted that the WLSPS pre-dates the Regional Plan as well as the Wollongong Housing Strategy. The WLSPS is structured around the following themes:

- Jobs and Economic Growth
- Housing for All
- Inclusive and Connected Communities
- Climate Action and Resilience;
- Protect the Natural Environment
- Enabling Infrastructure and Transport.

Of relevance to this proposed rezoning is the 'Housing for All' element of the WLSPS. The WLSPS identified key themes, including rapid increases in population growth and changing demand for the nature and location of housing, however, deferred key actions to the future Wollongong Housing Strategy which is discussed later in this report.

The LSPS broadly identifies the need to:

- Increase housing stock diversity;
- Plan for future housing growth; and
- Increase the supply of affordable rental housing stock.

The subject site is located in West Dapto.

The West Dapto Urban Release Area is the largest urban release area outside Sydney and is forecast to produce some 19,500 dwellings over a 40-50-year period.

Horsley was the first stage, being rezoned in 1980 and contains some 2,000 dwellings. Part A, which is the subject of this planning proposal, is a portion of the site that was not rezoned back in the 1980s, however, has been found to have sufficient site merits to accommodate some additional dwellings.

The proposal is considered consistent with the WLSPS as it will produce some additional dwellings, without impacting any significant element of the WLGA.

### **The Wollongong Local Housing Strategy (2023)**

The Wollongong Local Housing Strategy (2023) is designed to steer future housing developments within the Wollongong LGA. It recognises the significant housing challenges in the region, where the rise in housing costs has outpaced the growth in household incomes. Recent increases in the local housing stock predominantly consist of larger 3-4+ bedroom dwellings, despite shrinking household sizes. The strategy sets ambitious housing targets at 1,400 dwellings per year, surpassing the historical average of 1,048 dwellings, and anticipates future demands for even higher housing delivery levels from Federal and State-led plans.

In response to these challenges, the Housing Strategy outlines initiatives and policies to enhance housing supply, diversity, and affordability. These include city-wide, issue-specific, and location-based strategies. The Planning Proposal aligns with the strategy, aiming to facilitate additional housing that is well-located and therefore the proposal is considered consistent with the desired outcomes of the Housing Strategy.

## **Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

### **Illawarra Shoalhaven Regional Transport Plan**

This plan aims to make walking, cycling, and public transport attractive alternatives to private vehicles for people of all ages, abilities, and incomes across the Illawarra-Shoalhaven. The plan outlines high-level connections between the region and its surrounding areas. The planning proposal is not inconsistent with this plan.

**Q6. Is the planning proposal consistent with applicable SEPPs?**

The Planning Proposal is considered consistent with the applicable SEPPs. A complete assessment of the Planning Proposal's consistency against applicable SEPPs is provided at Attachment 1 of this planning proposal.

**Q7. Is the planning proposal consistent with applicable Local Planning Directions (section 9.1 Directions) or key government priority**

The Planning Proposal is consistent with the applicable Ministerial Directions, with the A complete assessment of the Planning Proposal's consistency against all s.9.1 Directions is provided at Attachment 2 of this Planning Proposal

**Section C – environmental, social and economic impact**

**Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal**

The Planning Proposal relates to a small area that has no vegetation and has been subject to ongoing mowing. As such, the Planning Proposal is unlikely to adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

**Vegetation**

Part A has is mainly grassland, and no other trees or shrubs exist on site. The site has been continuously mowed and does not have any significant vegetation or shrubs.

The Biodiversity Values Map (BV Map) identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The BV Map is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal.

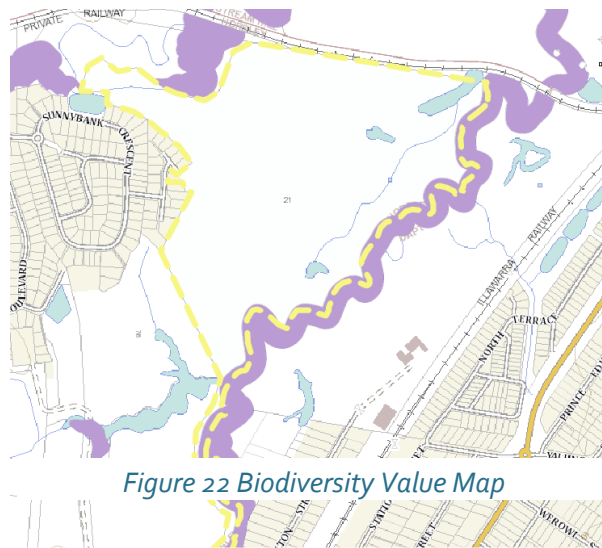


Figure 22 Biodiversity Value Map

The BV Map has been prepared by the then Department of Planning and Environment (DPE) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act). A range of mapping layers are included in the BV map. These mapping layers have been developed and are maintained by a range of agencies and councils. The inclusion of these layers on the BV map requires the approval of the Environment Agency Head or delegate.

A check of the biodiversity Map has confirmed that Part A of the site has no significant vegetation. Refer to Map of Figure 22 above.

A check of the Riparian vegetation map has also confirmed that Part A of the site has no Riparian vegetation (Figure 23 to the right).

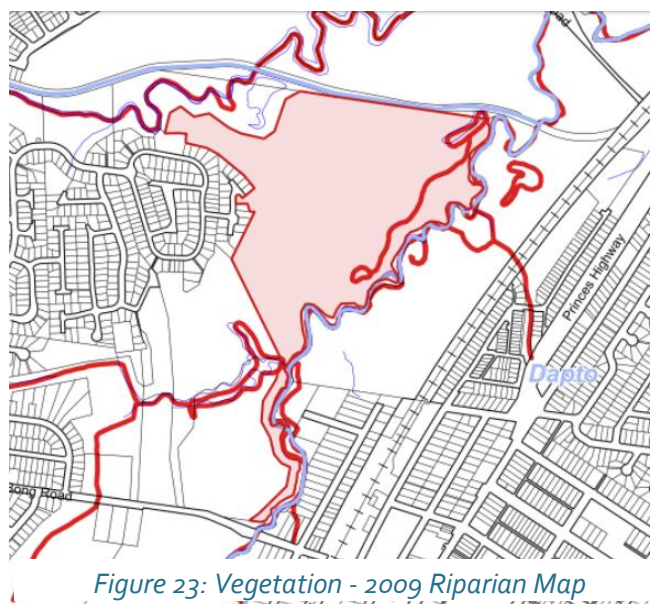


Figure 23: Vegetation - 2009 Riparian Map

#### **Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed**

It is unlikely that the proposed amendments to WLEP 2009 will result in any major environmental effects on the surrounding areas.

