

ITEM 5 POST EXHIBITION - PLANNING PROPOSAL PP-2024/1 - 21 BARHAM PLACE HORSLEY

On 3 February 2025, Council resolved to exhibit a Planning Proposal to amend the land use zoning and associated planning controls for land at 21 Barham Place, Horsley.

The Planning Proposal seeks to rezone part of the property from RE2 Private Recreation to R2 Low Density Residential. The remainder of the site is proposed to be rezoned from RE2 Private Recreation to C3 Environmental Management. The existing C3 Environmental Management zoned land is proposed to be retained. To facilitate residential development and environmental management outcomes on site, the proposal includes consequential changes to the Minimum Lot Size and Floor Space Ratio maps. The proposal to amend Part 7 – Local provisions general seeks to include a provision to manage the future subdivision of the site to ensure future lots consist of split zones to enable the ongoing environmental management of the C3 Environmental Management zoned land.

This report considers the exhibition feedback and recommends that Council progress the Planning Proposal to finalisation.

RECOMMENDATION

- 1 The Planning Proposal for 21 Barham Place, Horsley be finalised for the preparation of an amendment to the Wollongong Local Environmental Plan (LEP) 2009.
- 2 The General Manager proceed to exercise delegation as issued by the NSW Department of Planning, Housing and Infrastructure under Section 3.36 of the *Environmental Planning and Assessment Act 1979* (NSW), In relation to the final proposal.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy
 Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Site Location Plan
- 2 Existing and Proposed LEP Maps

ACRONYMS USED IN REPORT

Abbreviation	Meaning
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DCP	Wollongong Development Control Plan 2009
DPHI	Department of Planning, Housing and Infrastructure
ISRP	Illawarra Shoalhaven Regional Plan 2021-2041
LEP	Wollongong Local Environmental Plan 2009
LGA	Local Government Area
LSPS	Local Strategic Planning Statement 2025-2045
NSW RFS	New South Wales Rural Fire Service
PMF	Possible Maximum Flood
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW

BACKGROUND

The site at 21 Barham Place, Horsley (Lot 203 DP 1290802) has a total area of approximately 32.94 hectares (Attachment 1). The property is located at the northern end of Barham Place and accessible at the turning head. The property is currently vacant and consists of land zoned R2 Low Density Residential (approximately 573 m²), RE2 Private Recreation (approximately 28.4 ha) and C3 Environmental Management (approximately 4.5 ha) adjacent to Mullet Creek. Attachment 2 shows the existing (current) and proposed mapped development standards under Wollongong LEP 2009.

In the 1990s, the property was part of Lot 1 DP 230057, which was rezoned, on 11 December 1992 by Wollongong LEP 1990 (Amendment No. 37), from 1 Non-urban to part 2(a) Low Density Residential, 6(a) Public Recreation and 6(b) Private Recreation. The rezoning was part of the Horsley Urban Release Area.

On 28 February 1996, Development Application No. 1995/714 was approved which created 22 lots in Barham Place and a residual lot (Lot 412 DP873616) zoned part 6(b) Private Recreation and part 6(a) Public Recreation. Lot 412 was subsequently merged with the adjoining Lot 413 which was zoned 2(a) Low Density Residential. The merged lot was subsequently subdivided into two lots, then three lots, then in 2022 the boundaries were amended to create the current Lot 203 DP 1290802.

On 26 July 1996, Wollongong LEP 1990 (Amendment No. 129) slightly amended the 2(a) / 6(b) zone boundary along the boundary of the estate.

In 1996, Wollongong LEP 1990 permitted a dwelling house on land zoned 6(b) Private Recreation in conjunction with another permissible uses. In 2006 the land use table was amended to no longer permit dwelling houses in the 6(b) zone.

In 2010, the planning controls were translated into the Wollongong (West Dapto) LEP 2010, with slightly different zone names in accordance with the Standard LEP instrument. In addition, the 6(a) Public Recreation zone was changed to C3 Environmental Management to reflect the private ownership. Consistent with the previous 6(b) zone, dwelling houses remain a prohibited land use in the RE2 Private Recreation zone, although remained permissible on the land zoned R2 Low Density Residential.

In 2014 the West Dapto LEP was merged into the Wollongong LEP 2009. Attachment 2 shows the current zoning of R2 Low Density Residential (approximately 573 m²), RE2 Private Recreation (approximately 28.4 ha) and C3 Environmental Management (approximately 4.5 ha) adjacent to Mullet Creek.

In February 2024, a Scoping Proposal was submitted seeking advice on a possible Planning Proposal request. The following feedback was provided by Council officers -

- Identify how stewardship of flood prone land would be achieved. Please clarify the minimum lot size of one created lot that will be responsible for the stewardship of the flood prone area.
- The proposed concept layout in Figure 9 of the scoping report does not show all lots with public road frontage and would result in a layout which will require more than two lots to share a battleaxe corridor, contrary to Clause 6.4 (4) of Chapter B2 of the Wollongong DCP 2009.
- The location of where the possible additional 12 waste bins required for the new lots will be placed to allow collection by Council's side-loading waste truck. The location of the bins must be practical, safe and not impact on adjacent neighbours' amenity etc.

