



# Gateway determination report – PP-2024-1294 21 Barham Place, Horsley

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Subtitle:

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

- 1 Planning proposal..... 1**
  - 1.1 Overview ..... 1
  - 1.2 Objectives of planning proposal ..... 1
  - 1.3 Explanation of provisions ..... 2
  - 1.4 Site description and surrounding area ..... 2
  - 1.5 Mapping..... 3
- 2 Need for the planning proposal ..... 6**
- 3 Strategic assessment ..... 6**
  - 3.1 Regional Plan ..... 6
  - 3.2 Local..... 6
  - 3.3 Local planning panel (LPP) recommendation..... 7
  - 3.4 Section 9.1 Ministerial Directions ..... 7
  - 3.5 State environmental planning policies (SEPPs) ..... 8
- 4 Site-specific assessment ..... 9**
  - 4.1 Environmental..... 9
  - 4.2 Social and economic..... 9
- 5 Consultation..... 9**
  - 5.1 Community ..... 9
  - 5.2 Agencies..... 9
- 6 Timeframe..... 9**
- 7 Local plan-making authority ..... 9**
- 8 Assessment summary ..... 10**
- 9 Recommendation..... 10**

# 1 Planning proposal

## 1.1 Overview

Table 1 Planning proposal details

LGA	Wollongong
PPA	Wollongong City Council
NAME	21 Barham Place, Horsley (3 homes, 0 jobs)
NUMBER	PP-2024-1294
LEP TO BE AMENDED	Wollongong LEP 2009
ADDRESS	21 Barham Place, Horsley
DESCRIPTION	Lot 203 DP 1290802 (32.94ha)
RECEIVED	10/03/2025
FILE NO.	IRF25/570; EF 25/3646
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to rezone some land at 21 Barham Place, Horsley from RE2 to a mix of R2 and C3. The proposed zones and controls will facilitate 3 lots/houses and apply an environmental zone to flood affected parts of the land.

The proposal will include a provision – probably a local clause - that requires each of the future lots to contain a mix of R2 and C3 land so that a dwelling can be constructed on the R2 zoned flood free portion of each lot. This is not yet clearly expressed in the proposal and a condition will be included in the Gateway for Council to firm up the wording in the proposal prior to exhibition.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Wollongong LEP 2009 as described below:

**Table 2 Current and proposed controls**

Control	Current	Proposed
Zone	RE2	R2 Low Density Residential C3 Environmental Management NB. There are small existing areas of C3 and R2 land within the property and these zones are not changing
Floor space ratio	NA	0.5:1 for R2 land
Minimum lot size	NA	9.99ha
Number of dwellings	0	3

As discussed above, the precise mechanism/clause wording is yet to be determined but the proposal will include a provision – probably a local clause - that requires each of the future lots to contain a mix of R2 and C3 land so that a dwelling can be constructed on the R2 zoned flood free portion of each lot. This is not yet clearly expressed in the proposal and a condition will be included in the Gateway for Council to firm up the wording in the proposal prior to exhibition.

## 1.4 Site description and surrounding area

The subject land has an area of approximately 33ha. The majority of the site (28.4ha) is zoned RE2 Private Recreation, with a small area of R2 residential zoned land (573m<sup>2</sup>) and the land adjacent to Mullet Creek is zoned C3 Environmental Management (4.5ha).

Mullet Creek forms the eastern boundary of the site, with residential development to the west of the property. The RE2 and C3 land is within the Mullet Creek floodplain. The R2 land was filled as part of the Horsley Park Estate in the 1990's. The area proposed for residential zoning is elevated above the PMF. Vacant floodplain lies to the north and south.

The land was zoned for private recreation in 1992 in anticipation of a future golf course.

The land is generally cleared with riparian vegetation along the western Mullet Creek boundary.





Figure Subject site – 21 Barham Place, Horsley (Source: PP-2024-1294)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Wollongong LEP 2009 maps, which are suitable for community consultation.