A complete assessment of the site and the proposal has been undertaken in relation to:

- Heritage
- Flooding
- Bushfire
- Site Contamination
- Acid Sulfate Soil
- Proposed indicative layout, access and waste management

#### **Heritage (aboriginal and non-aboriginal)**

The site itself does not have an item listed as a local or state heritage item.

The site is unlikely to have any indigenous significant at has no vegetation apart from grass, that has been continuously mowed.

However, should the Council choose to undertake consultation with the relevant Aboriginal entities, this can occur at the public consultation stage.

### **Electricity Easement**

An electricity easement traverses the site. Consultation with Endeavour Energy is suggested to occur at the Scoping proposal phase.

### **Utilities – Sydney Water, Sewerage and Electricity**

Part A of the site is located within immediate reach of existing services on Barham Place and these services could be extended to service the future residential lots.

### **Flooding**

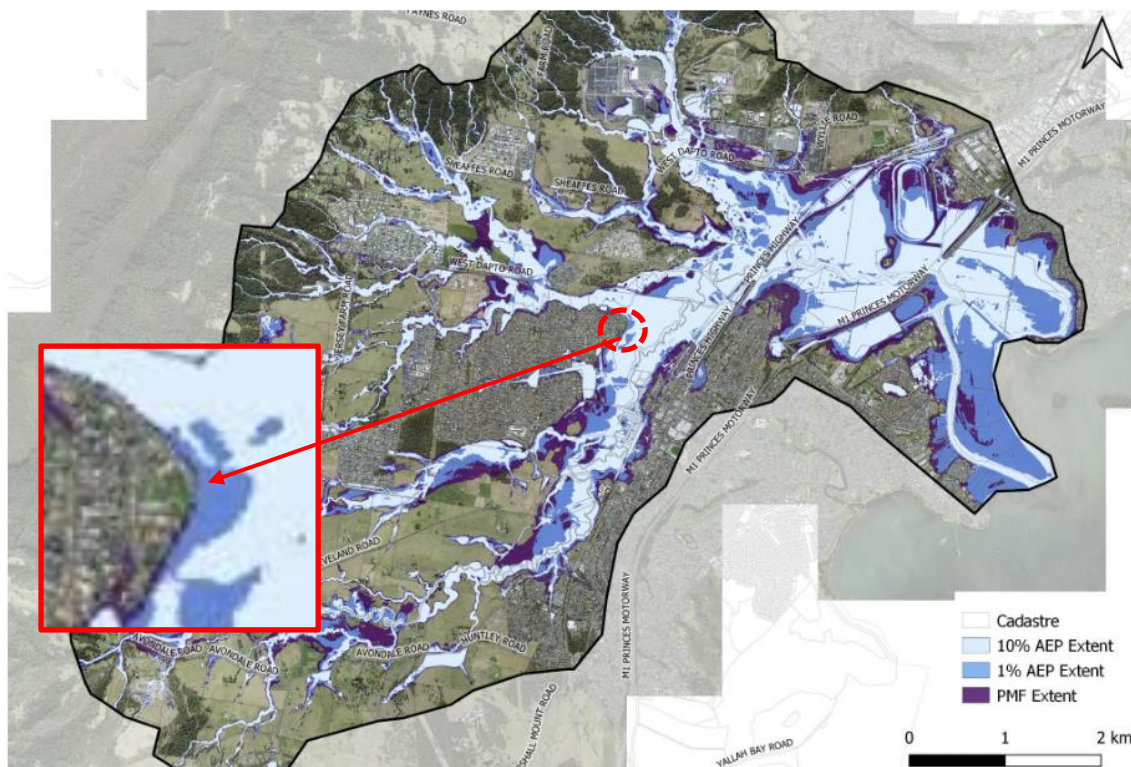
PART A of the site is not flood-affected. The Council has undertaken detailed studies for the Mullet Creek Catchment.

The Mullet Creek catchment is located approximately nine kilometres south-west of the Wollongong CBD and encompasses the suburbs of Dapto, Horsley, Wongawilli, Dombarton, Huntley, Cleveland, Kembla Grange, Stream Hill, Avondale, Brownsville and Kanahooka. The catchment borders the Duck Creek catchment to the south, the Allans Creek catchment to the north, the Illawarra Escarpment to the west and Lake Illawarra to the east.

A review of the flood studies and mapping showing the flood depths and risk categories indicated that Part A and Part B of the site are not impacted by flooding. Part C is flood-affected.

Figures 24 on next page shown that Site A is not flood affected.





*Figure 24: Map showing Mullet Creek Design Events Extents*

Source: Mullet Creek Floodplain Risk Management Plan, Realm Pty Ltd, May 2023)

### **Bushfire**

As shown on the bushfire Map in Figure 25, the site is not bushfire-prone land.

Council has publicly exhibited a revised Draft Chapter E16: Bush Fire Management and Updated Bush Fire Prone Land Mapping to include additional Category 3. The draft Map is shown in Figure 26 on the following page.

Part A is identified as Buffer, which is similar to the dwelling houses that adjoin the site. The draft E16 requires any development within the area identified as Buffer area to consider bushfire risk and prepare a bushfire risk assessment report as part of future Development applications for the site.



*Figure 25: Bushfire Prone Map (Wollongong Council)*

A report on the revised draft Part E16 was submitted to the Council on 27 June 2022 and stated:

Since this time, the NSW Government, under the NSW Rural Fires Act 1997, adopted the Planning for Bush Fire Protection 2019 (commenced 1 March 2020) and introduced a third Bush Fire Prone Land mapping category. The additional category for Bush Fire Prone Land is Category 3 vegetation – Grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands, with an additional 30 metre buffer.