On 3 February 2025, Council considered a report on 21 Barham Place and a proposal to rezone the land for residential and environmental purposes with an amendment to Part 7 – Local provisions general to promote the ongoing maintenance of the floodplain and riparian corridor on the site following any future subdivision. Council resolved that –

- 1 *A Planning Proposal be prepared to amend the Wollongong Local Environmental Plan 2009 for 21 Barham Place, Horsley by -*
 - a *Amending the controls for the upper part of the site, by rezoning the land from part R2 Low Density Residential and RE2 Private Recreation to the R2 Low Density Residential zone with a Floor Space Ratio of 0.5:1, Minimum Lot Size of 9.99 hectares.*

- b Amending the controls for the lower (floodplain) part of the site, by rezoning the land from part RE2 Private Recreation and C3 Environmental Management to the C3 Environmental Management zone with a Minimum Lot Size of 9.99 hectares.*
- 2 The Planning Proposal be referred to the NSW Department of Planning, Housing and Infrastructure for Gateway determination and the preparation of an amendment to the Wollongong Local Environmental Plan (LEP) 2009.*
- 3 The NSW Department of Planning, Housing and Infrastructure be requested to authorise a minimum exhibition period of 28 days, as part of Gateway determination.*
- 4 The NSW Department of Planning, Housing and Infrastructure be advised that Council wishes to use its delegations to finalise the Planning Proposal.*

The Planning Proposal was exhibited to NSW RFS and nominated State agencies and authorities in accordance with the conditions of the Gateway determination issued by the DPHI. The Gateway determination required the inclusion of a site-specific clause in the LEP to ensure that all future lots have a portion of R2 Low Density Residential and C3 Environmental Management zoned land.

The Planning Proposal was exhibited between 28 May and 30 June 2025.

PROPOSAL

This report details the results of the exhibition process and discusses the issues raised in submissions. At the close of the exhibition process, Council received five submissions, which are summarised in Table 1.

Based on the feedback received, it is recommended the Planning Proposal progress to amend the Wollongong LEP 2009. There are no amendments proposed to be made to the draft provisions, resulting from the comments received.

The final wording of the provision will be drafted by NSW Parliamentary Counsel Office and approved by the NSW DPHI.

The Planning Proposal request seeks to amend the Wollongong LEP 2009, Land Use Zoning map and consequential amendments to the Minimum Lot Size and Floor Space Ratio maps applicable to the site.

The proposal also seeks to amend Part 7 – Local provisions – general to include additional development standards applicable to the site. The Planning Proposal was amended to include the Part 7 provision to satisfy the conditioned Gateway determination and was included in the exhibition material. The following site-specific clause is proposed to be included in Part 7 – Local provisions – general of the LEP.

Clause XX Development on certain lands in Horsley

- (1) This clause applies to land at 21 Barham Place, Horsley – Lot 203 DP 1290802*
- (2) The objective of this Clause is to ensure in perpetuity stewardship and management of C3: Environmental Management Zoned land following any future subdivision of the site to create additional lots for residential dwellings.*
- (3) Development consent must not be granted for development, including subdivision, on the land to which this clause applies if the development will result in the creation of one or more lot that:*
 - (a) does not consist of land zoned R2 Low Density Residential and C3: Environmental Conservation, and*
 - (b) does not consist of sufficient R2 Low Density Residential land to construct a dwelling house upon.*

The intended outcome of the proposal is to facilitate further subdivision and residential development on part of the site and to secure ongoing management and maintenance of the C3 Environmental Management zoned land following any future subdivision.

As mentioned above, the final wording will be drafted by NSW Parliamentary Council Office.

CONSULTATION AND COMMUNICATION

The Planning Proposal was exhibited, as per the requirements of the Gateway determination, issued by DPHI on 2 April 2025 and the *Environmental Planning and Assessment Act 1979 (NSW)*. The Gateway determination required consultation with the NSW RFS prior to exhibition.

On 28 April 2025, the NSW RFS provided feedback on the Planning Proposal and raised no concerns.

The Planning Proposal was referred to State Agencies between 13 May and 30 June 2025 and exhibited between 28 May to 30 June 2025.

The Planning Proposal, and the supporting documents were exhibited via -

- Council's engagement website.
- At Council's Wollongong and Dapto libraries.
- At Council's Customer Service Centre in the Administration Building.
- Letters / emails advising of the exhibition were sent to -
 - Neighbourhood Forum 8.
 - persons who made a submission at the preliminary consultation stage.
 - 83 nearby property owners.
 - NSW RFS.
 - DCCEEW – Biodiversity and Water.

As a result of the exhibition the webpage received 190 views, and 80 participants downloaded a document. In total two submission were received through Council's engagement website.

A total of five submissions were received including –

- One submission from State agencies: NSW RFS.
- Two submissions through Council's engagement webpage.
- One community submission through email.
- One submission on behalf of the landowner.

Table 1: Summary of Submissions

Submitter	Submission	Response
NSW Rural Fire Service	NSW RFS raised no objections to the proposal proceeding subject to a requirement that future development of the land complies with Planning for Bush fire Protection	The NSW RFS feedback is noted. The site is mapped as containing Bush Fire Prone land – Category 3 Grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands and Category 3 buffer. Any future development application will be required to comply with the current NSW RFS document, Planning for Bushfire Protection.
Public submission 1	The proposal is a good use of land	Support noted
Public submission 2	The submission objected to the Planning Proposal A photo of land at 21 Barham Place in flood was submitted in support of the submission. The photo was taken in a northeast direction.	The supporting photo taken appears to be areas of the floodplain that is proposed to be rezoned C3 Environmental Management. The foreground of the photo appears to be the land within the existing benched areas and are not affected by flooding.