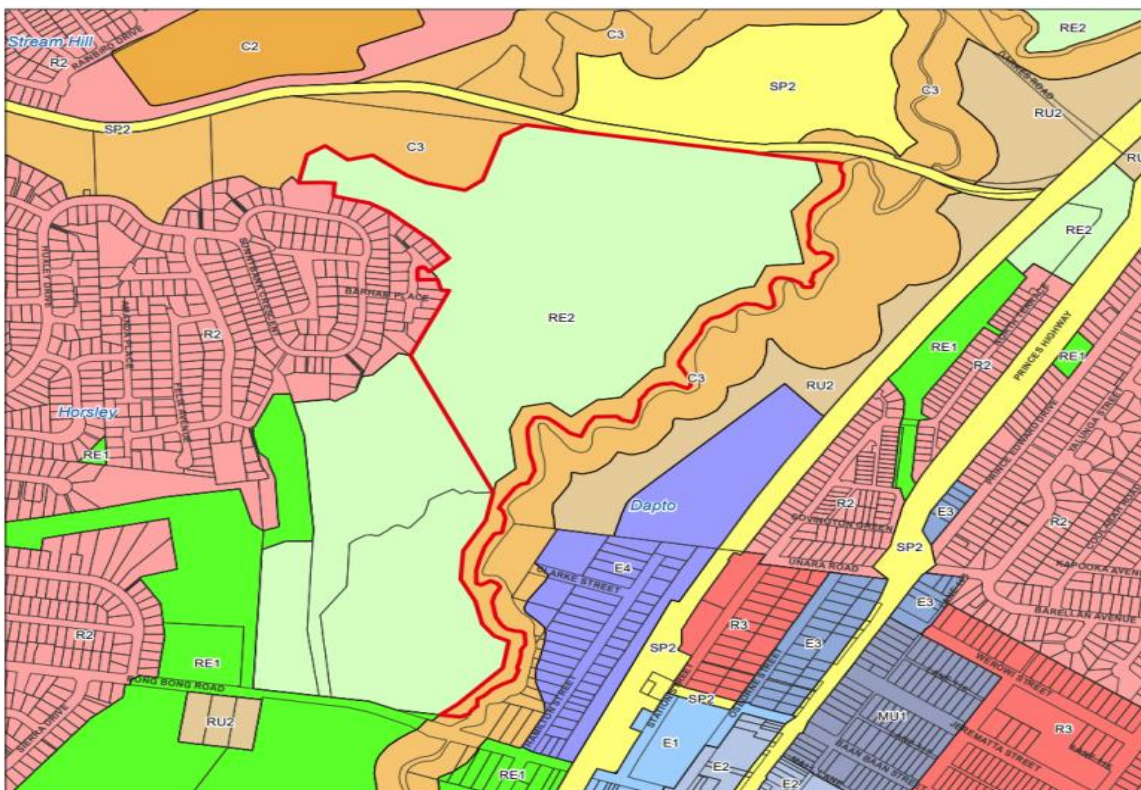


Figure 2 Current zoning map



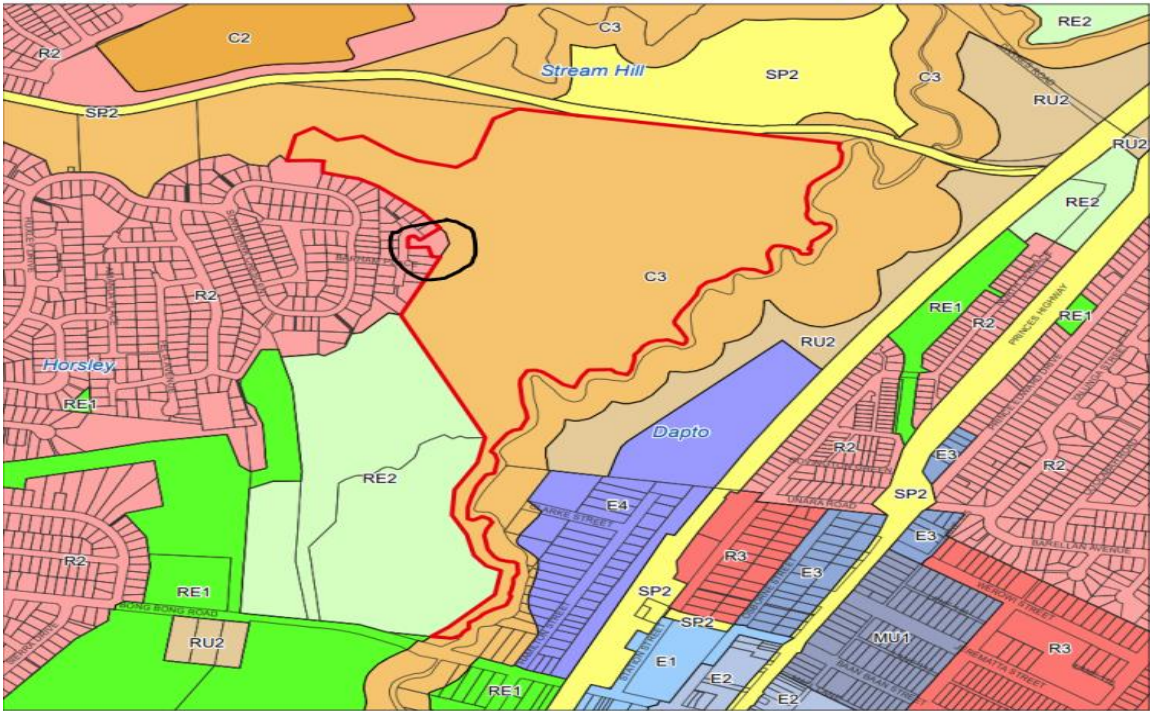


Figure 3 Proposed zoning map – note small area of R2 land, with majority being rezoned C3

