

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-655):** Maila House and Dairy Complex including Fig Tree, Marshall Mount Road, Marshall Mount – list and map as local heritage item; and amend minimum lot size map.

I, Daniel Thompson the Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 amend Schedule 5 of the Wollongong LEP 2009 and associated heritage map to add Maila House and Dairy Complex including Fig Tree - 410 Marshall Mount Road, Marshall Mount - as an item of local heritage significance; and amend Minimum Lot Size map to reflect appropriate curtilage should proceed subject to the following conditions:

The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 EP&A 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 1<sup>st</sup> February 2024.

### Gateway Conditions

1. 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 Guidelines* (Department of Planning and Environment, 2021) 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 Guidelines* (Department of Planning and Environment, 2021).
2. Consultation is required with Heritage NSW under section 3.34(2)(d) of the EP&A Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 days to comment on the proposal.

3. 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 EP&A 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).



1/5/2023

**Daniel Thompson**  
**Director, Southern Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

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