Submitter	Submission	Response
	1 Flood Risk and Safety – The land is susceptible to flooding and is a serious hazard to current and future residents. Rezoning and development would likely exacerbate drainage problems, increase runoff and stain local infrastructure. 2 Environmental impacts – Altering this land from rural residential to denser residential could worsen the environmental degradations, impacting local ecosystems and water quality due to increased impervious surfaces and construction 3 Property and community impact – Development on the flood-prone land may devalue existing properties, increase insurance costs for homeowners, and negatively affect the overall community wellbeing 4 Infrastructure and drainage - current drainage systems appear inadequate to manage heavy rainfall and was recently flooded. Significant infrastructure would be required to rezone the land R2.	The Planning Proposal seeks to retain the existing R2 Low Density Residential land adjacent to Barham Place which is located on a bench from the lower floodplain. The remainder of land on the benched portion of the site is proposed to be rezoned from RE2 Private Recreation to R2 Low Density Residential. To manage the flood risk and safety, the proposal does not seek to rezone the low portions of the site that are within the floodplain to R2 Low Density Residential. To manage the floodplain, it is proposed to rezone flood prone portions of the land from RE2 Private Recreation to C3 Environmental Management. The proposal is not expected result in environmental impacts within the floodplain, as land to be rezoned to R2 Low Density Residential will be limited to the benched portion of the site, which is within an existing residential area. Water is capable of being conveyed from the R2 Low Density Residential portions of the site via existing to stormwater and sewer infrastructure. The proposal seeks to improve the protections of the floodplain through rezoning the flood prone portions of the site from RE2 Private Recreation to C3 Environmental Management. The proposed R2 areas can be connected into existing infrastructure. The proposed R2 Low Density Residential zoned land is adjacent to existing land developed for residential purposes that is serviced by Council and state agency infrastructure. The proposal is not expected to result in development that would require improvements to existing infrastructure.
Public submission 3	The submission objected to the Planning Proposal 1 The area to be rezoned floods during heavy rain, with the adjacent creek flooding the site. 2 The access road of Sunnybank Crescent and Barham Place are too narrow to accommodate a large increase in traffic safely.	The proposal seeks to rezone the portion of the site to R2 Low Density Residential that is located on the higher benched area of the land. The remainder of the site, that this within the floodplain, is proposed to be rezoned or retained as C3 Environmental Management. The site is within an existing residential neighbourhood that is serviced by the local road network. As a limited portion of the site is proposed to be R2 Low Density Residential, it is not expected the Planning Proposal will facilitate a quantity of residential development that can generate a significant increase in vehicle traffic. It is noted that areas of the floodplain are proposed to be rezoned to C3 Environmental Management

Submitter	Submission	Response
		Management and therefore, are unable to be developed for residential purposes.
Submission made on behalf of landowner	Concerns raised 1 The portion of the site proposed to be rezoned from RE2 Private Recreation to C3 Environmental Management instead be rezoned to RU2 Rural Landscape. The land to be rezoned from RE2 to C3 does not exhibit any significant biodiversity values. Concerned that the proposed zoning may adversely impact any future development application for the use of the site for extensive agricultural purposes 2 Request the planning controls, specifically the minimum lot size for land already zoned as R2 Low Density Residential be amended to be retained as 449m² rather than the proposed 9.99 ha. Amending the minimum lot size of the existing R2 zoned land to 9.99 ha will impact upon any subdivision of the site and reduce the number of potential lots by one.	The proposed C3 Environmental Management zoned land is consistent with neighbouring land. It is considered the objectives and permissible uses of the C3 Environmental Management land use zoned land better reflect the site constraints. The site is within the floodplain and contains riparian corridors, which are mapped are key fish habitat. The C3 Environmental Management land use zone does not prohibit Extensive Agriculture. The use is permissible with consent and therefore a Development Application is required to carry out Extensive Agriculture. The need for a Development Application allows Council to better assess proposed development and ensure the objectives of the zone. The Applicant's request seeks to increase the development potential of the site by one additional lot (to a total of 4 lots). One lot containing the existing R2 zoned land (approximately 573 m²), and three lots containing the proposed R2 and C3 zoned land. This increase in development intensity that was not considered by Council or exhibited. Prior to preparing the public exhibition report to Council, the proposal was considered by the Wollongong Local Planning Panel. Council officers proposed that the RE2 Private Recreation portion of the land be rezoned C3 Environmental Management and be managed by one residential lot. The WLPP concurred with the recommendations of Council officers. Following the WLPP meeting the applicant objected to the C3 Environmental Management zoning and proposed that the R2 Low Density Residential and RE2 Private Recreation zoned land be subdivided into three portions. This would require a minimum lot size of 9.99 ha to apply over both the R2 Low Density Residential and C3 Environmental Management zoned land. Following further discussions, Council officers agreed to the proposed 9.99 ha Minimum Lot Size applying to the whole property, so that the R2 and C3 zoned land could be shared by three future lots. A further increase in development potential is not supported as the scale of proposed development is considered appropriate and consistent with adjoining development.

Consultation was also conducted with relevant Council Divisions regarding the proposed amendment to Wollongong LEP 2009, with the aim of incorporating improvements. There were no amendments made to the proposed proposal resulting from internal stakeholder feedback.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2035 Community Strategic Plan, Goal 2 “We have well planned, connected and liveable places”. It specifically delivers on the following –

Community Strategic Plan 2035	Delivery Program 2025-2029
Strategy	Service
2.1 Urban areas are planned and well maintained to provide a healthy and safe environment for our community to live, work and play.	Land Use Planning

Wollongong Local Strategic Statement 2025 -2045

On 28 July 2025, Council resolved to endorse the Wollongong Local Strategic Planning Statement (LSPS) 2025–2045. The LSPS 2025–2045 sets out Council’s 20-year land use planning vision for the LGA and strategic planning priorities with reference to a range of adopted supporting documents.

The LSPS 2025–2045 contains 12 planning priorities which align with and expand upon the matters for consideration under the Wollongong Planning Proposal Policy. Table 2 provides an assessment against the 12 planning priorities.