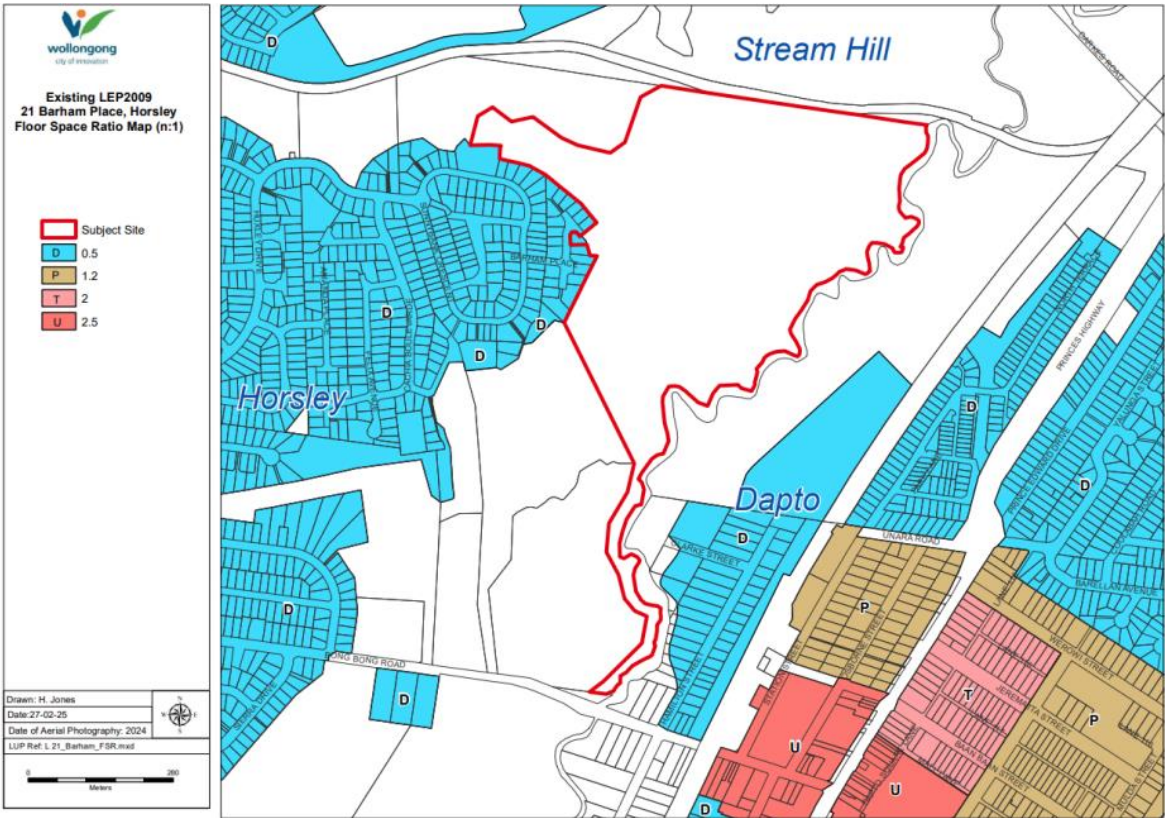


Figure 4 Current floor space ratio map



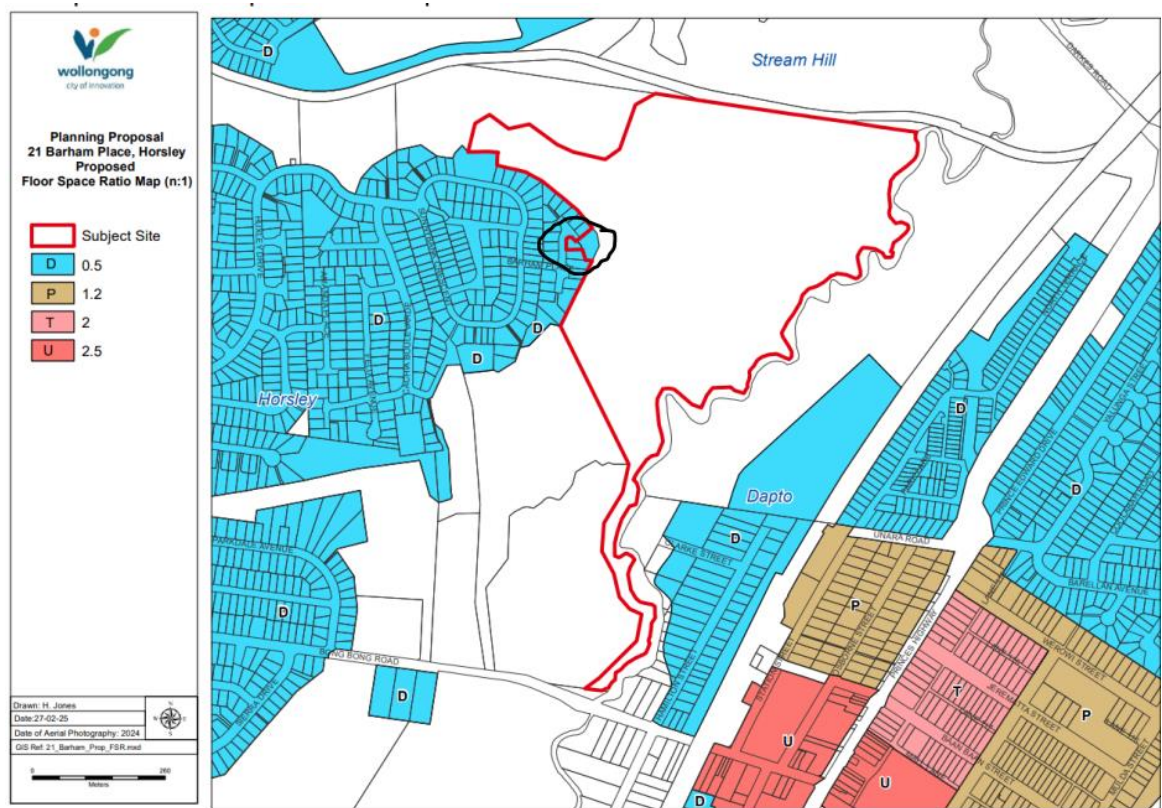


Figure 5 Proposed floor space ratio map

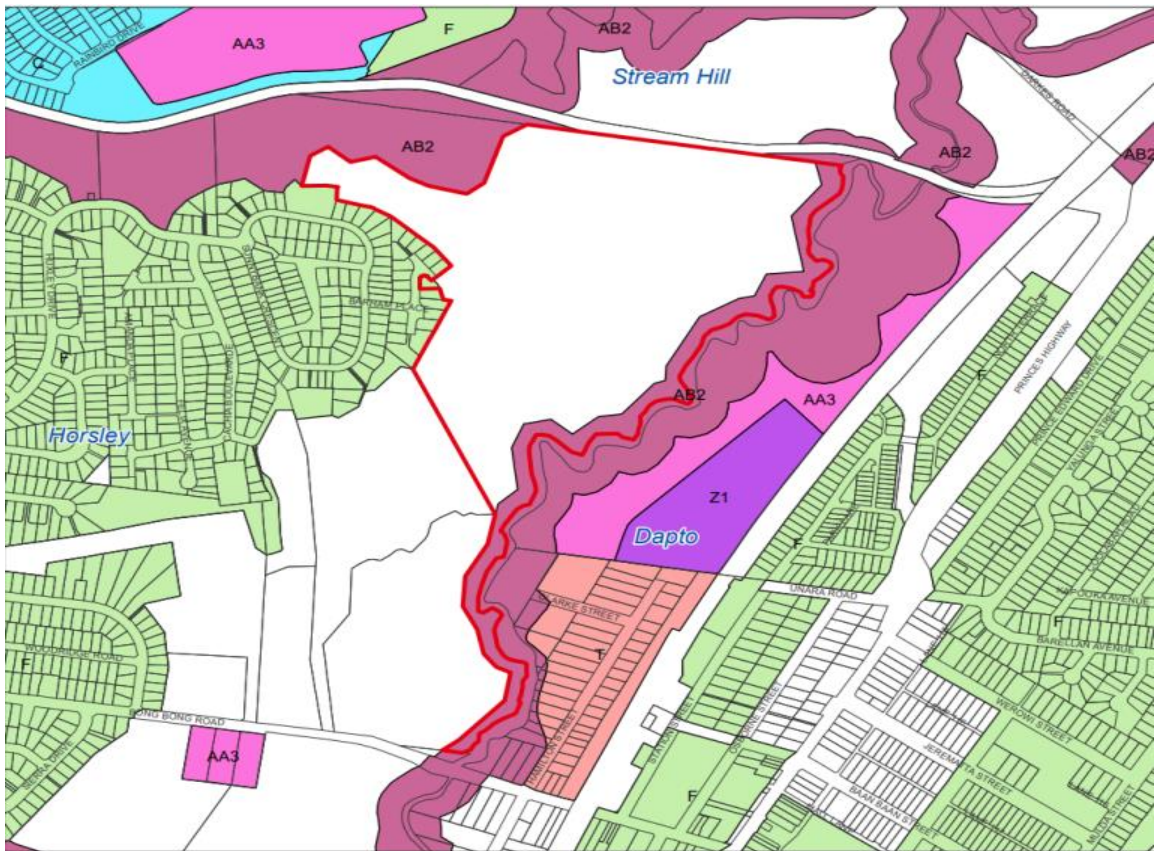


Figure 6 Current minimum lot size map



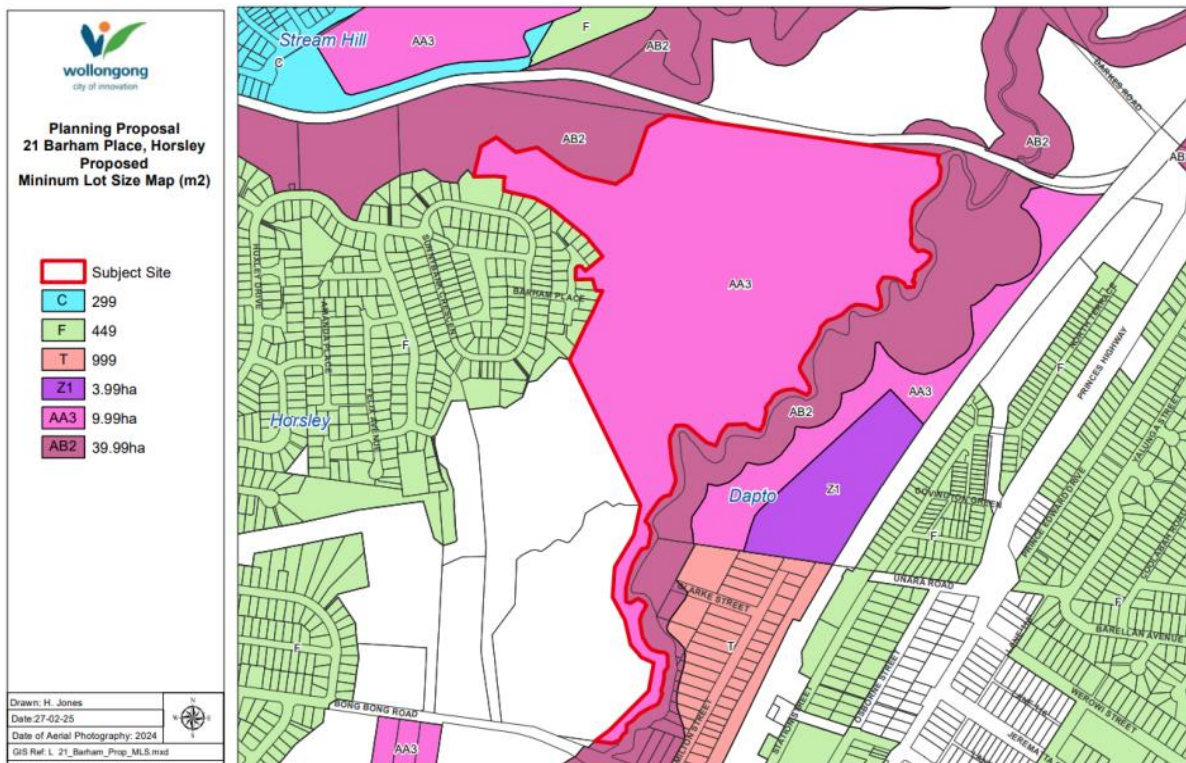


Figure 7 Proposed minimum lot size map

## 2 Need for the planning proposal

This proposal will zone the floodplain adjacent to Mullet Creek for environmental management, consistent with other areas of floodplain in the West Dapto Urban Release Area. The previous RE2 Private Recreation zone is redundant as there is no intention to develop a golf course on the land.

The proposal will also deliver 3 residential lots on land that is not flood affected and adjacent to other residential lots.

The intended future subdivision will see each new lot contain a mix of R2 land (where the dwelling will be located) and C3 land. This will provide stewardship and management of the flood affected and riparian areas zoned C3.