The new category applies to pasture lands and paddocks at West Dapto and other rural properties. These properties have not been previously mapped as Bush Fire Prone, however dry paddock grass can still support a grass fire that can impact houses and property.

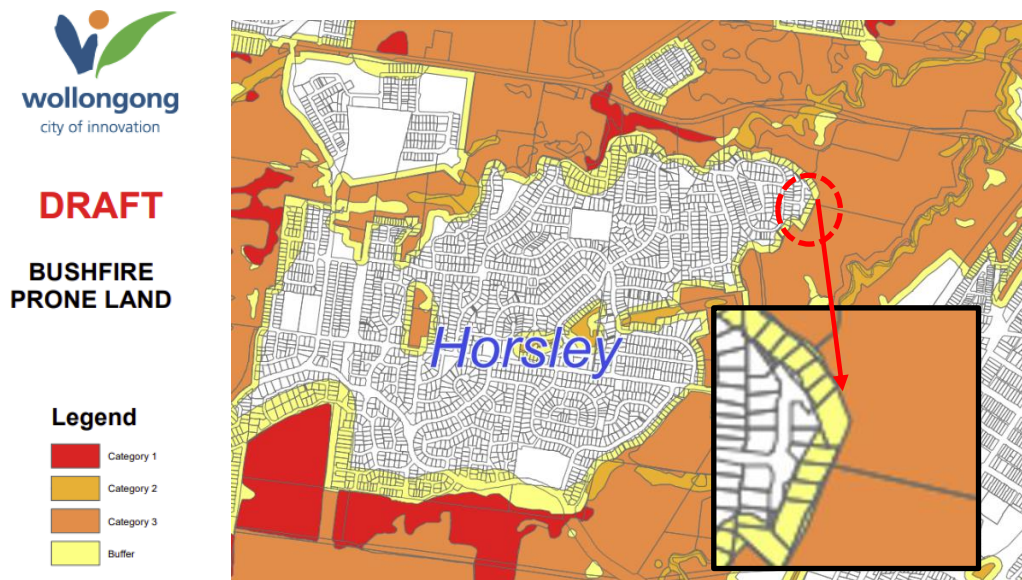


Figure 26: Draft Bushfire Prone Land – Site A proposed to be a 'Buffer'

Given the above, Part A would still be considered suitable for residential development.

### **Site Contamination**

Part A has been vacant and there is no historical evidence that suggests that Part A is contaminated. Therefore, this is not considered an issue.

### **Acid Sulfate Soil**

Site A has a category Class 5 of Acid Sulfate Soil as shown on the Acid Sulfate map in Figure 27. Therefore, the proposal to facilitate residential development on site A is considered acceptable from this aspect of the site's constraints.

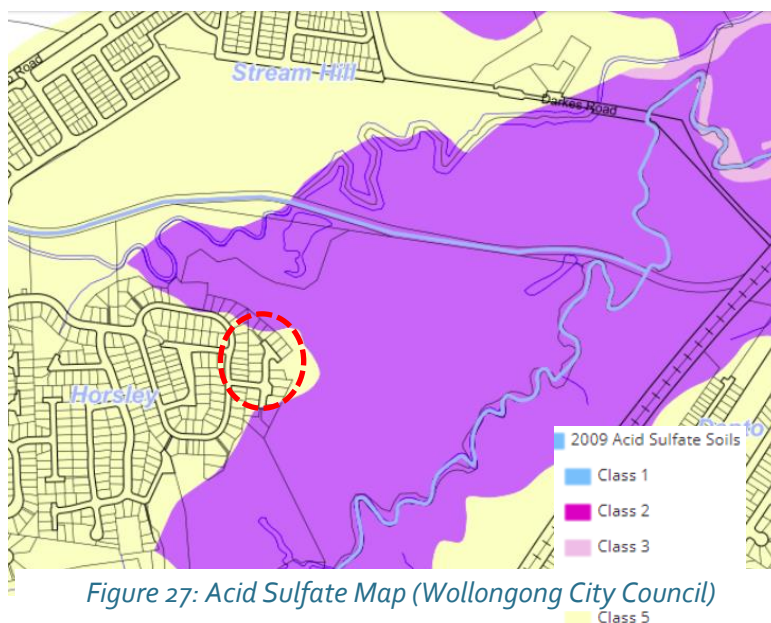
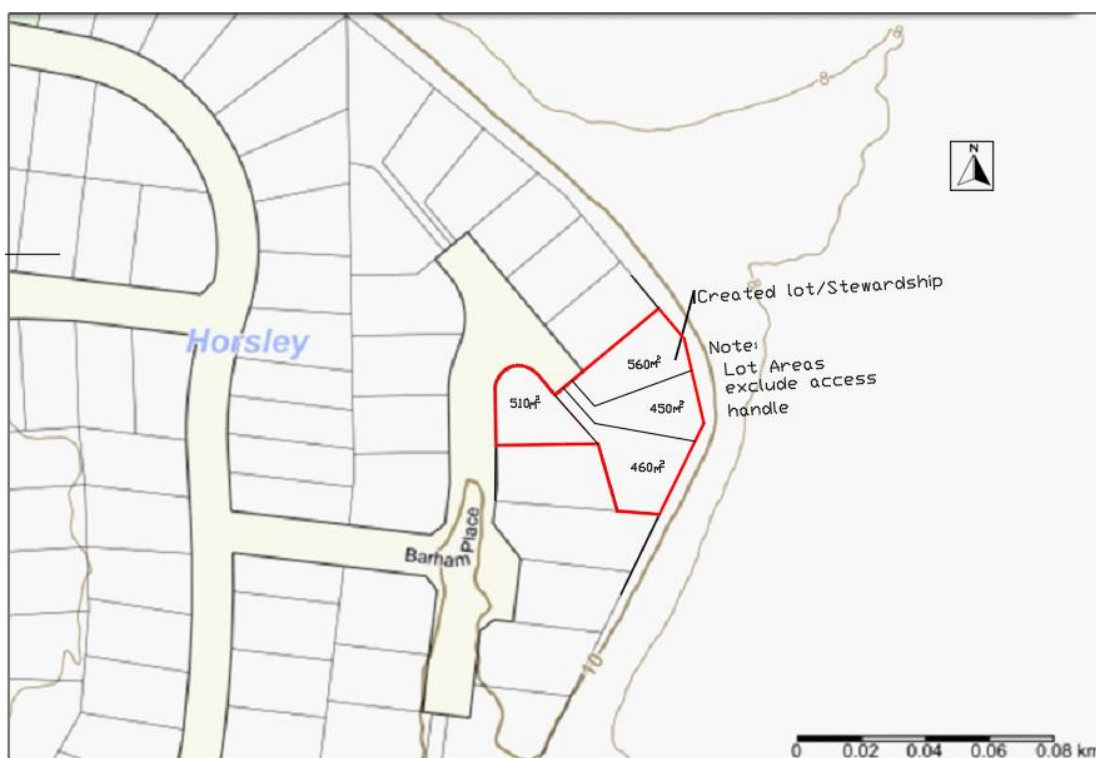