Table 2: Assessment against Wollongong LSPS 2025 - 2045

Strategic Planning Priority	Considerations	Response
Sustainable and resilient		
1 We rehabilitate and protect natural environments and ecosystems	Preservation and improvement of natural environments through the management and restoration of natural areas. Conserve endangered ecological communities and threatened species. Coastal management, floodplain risk management and stormwater management.	The proposal is generally consistent with the Strategic planning priority. The proposal is not expected to inhibit the ability to apply key plans to be delivered, which includes the Riparian Corridor Management Strategy for the West Dapto Urban Release Area and the Illawarra Biodiversity Strategy update. The proposal is consistent with existing guiding strategic documents and policy applicable to the site which include but not limited to the Mullet Creek Floodplain Risk Management Study (2023); Wollongong Riparian Corridor Management Study 2004; the West Dapto Vision 2018. The Proposal seeks to rezone benched portions of the site, that are within an existing residential neighbourhood to R2 Low Density Residential. The proposed R2 zoned land is not mapped under the Mullet Creek Floodplain Risk Management Study as being impacted by flooding. As the benched portions of the site are located outside of the floodplain, it is not expected the proposal will result in significant earthworks that would likely impact on natural water systems. The existing and proposed R2 zoned land is not

Strategic Planning Priority	Considerations	Response
		mapped as containing native flora and fauna, endangered or threatened ecological communities, and / or their habitats. The proposal includes rezoning land within the floodplain from RE2 Private Recreation to C3 Environmental Management. To promote the ongoing management and maintenance of the floodplain and riparian corridor, it is proposed to amend the minimum lot size provisions and WLEP 2009, Part 7 – Local provisions – general. This will ensure that the environmental zoned land is attached to land zoned R2 Low Density Residential as a part of any future subdivision approval. The objectives of the C3 zone land enable development that provides opportunities to restore biodiversity within the floodplain and riparian corridor.
2 We are resilient to climate risks and environmental hazards	Ensure our urban areas are resilient, thrive in ideal conditions, adapt to change and survive and recover from extreme events to reduce the risks to our community from environmental hazards. Avoid intensification in flood-prone, bushfire-prone and coastal hazard areas and align with relevant guidelines and policies. Support net-zero targets and renewable energy transition.	The proposal is generally consistent with the Strategic planning priority. The proposal is not expected to inhibit the ability to apply key plans to be delivered, which includes the Riparian Corridor Management Strategy for the West Dapto Urban Release Area and Wollongong Coastal Management Program. The proposal is consistent with existing guiding strategic documents and policy applicable to the site which include but not limited to the Mullet Creek Floodplain Risk Management Study (2023); the Net Zero Wollongong Climate Change Mitigation Plan 2023-30; the Climate Friendly Planning Framework and the West Dapto Vision 2018. The proposal seeks to rezone land for residential purposes that is located above the mapped and predicted PMF that may result from climate change. Land within the floodplain is proposed to be zoned for environmental purposes. The portion of the site to be rezoned C3 Environmental Management is mapped as bushfire Category 3 vegetation Grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands. The existing and proposed land to be rezoned to R2 Low Density Residential is mapped at Category 3 buffer area. NSW RFS made no objection to the proposal noting future development will need to be consistent with Planning for Bush fire Protection.

Strategic Planning Priority	Considerations	Response
		The site is mapped as being impact by Class 5 and Class 4 Acid Sulfate Soils. The existing and proposed R2 Low Density Residential zoned land is mapped only as Class 5 Acid Sulfate Soils and can be managed at the Development Application Stage. It is expected proposed Development will need to satisfy the BASIX standards required under the State Environmental Planning Policy (Sustainable Buildings) 2021. New residential development will also need to consider Chapter A2 Ecologically Sustainable Development of the Wollongong Development Control Plan 2009.
3 We have access to green and healthy urban open spaces and streets	Provide and utilise green and healthy open spaces and streets to offset the impacts of urban heat island effects and improve amenity and community wellbeing. Ensure community access to high amenity natural and urban green space and utilise our existing open spaces and streets creatively to maximise urban greening and community recreation.	The proposal is generally consistent with the Strategic planning priority. The proposal is not expected to inhibit the ability to apply key plans to be delivered, which include the Urban Greening Strategy Update. The Proposal is consistent with guiding documents. The proposal seeks to rezone land to R2 Low Density Residential within the already developed Horsley Park estate developed under Stage 1 of the West Dapto Urban Release Area. The remaining portions of the site are proposed to be rezoned C3 Environmental Management. The C3 zoned land will contribute to the urban greening of the city. The objectives of the zone seek to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. Additionally, it is an objective of the zone to provide a limited range of development that does not have an adverse effect on the previous mentioned values. In this instance it is expected development within the floodplain will be consistent with zone objective and contribute to protecting and potentially restoring the biodiversity values on the site while retaining natural areas that mitigates the effects of urban heating. Furthermore, within the C3 zone the uses of Community facilities; Environmental facilities and Environmental protection works are permissible with consent.