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is generally consistent with relevant aspects of the Illawarra Shoalhaven Regional Plan 2041. Specifically, it will facilitate housing on land suitable for residential development while protecting riparian and flood affected areas, consistent with *Objective 18: Provide housing supply in the right locations*.

### 3.2 Local

Wollongong Council has identified that the proposal is consistent with its relevant local plans and endorsed strategies:

- Our Wollongong Our Future – Community Strategic Plan

- Wollongong Local Strategic Planning Statement
- Wollongong Housing Strategy
- West Dapto Vision 2018

The Council report of 3 February 2025 provides further information on consistency with these documents.

### 3.3 Local planning panel (LPP) recommendation

The Wollongong Planning Panel considered the proposal on 28 October 2024. The Panel supported the preparation of a planning proposal to rezone the property to a mix of R2 and C3. It found the proposal would support the management of the floodplain and that it would facilitate the efficient use of land and allow a small increase in housing.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal is generally consistent with relevant section 9.1 Directions. Table 3 provides an assessment of the proposal against directions of particular relevance:

**Table 3 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	<p>This Direction requires planning proposals to be consistent with relevant regional plans. This proposal is consistent with the Illawarra Shoalhaven Regional Plan 2041 as it will provide housing in the right location. It will allow residential development on land above the PMF within an existing residential area while restricting development on flood prone and riparian land.</p> <p>The proposal is consistent with this Direction.</p>
3.1 Conservation Zones	Yes	<p>This Direction requires planning proposals to facilitate the protection and conservation of environmentally sensitive areas.</p> <p>This proposal will apply a C3 Environmental Management zone to flood affected and riparian areas.</p> <p>The proposal is consistent with this Direction.</p>
4.1 Flooding	Yes	<p>This Direction stipulates that a planning proposal must not, inter alia,</p> <ul style="list-style-type: none"> <li>- Rezone land within a flood planning area for residential development,</li> <li>- permit development in a floodway,</li> <li>- permit development that will result in worsened flood impacts to other properties,</li> <li>- permit development in high hazard areas, or</li> </ul>