Figure 27: Acid Sulfate Map (Wollongong City Council)



### **Proposed indicative layout, access and waste management**

It is proposed that each created Torrens Title lot will have a street frontage with shared access, mirroring the arrangement on the other side of Barham Street. Refer to below Figure 28. At the subdivision stage, right of carriage way will be included on title, similar to the arrangement for the lots on Barham place marked on Figure 28 below. This is an indicative layout only and it will be subject to further details and refinement at the DA stage.



*Figure 28 Indicative Subdivision Layout*

### **Waste Collection**

Waste collection will also be like the arrangement undertaken currently by lots located at the opposite end of Barham Place. Refer to Figure 29 photo taken on collection day from google maps to the right.



*Figure 29 Waste bins location - Houses on opposite side of Barham*



Similarly waste collection for the proposed lots can occur from Barham Place, as indicated on the Figure 30 to the right.

Suggested waste collection area on the kerb



*Figure 30 Proposed Waste Collection location*

**Q10. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is of minor nature and will potentially increase the housing stock within Horsley by 3 to 6 houses depending on the type of the development at the development application stage.

The proposal will also provide some limited jobs during construction. Refer to Table 1 below.

*Table 1 Predicted number of Jobs and Dwellings*

Numbers of	Existing	Proposed	Net
<b>Dwellings</b>	0	3-6 additional dwellings, depending on the future subdivision and the redevelopment of the site at the development application stage.	3-6 Depending on the future development applications
<b>Jobs</b>	0	Jobs during construction phase 10 (plumping, Design, certification, tiling, carpentry, electrical, bricklayer, roofer, designer, etc)	- Short-period jobs during construction

## **Section D – Infrastructure (Local, State and Commonwealth**

### **Q11. Is there adequate public infrastructure for the planning proposal?**

The site has immediate access to existing Sydney Water services, energy providers and telecommunication. As the dwelling yield is very small, it is not anticipated connecting to the nearby services would be an issue, and these matters can be dealt with at the subdivision stage, subject to the Council supporting the planning proposal request and the finalisation of the amendment to the WLEP 2009.

Consultation with Endeavour Energy, Telstra and Sydney Water may be undertaken when the planning proposal is publicly exhibited.

Local infrastructure Contribution

Subject to Council supporting the PP, and once the land is rezoned, development will be levied under West Dapto Development Contributions Plan 2020, at the subdivision stage.

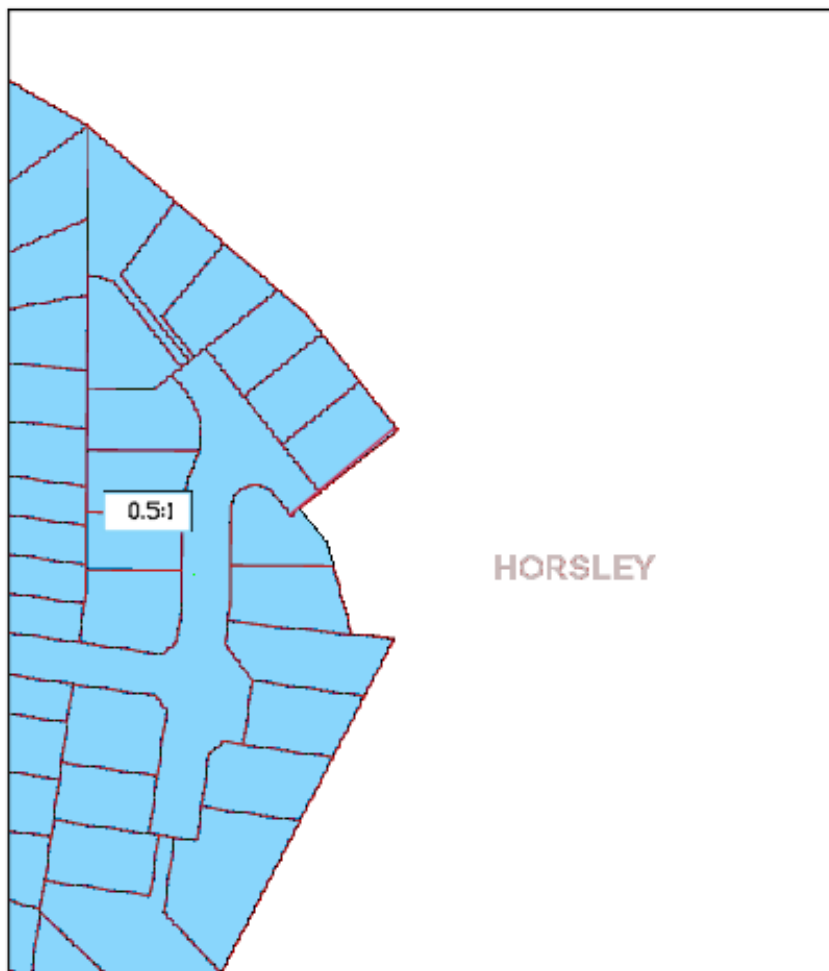
## **Section E – State and Commonwealth Interests**