Strategic Planning Priority	Considerations	Response
Liveable and connected		
4 The natural, built and cultural context informs the design of places and buildings.	Respect the natural and cultural landscapes and environments with the Wollongong Local Government Area. Enable development which recognises and responds to environmental conditions, landscape character, heritage, and cultural values	The proposal is generally consistent with the Strategic planning priority. The Proposal is not inconsistent with existing guiding documents, such as the West Dapto Vision, the Wollongong Heritage Strategy 2023 – 2027, Wollongong Housing Strategy 2030 and the Reconciliation Action Plan 2021 – 2023. The proposal seeks to rezone land to R2 Low Density Residential within the already developed Horsley Park estate developed under Stage 1 of the West Dapto Urban Release Area. The remaining portions of the site are proposed to be rezoned C3 Environmental Management. There are no known items of heritage mapped on the site. However, the regions creek lines and riparian corridors were commonly used by first nations people. The proposal will protect the natural environment, any unknown items of Aboriginal heritage and view corridors to the Escarpment through controlling permissible development within the floodplain and riparian lands on the site.
5 We are growing our capacity for housing, so our community have access to diverse and high-quality homes in the future.	Strategic planning provides the ability to deliver diverse and high-quality housing to meet the needs of our growing community. Housing should be suitable at all price points and created with community well-being and sustainable development in mind.	The proposal is generally consistent with the Strategic planning priority. The proposal is not expected to inhibit the ability to apply key plans to be delivered, which include the Wollongong Affordable Housing Contributions Scheme. The Proposal is consistent with existing guiding documents that seek to enable housing on well-located lands within the Local Government Areas (LGA), such as the Wollongong Housing Strategy 2023, West Dapto Vision 2018 and the Wollongong Affordable Housing Policy and Procedures 2024. The proposal seeks to rezone land to R2 Low Density Residential within the already developed Horsley Park estate developed under Stage 1 of the West Dapto Urban Release Area. The area proposed to be rezoned R2 is free from constraints that would preclude residential development. Conversely constrained portions of the site that are within the floodplain and riparian corridors are proposed to be retained or rezoned C3 to protect environmental values. Several Residential accommodation types are permissible with consent under the R2 land use zone and include; Attached dwellings; Bed and breakfast accommodation; Dual occupancies;

Strategic Planning Priority	Considerations	Response
		Dwelling houses; Multi dwelling housing; Residential flat buildings; Semi-detached dwellings; Seniors housing and Shop top housing. It is considered the land proposed to be rezoned R2 has the capacity to be developed for residential purpose, which may contribute to affordable housing within the LGA and not significantly impact on the adjacent natural environment.
6 The network of Centres provides for the needs of our community	City, town and village centres meet the needs of the community and support creativity, economic growth, sustainability and social well-being.	The proposal is not inconsistent with the Strategic planning priority. The proposal will result in ability to develop portions of the site for residential purposes that are within the Horsley Park estate. The proposal will not impact on the functioning of city, town and village centres in proximity to the site or within the LGA.
7 Transport options are safe, reliable and accessible	Transport networks enable a shift in transport modes from private vehicles to public and active transport to reduce greenhouse gas emissions, urban heat, travel times and poor health outcomes, while increasing social and economic participation and street safety. Land use and transport planning is integrated to ensure infrastructure is maximised to support growth in well serviced locations.	The proposal is not inconsistent with the Strategic planning priority. The proposal will result in ability to develop portions of the site for residential purposes that are within the Horsley Park estate. It is not expected the proposal will result in development that will have a significant impact upon local and/or regional traffic. The proposed land to be zoned R2 within the site is adjacent to Council's existing road network. It is considered the road network is sufficient to support any future residential development on the site. However, the proposal will not preclude the requirement to carry out an assessment against the traffic controls within the Wollongong DCP 2009.
8 The city reflects the creativity, history, identity of our people; invitees community participation, and contributes to a diverse economy	Enable development that responds to the cultural history of place and promotes ongoing engagement through restoration, interpretation and creative expression	It is considered the Strategic planning priority is not relevant to the planning proposal.

Strategic Planning Priority	Considerations	Response
Productive and vibrant		
9 Employment generating uses are prioritised in Centres and Industrial areas.	Plan for employment generating uses to support local and regional employment enhance Wollongong's economy and provide goods and services to the community. Protect and retain diverse industrial land and enable its productivity and ability to cater to emerging industries. Support the role of existing and planned centres as defined through the Retail and Business Centres Hierarchy.	The proposal is not inconsistent with the Strategic planning priority. The proposal and resulting development on the site will not impact on nearby town centres. The proposal will not result in the loss of existing industrial and/or commercial zoned land.
10 The freight network is efficient, from international trade to the last mile	Ensure transport corridors link freight to ports, airports, retail centres and employment lands to promote economic and industrial growth. Freight Transport corridors should be resilient to environmental hazards and have appropriate capacity while avoiding incompatible land uses.	The proposal is not inconsistent with the Strategic planning priority. The proposal will not impact on local and/or regional freight networks.
11 Port Kembla's industrial precinct and Port are a hub for economic growth, employment and innovation.	Recognise, retain, and promote the Port of Port Kembla and surrounds as an area of significant economic importance focused on employment generation in heavy industry, port operations and clean energy investment	The proposal is not inconsistent with the Strategic planning priority. The proposal will not impact on the planning, functioning and operation of the Port Kembla industrial precinct
12 The growing visitor economy celebrates natural and cultural assets.	Grow the visitor economy of the Wollongong LGA through attracting more major events and tourism infrastructure to increase visitation rates while caring for our natural and cultural assets.	The proposal is not inconsistent with the Strategic planning priority. The proposal will not impact on the delivery of local tourism.

The proposal generally aligns with the LSPS and is consistent with the Illawarra Shoalhaven Regional Plan (ISRP) 2041 and Council's Community Strategic Plan 2035. The LSPS 2035 projects an approximate 32,225 additional dwellings will be required to house the population in 2046. The proposal will make a minor contribution to the housing supply on land that is well-located area and is considered suitable for residential development. The Proposal also seeks to protect and maintain the floodplain and riparian corridors through rezoning the remain portions of the site to C3 Environmental Management.

Wollongong Housing Strategy (2023)

The Wollongong Housing Strategy has been prepared to guide the future housing directions within the Wollongong LGA for the next 10-20 year. The Housing Strategy addresses overall housing supply and demand, as well as examining various housing sectors that need support, including the homeless, social housing, affordable housing and accessible or supportive housing.

The Housing Strategy acknowledges that the adopted visions for housing within the LGA includes 'Urban Release Areas such as West Dapto, will deliver the largest proportion of new housing supply and will be adequately serviced with essential infrastructure' and that Council will continue to progress existing initiatives that support housing such as the West Dapto Urban Release Area.