		<ul style="list-style-type: none"> <li>- permit a significant increase in the development density of flood prone land.</li> </ul> <p>The subject land is within the Mullet Creek catchment. The planning proposal will rezone flood affected and riparian areas from RE2 Private Recreation to a C3 Environmental Management zone. While dwellings are permitted with consent in the C3 zone and are prohibited in the RE2 zone, a local provision will require any dwelling to be located on the R2 portion.</p> <p>The areas proposed to be zoned R2 Low Density Residential are above the PMF at the same level as adjoining residential development within the Horsley Park Estate.</p> <p>The proposal is consistent with this Direction.</p>
4.3 Planning for Bushfire Protection	Requires referral to NSW RFS	<p>This Direction requires any proposal that affects land mapped as bushfire prone be referred to the NSW Rural Fire Service following the Gateway determination and prior to public exhibition of the proposal.</p> <p>The lower portions of the property are mapped as Category 3 bushfire prone land. The proposal does not propose development on bushfire prone land.</p> <p>Council has previously consulted with NSW RFS who raised no objection to the proposal.</p> <p>Despite this earlier consultation with RFS, the wording of the Direction requires consultation to occur after the issuing of a Gateway determination.</p> <p>The proposal will be considered consistent with this Direction following additional consultation with NSW RFS.</p>
6.1 Residential Zones	Yes	<p>This Direction supports the provision of a variety of housing that makes efficient use of existing infrastructure and services. This proposal will zone land suitable for housing within an existing urban subdivision for residential uses.</p> <p>The proposal is consistent with this Direction.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs. Discussion on consistency with the SEPPs is provided in the planning proposal.



## 4 Site-specific assessment

### 4.1 Environmental

There are no identified areas of critical habitat or threatened species, populations or ecological communities on the area proposed for residential development. Future houses will adjoin existing houses within the Horsley Park Estate.

The proposal will apply an appropriate environmental zone to restrict inappropriate uses on flood affected and riparian land. Additionally, the flood plain will be included in future lots to provide stewardship and management of these lands.

### 4.2 Social and economic

The proposal will provide for a small number of dwellings in an existing residential area. The proposal is not expected to result in negative social or economic effects.

## 5 Consultation

### 5.1 Community

Council undertook preliminary consultation with landowners and Neighbourhood Forum 8. The proposal was also notified on Council's engagement website. Council received one objection from an adjoining landowner.

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate.

### 5.2 Agencies

Council undertook preliminary consultation with agencies. There are no agency objections to the proposal. DCCEEW recommended that a FIRA be prepared to support the proposal. Council has noted that, as the proposal does not facilitate additional development on flood affected areas a FIRA is not required.

It is recommended that the following agencies be consulted on the planning proposal and given 20 working days to comment:

- DCCEEW – Flooding
- NSW Rural Fire Service

## 6 Timeframe

Council proposes a 12 month time frame to complete the LEP. This is considered appropriate.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as it is of local significance and consistent with relevant strategic planning for the area.

## 8 Assessment summary

The planning proposal is supported to proceed as it will rezone land to reflect the values and constraints of the land, will protect the floodplain from inappropriate development and allow residential development on land within an existing urban area.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the planning proposal will be deemed consistent with section 9.1 Direction 4.3 Planning for Bushfire Protection once post-Gateway consultation has occurred with NSW Rural Fire Service, and any issues raised are taken into account by Council.

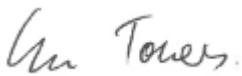
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal should be amended to:
  - Clarify the wording in *Part 2.2 Detailed Explanation of Proposed Amendments* to state clearly that the intention is that any new lots will contain both R2 and C3 land, with any future dwelling being located on the R2 flood free portion of the land.
2. Prior to community consultation, consultation is required with the following public authorities:
  - NSW Rural Fire Service
3. Consultation is required with the following public authorities:
  - Department of Climate Change, Energy the Environment and Water (Biodiversity and Flooding)
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 30 January 2026.



2 April 2025

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