### **Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

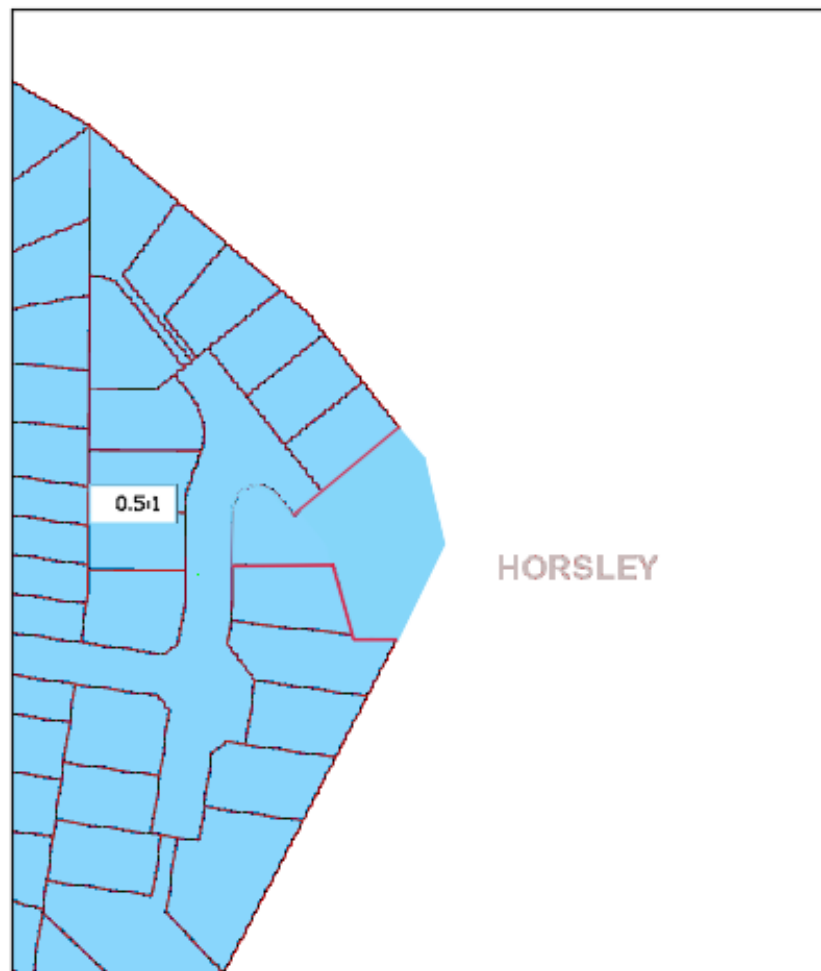
Consultation with public authorities has not yet been undertaken. The Gateway Determination will advise the full list of public authorities that will need to be consulted with as part of the planning proposal process. Given the minor nature and the minimal impacts of the planning proposal, there is no need to undertake consultation with public authorities. However, consultation may be undertaken with the following authorities/entities:

- NSW Rural Fire Service (RFS)
- Endeavour Energy
- Sydney Water

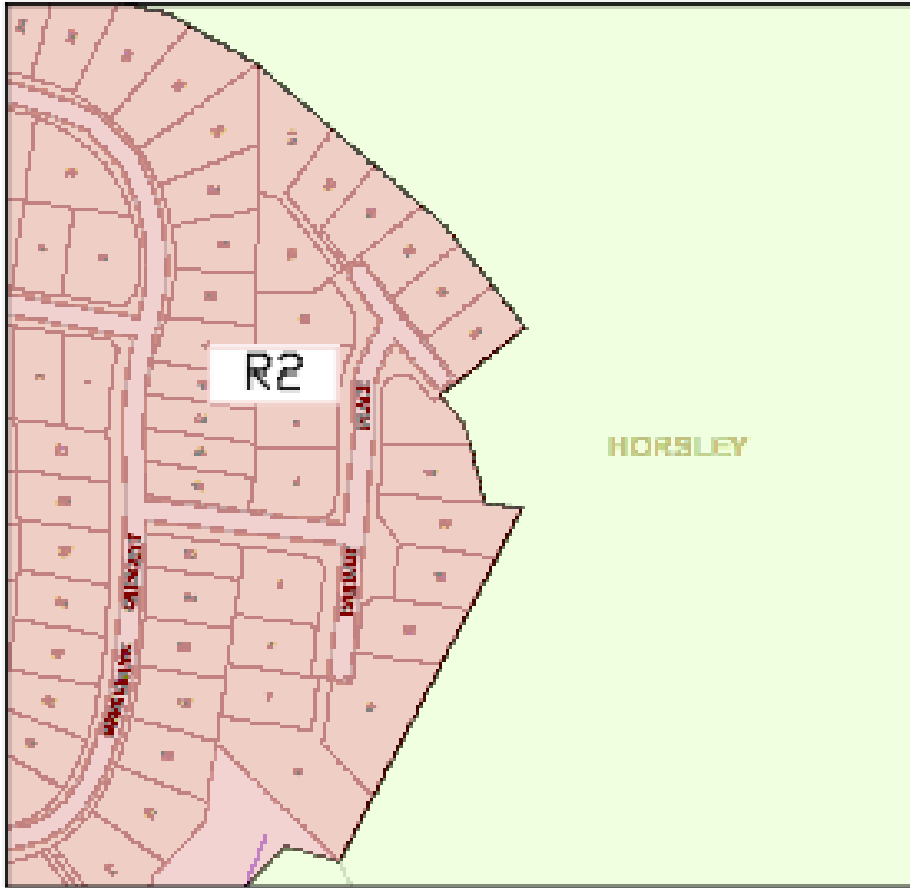
#### Part 4: Mapping



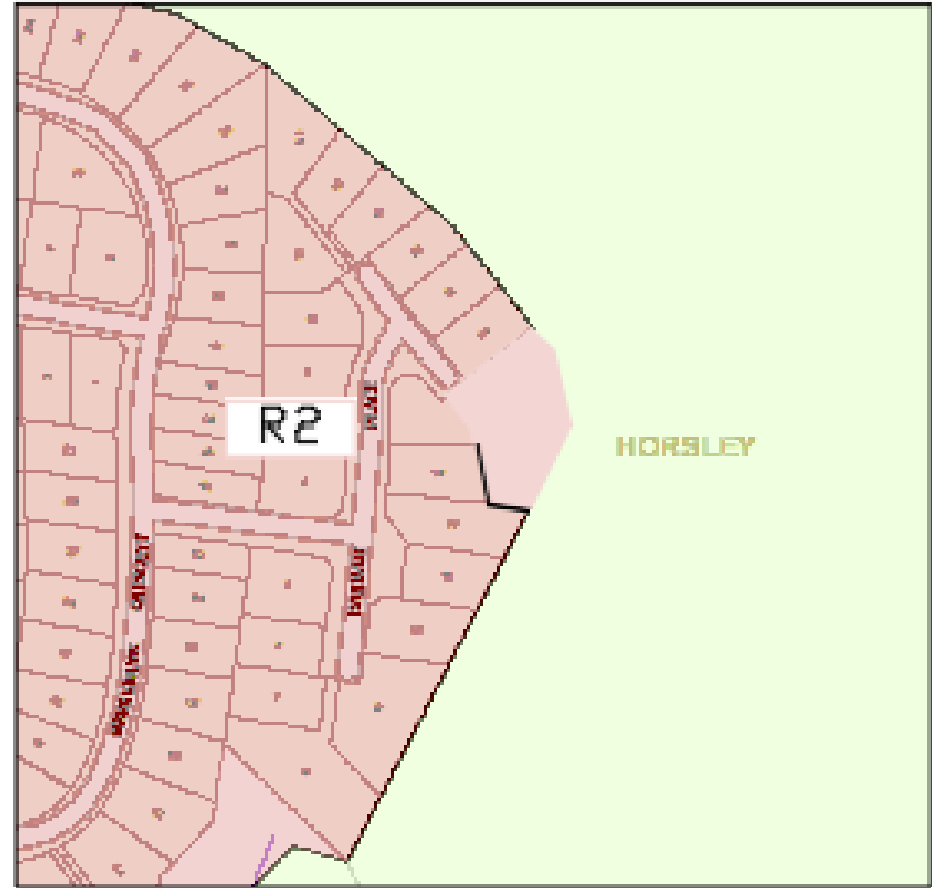
WLEP 2009 - Existing Floor Space Ratio Map