The proposal seeks to facilitate minimal additional housing (additional two (2) lots/dwellings) in an existing neighbourhood that is serviced by required infrastructure. Additionally, the portion of the site proposed to be rezoned R2 Low Density Residential is not mapped as being impacted by natural hazards that would preclude development. The proposal is consistent with desired outcomes of the strategy by proposing to permit additional residential development that is well located.

Council's West Dapto Vision 2018

The vision document outlines West Dapto will grow and develop as a series of integrated and connected communities, that are healthy, sustainable and resilient.

The site is located in Horsley, which was the first stage of the West Dapto Urban Release Area development in the 1980s and 1990s. The site is located adjacent to existing residential development. The site was not reviewed as part of the West Dapto Urban Release Area investigations between 2004-2008. The Planning Proposal seeks to facilitate a minor increased housing supply within the site which is consistent with the West Dapto Vision 2018.

Council's Planning Proposal Policy 2022

The Planning Proposal request is inconsistent with Council's Planning Proposal Policy (2022). Council's preference is to review the planning controls for precincts, rather than site-by-site requests. However, as the adjoining sites are zoned for residential purposes, there is no opportunity for a broader precinct approach.

The Planning Proposal does enable the review of the RE2 Private Recreation zoned land to the more appropriate C3 Environmental Management zone of the floodplain.

OPTIONS

Council has three options to consider -

- 1 Resolve to progress the Planning Proposal as exhibited to finalisation and prepare an amendment to the Wollongong LEP 2009, which would enable three (3) lots/dwellings, and the floodplain zoned C2 Environmental Management. Recommended.
- 2 Resolve to support the applicant's request to amend the zoning map for the floodplain to RU2 Rural Landscapes and amend the minimum lot size map, to retain a 449m² minimum lot size on the existing R2 zoned land (approximately 573 m²), which could enable four (4) lots / five (5) dwellings (with dual occupancy). Council would need to resolve to seek a new Gateway Determination and re-exhibit the Planning Proposal.
- 3 Resolve to advise the NSW Department of Planning, Housing and Infrastructure that Council does not support the finalisation of the Planning Proposal and wishes the current planning controls to be retained, which would enable one lot and possible two dwellings (dual occupancy) on the R2 Low Density Residential zoned land. The applicant could seek a rezoning review from the Department.

SUSTAINABILITY IMPLICATIONS

The proposal seeks to allow further residential development within an existing residential neighbourhood. The environmental values of the floodplain are expected to be maintained through the proposed Local provision – general and the proposed amendments to the Minimum Lot Size mapping. In terms of any future land subdivision, the amended provisions will result in split zoned lots where the R2 Low Density Residential lots will retain control over portions of the C3 Environmental Management zoned land.

RISK MANAGEMENT

Council carried out the assessment and notification of the Planning Proposal as per the requirements of the *Environmental Planning and Assessment Act 1979* (NSW) and the NSW Government's Local Environmental Plan Making Guidelines (August 2023). The proposal is generally consistent with the Ministerial Directions 9.1 Local Planning Directions and State and Council planning policy.

All matters raised in the consultation and Public Exhibition have been sufficiently addressed and included in this report.

It is considered the Planning Proposal will result in the orderly subdivision and development of the land while promoting the ongoing maintenance of the floodplain and riparian corridor.

FINANCIAL IMPLICATIONS

The Planning Proposal was lodged with the applicable assessment fee in accordance with Council's adopted Fees and Charges. The impact upon resourcing has been managed through the Land Use Planning operational budget.

It is expected the proposal will result in the orderly subdivision and development of land within an existing residential neighbourhood that is affected by limited natural hazards. Additionally, the proposed amendment to Part 7 - Local provisions general will enable the ongoing management of the floodplain and riparian corridor.

CONCLUSION

The Planning Proposal seeks to amend the land use zoning and associated planning controls under the Wollongong LEP 2009 to facilitate residential development on the benched portion of the site and rezone the remaining floodplain and riparian corridor to C3 Environmental Management with amended planning controls. Additionally, to promote the ongoing environmental management of the floodplain, the proposal includes an amendment to Part 7 – Local provisions – general of the Wollongong LEP 2009.

It is considered the Planning Proposal has sufficient strategic and site-specific merit and as such, this report recommends that Council to resolve to finalise the amended Planning Proposal as an amendment to the Wollongong LEP 2009.


