

Gateway Determination

Planning proposal (Department Ref: PP-2024-1294): To rezone RE2 zoned land at 21 Barham Place, Horsley, to a mix of R2 Low Density Residential and C3 Environmental Management, to facilitate 3 lots, with corresponding changes to development controls.

I, the Manager, Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, 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 Wollongong Local Environmental Plan 2009 to rezone RE2 zoned land at 21 Barham Place, Horsley, to a mix of R2 Low Density Residential and C3 Environmental Management, to facilitate 3 lots, with corresponding changes to development controls should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 30 January 2026.

Gateway Conditions

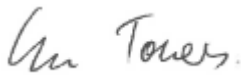
1. The planning proposal is to be amended prior to public exhibition to clarify the wording in *Part 2.2 Detailed Explanation of Proposed Amendments* to state clearly that the intention is that any new lots will contain both R2 and C3 land, with any future dwelling being located on the R2 flood free portion of the land.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Department of Climate Change, Energy, the Environment and Water – Biodiversity and Flooding
- NSW Rural Fire Service – prior to Community consultation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 2 April 2025



**Graham Towers Manager, Southern,
Western and Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure**

**Delegate of the Minister for Planning and
Public Spaces**