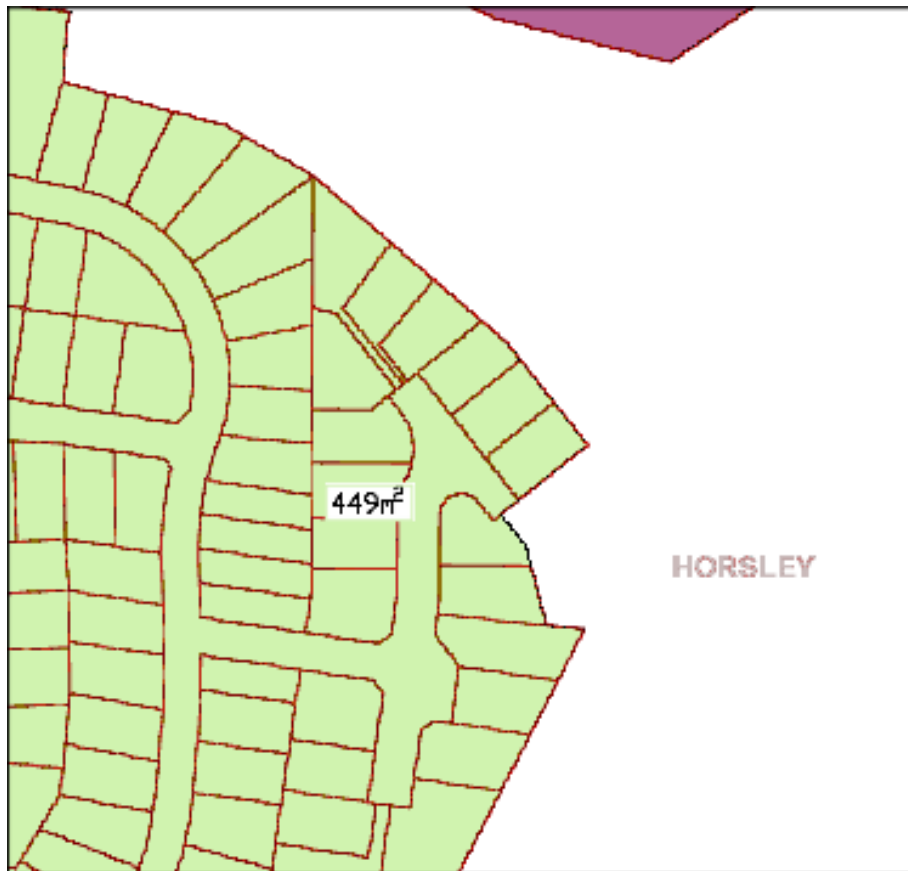
WLEP 2009 - Proposed Floor Space Ratio



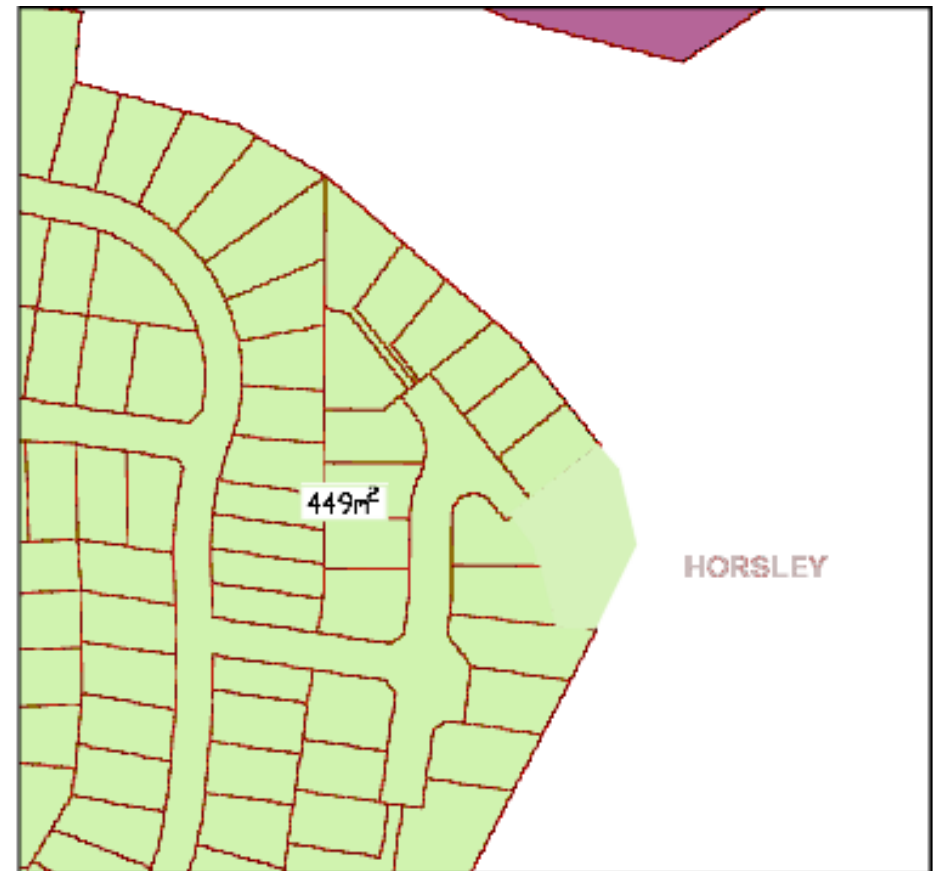
WLEP 2009 – Existing Zoning Map



WLEP 2009 – Proposed Zoning Map



WLEP 2009 - Existing Lot Size Map



WLEP 2009 - Proposed Lot Size Map

## Part 5 Community Consultation

### Consultation with the Council

A pre-lodgement meeting with Council staff took place on 6 December 2023. A scoping proposal was submitted to the Council on 15 January 2024.

On 20 February 2024, a letter from Wollongong Council indicated that Council staff had completed a preliminary review of the provided documentation and deemed it sufficient to proceed to a Scoping Proposal Meeting. The letter also highlighted the need for further details on how stewardship of the flood-prone land would be managed, as well as clarification of the minimum lot size for the lot responsible for this stewardship. A response to the Council's letter was sent via email on 27 March 2024.

Subsequent correspondence from the Council requested clarification regarding the subdivision pattern and waste collection for the site's future layout. A revised subdivision plan, addressing the Council's concerns, has been prepared and is included in this report. In our opinion, the revised indicative subdivision layout satisfactorily addresses the Council's concerns.

### Community Consultation

Community consultation will be considered at the Gateway stage, with the Gateway determination confirming the requirements.

## Part 6 Project Timeline

Stage	Timeframe/ working days	Timeline
Pre-Lodgment	30	June 2024
Consideration by Wollongong Local Planning Panel	80 days	August 2024
Consideration and decision by Council		October 2024(Due to Council's elections)
Submit to Department of Planning & Environment for Gateway		
Gateway determination issued	25 days	November 2024
Pre-exhibition/Post Gateway	20days	December 2024
Commencement and completion of public exhibition period	70 days	January 2025
Consideration of submissions		February 2025
Post -exhibition review and additional studies		March 2025
Final Council decision		March 2025
Submission to the Department for finalisation	25	March 2025
Gazettal of LEP amendment		April 2025
Subtotal (Department Target)	140	Note: Local Government Election in September will impact on timeline.

## Attachment 1 : State Environmental Planning Policies

State Environmental Planning Policy	Compliance	Comment
(Biodiversity and Conservation) 2021 SEPP	Not applicable	The site does not contain any trees, and the site has been mowed regularly,
(Building Sustainability Index: BASIX) 2004	Consistent	The planning proposal will not impact on the application of this SEPP. Future development application for dwellings on this site will need to comply with this SEPP
(Exempt and Complying Development Codes) 2008	Consistent	The Planning Proposal will not contain provisions that will prevent the application of the SEPP.
(Housing) 2021	Consistent	The Planning Proposal will not contain provisions that will prevent the application of the SEPP.
(Industry and Employment) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
No 65—Design Quality of Residential Apartment Development	No Applicable	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
(Planning Systems) 2021	Not Applicable	
(Precincts—Central River City) 2021	Not Applicable	
(Precincts—Eastern Harbour City) 2021	Not Applicable	
(Precincts—Regional) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

(Precincts—Western Parkland City) 2021		Not Applicable	
(Primary Production) 2021		Not Applicable	
(Resilience and Hazards) 2021		Consistent	Chapter 4 Remediation of Land SEPP (Resilience and Hazards) 2021 provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. Subsequently, the SEPP requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument (rezoning) land. The site is not mapped as being potentially contaminated land.
SEPP (Resources and Energy) 2021		Not Applicable	
SEPP (Sustainable Buildings) 2022		Not Applicable	
SEPP	(Transport and Infrastructure) 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Deemed SEPPS (former Regional Plans) – Not applicable	
Illawarra REP 1	Illawarra
Illawarra REP 2	Jamberoo



Greater Metropolitan REP No.2	Georges River Catchment
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## Attachment 2: Local Planning Directions

		Comment
<b>Focus Area 1: Planning Systems</b>		
<p>1.1 Implementation of Regional Plans Objective</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans</p>	Applicable and consistent	<p>Consistent - The direction indicates that a Planning Proposal must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The proposal is consistent with the objectives of the Illawarra Shoalhaven Plan 2041 as outlined within the PPR</p>
<p>1.2 Development of Aboriginal Land Council land Objective</p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</p>	Not Applicable	N/A
<p>1.3 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	Applicable and consistent	The proposal is consistent with this Direction as the PP does not require the concurrence, consultation or referral of future development application to a Minister of public authority
<p>1.4 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	Applicable and consistent	The proposal will not introduce site-specific provisions to the WLEP
<p>1.4A Exclusion of Development Standards from Variation Objective</p> <p>The objective of this direction is to maintain flexibility in the application of development standards by</p>	Applicable and consistent	There is no proposal to exclude the application of clause 4.6 Variations to standards

ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.		
<b>Focus area 1: Planning Systems – Place based</b>		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable to Wollongong	
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable to Wollongong	
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable to Wollongong	
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable to Wollongong	
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable to Wollongong	
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable to Wollongong	
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable to Wollongong	
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable to Wollongong	
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable to Wollongong	
1.14 Implementation of Greater Macarthur 2040	Not Applicable to Wollongong	
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to Wollongong	
1.16 North West Rail Link Corridor Strategy	Not applicable to Wollongong	
1.17 Implementation of the Bays West Place Strategy	Not applicable to Wollongong	
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable to Wollongong	
1.19 Implementation of the Westmead Place Strategy	Not applicable to Wollongong	
1.20 Implementation of the Camellia Rosehill Place Strategy	Not applicable to Wollongong	

1.21 Implementation of South West Growth Area Structure Plan	Not applicable to Wollongong	
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable to Wollongong	
<b>Focus area 2: Design and Place</b>	<b>Blank</b>	
<b>Focus area 3: Biodiversity and Conservation</b>		
<b>3.1 Conservation Zones</b> The objective of this direction is to protect and conserve environmentally sensitive areas.	Applicable and consistent	The direction indicates that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that apply to the land The PP does not apply to land identifies for environmental conservation/protection purposes.
<b>3.2 Heritage Conservation Objective</b> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Applicable and consistent	A review of WLEP 2009 indicates that the land does not include a heritage item and is not within a Heritage Conservation Area. The planning proposal relates to a very small area that site has been distributed, and the proposed rezoning will not hinder the achievement of the objectives of this direction .It is considered the Planning Proposal is consistent with this Ministerial Direction
3.3 Sydney Drinking Water Catchments	Not Applicable	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	
3.5 Recreation Vehicle Areas	Not Applicable	
<b>3.6 Strategic Conservation Planning Objective</b> The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.	Applicable/Consistent	The PP does not relate to land that, under the State Environmental Planning Policy (Biodiversity and Conservation) 2021, is identified as avoided land or a strategic conservation area.
3.7 Public Bushland	Not applicable to Wollongong	
3.8 Willandra Lakes Region	Not applicable to Wollongong	

3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable to Wollongong	
3.10 Water Catchment Protection	Not applicable.	The Planning Proposal does not include land within the prescribed regulated catchments.
<b>Focus area 4: Resilience and Hazards</b>		
<p>4.1 Flooding</p> <p>The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p>	Applicable and consistent	<p>Direction 4.1 applies when a Planning Proposal creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The subject land is not mapped as being flood affected, It is considered the Planning Proposal is not inconsistent with the Ministerial Direction.</p>
<p>4.2 Coastal Management</p> <p>Objectives</p> <p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p>		<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone. The PP is not within a coastal zone.</p>
<p>4.3 Planning for Bushfire Protection</p> <p>Objectives</p> <p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p>	Applicable and not inconsistent	<p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>The site is not bushfire-prone land, however it is adjacent to a land identified as bushfire prone land. There are no trees immediately adjacent to this site.</p> <p>Notably, Council has publicly exhibited a revised Draft Chapter E16: Bush Fire Management and Updated Bush Fire Prone Land Mapping to include additional Category 3.</p>

		<p>Part A is identified as Buffer, which is similar to the dwelling houses that adjoin the site. The draft E16 requires any development within the area identified as Buffer area to consider bushfire risk and prepare a bushfire risk assessment report as part of future Development applications for the site. A western portion of the land identified within the Planning Proposal is mapped as bushfire prone. It is considered the Planning Proposal is generally consistent with the aims and objectives of Planning for Bushfire Protection 2019. At the DA stage, measures will be implemented to ensure that future dwellings are appropriately designed and constructed in line with all the relevant BCA requirements.</p> <p>It is recommended that Council consult with the RFS, should Council feel the need to do so.</p>
4.4 Remediation of Contaminated Land	Not applicable	The site is not mapped as being potentially contaminated land
<p>4.5 Acid Sulfate Soils</p> <p>Objective</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	Applicable and not inconsistent	Site A has a category Class 5 of Acid Sulfate Soil as shown on the Acid Sulfate map under the WLEP 2019. Therefore, the proposal to facilitate residential development on site A is considered acceptable from this aspect of the site's constraints.
4.6 Mine Subsidence and Unstable Land	Not Applicable	The Planning Proposal appears not to be located in areas mapped as being impacted by mines subsidence.
<b>Focus area 5 Transport and Infrastructure</b>		
<p>5.1 Integrating Land Use and Transport</p> <p>Objectives</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p>	Not Applicable	<p>The Planning Proposal does not seek to rezone, create, alter or remove a zone relating to urban land, including land zoned for residential, employment, village or tourist purposes as the Planning Proposal relates to alter a land zoned private open space. If this existing zoning of the land is still considered to form part of urban land, the proposal would still be consistent with this direction, as it would not hinder the use of public transport.</p>

(b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.		Therefore, the proposal is not considered inconsistent with this direction.
5.2 Reserving Land for Public Purposes	Not applicable	The proposal also does not seek to change any currently identified or zoned public recreation areas.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	The proposal will not result in development within areas associated with regulated airports and defence airfields.
5.4 Shooting Ranges	Not Applicable	
<b>Focus area 6: Housing</b>		
6.1 Residential Zones Objectives The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.	Consistent	The proposal will result in a slight increase in the number of dwellings within this locality, that are capable of being serviced.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	
<b>Focus area 7: Industry and Employment</b>		
7.1 Employment Zones	Not applicable	The proposal will not result in impacts upon existing employment lands or zones.
7.2 Reduction in non-hosted shortterm rental accommodation period	Not Applicable	



7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	
<b>Focus area 8: Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable	The proposal will not impact upon any future mining, petroleum production and extractive industries. The proposal is consistent the Ministerial Direction.
Focus area 9: Primary Production		
9.1 Rural Zones	Not Applicable	The proposal does not include or apply to land with a rural zone.
9.2 Rural Lands	Not Applicable	
9.3 Oyster Aquaculture	Not Applicable	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong	

## Attachment 3: Survey Plan