Planning Proposal
21 Barham Place, Horsley
Location Plan

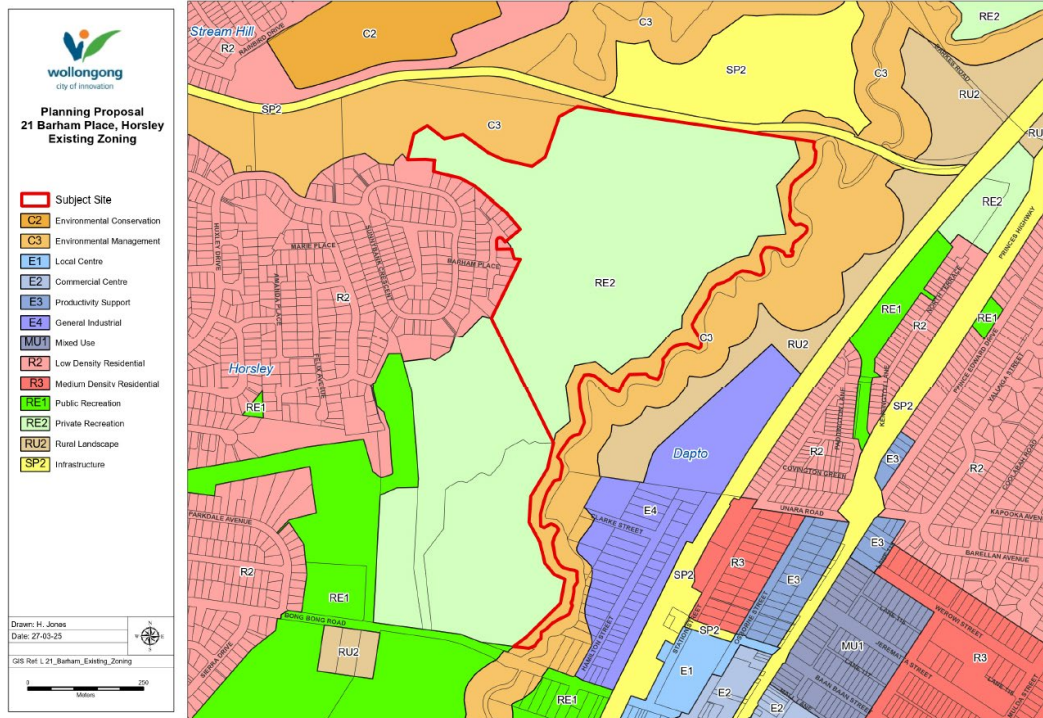
 Subject Site

Drawn: J Lewis
Date: July 2025
Date of Aerial Photography: 2024
GIS Ref: L_21_Barham_Location_Plan

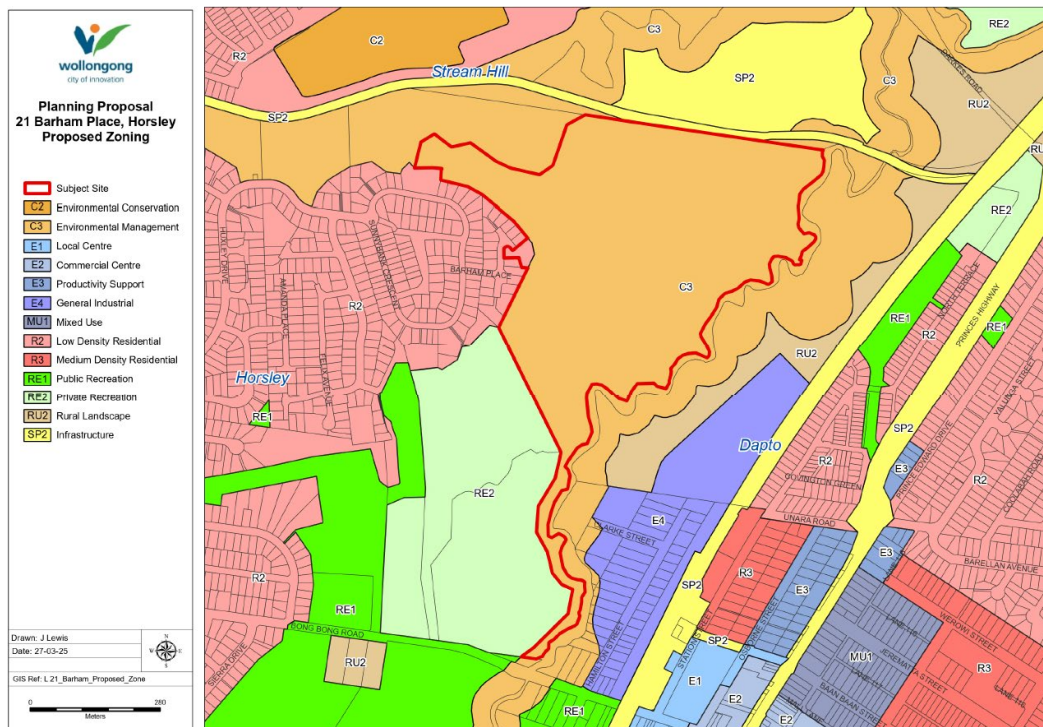
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Meters



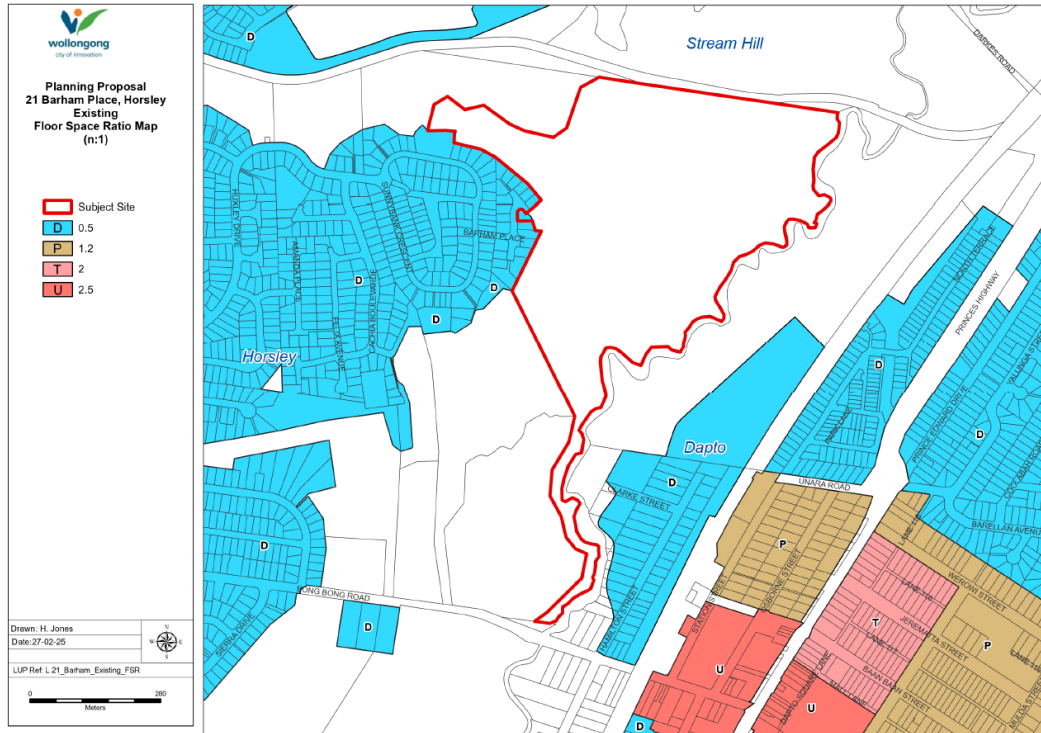
Existing Land Use Zoning Map



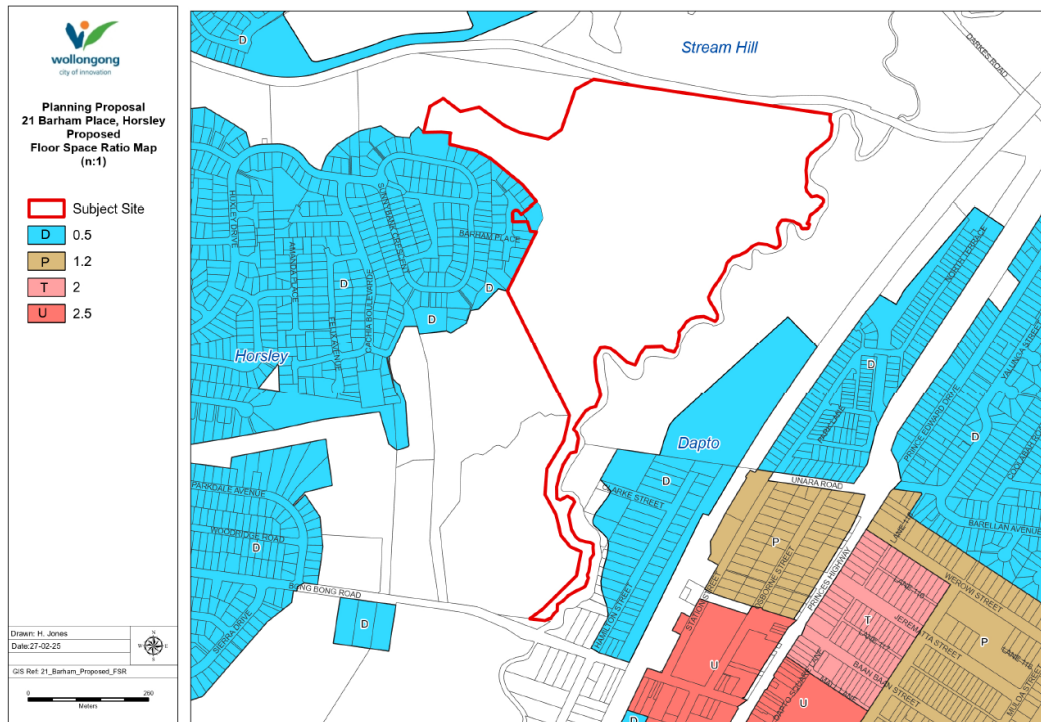
Proposed Land Use Zoning Map



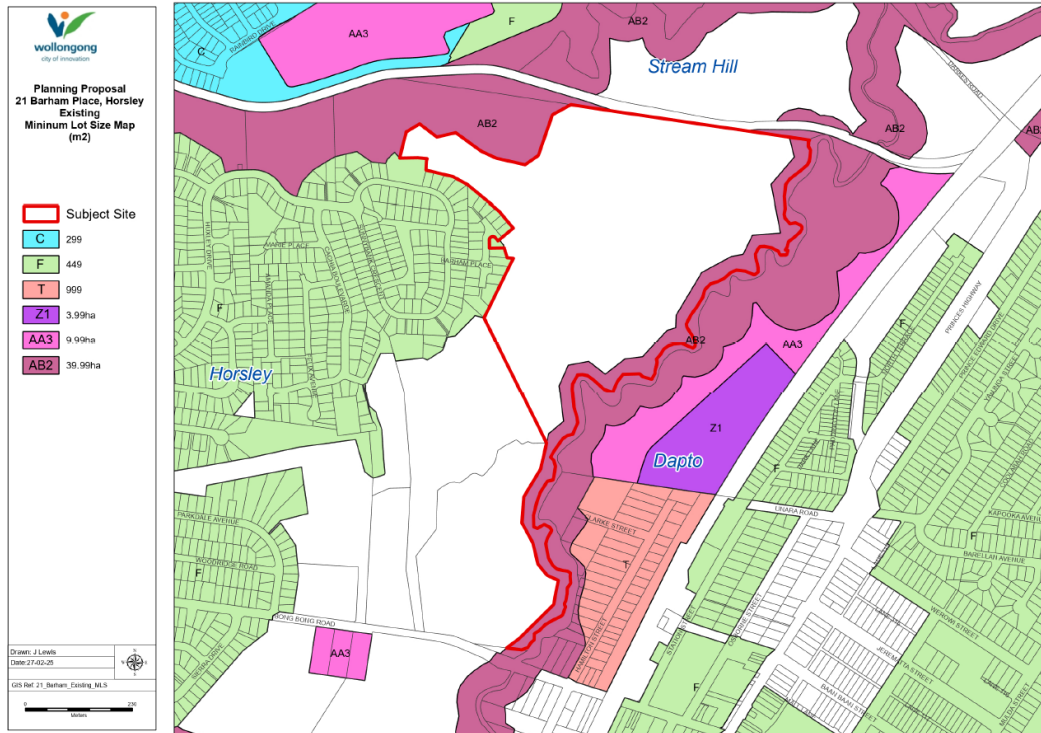
Existing Floor Space Ratio Map



Proposed Floor Space Ratio Map



Existing Minimum Lot Size Map



Proposed Minimum Lot Size Map

