



IRF23/947, EF23/4681

## Gateway determination report – PP-2023-655

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Miala House heritage listing – 410 Marshall Mount  
Road, Marshall Mount

May 23



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# Acknowledgment of Country

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

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# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Wollongong</b>
<b>PPA</b>	<b>Wollongong City Council</b>
<b>NAME</b>	<b>Miala House and Dairy including Fig Tree – heritage listing (0 houses, 0 jobs)</b>
<b>NUMBER</b>	<b>PP-2023-655</b>
<b>LEP TO BE AMENDED</b>	<b>Wollongong LEP 2009</b>
<b>ADDRESS</b>	<b>410 Marshall Mount Road, Marshall Mount</b>
<b>DESCRIPTION</b>	Lot 12 DP 790746
<b>RECEIVED</b>	<b>18/04/2023</b>
<b>FILE NO.</b>	EF23/4681, IRF23/947
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 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 list and map Miala House and Dairy Complex including a Fig Tree as an item of local heritage significance in the Wollongong LEP 2009.

The proposal will also increase the minimum lot size to 4,999m<sup>2</sup> to reflect an appropriate curtilage for the item.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Wollongong LEP 2009 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Minimum lot size	499m2	4,999m2
Schedule 5 – Heritage	N/A	Add Miala House and Dairy Complex including Fig Tree as an item of local heritage significance
Heritage Map	N/A	Add site to heritage map

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

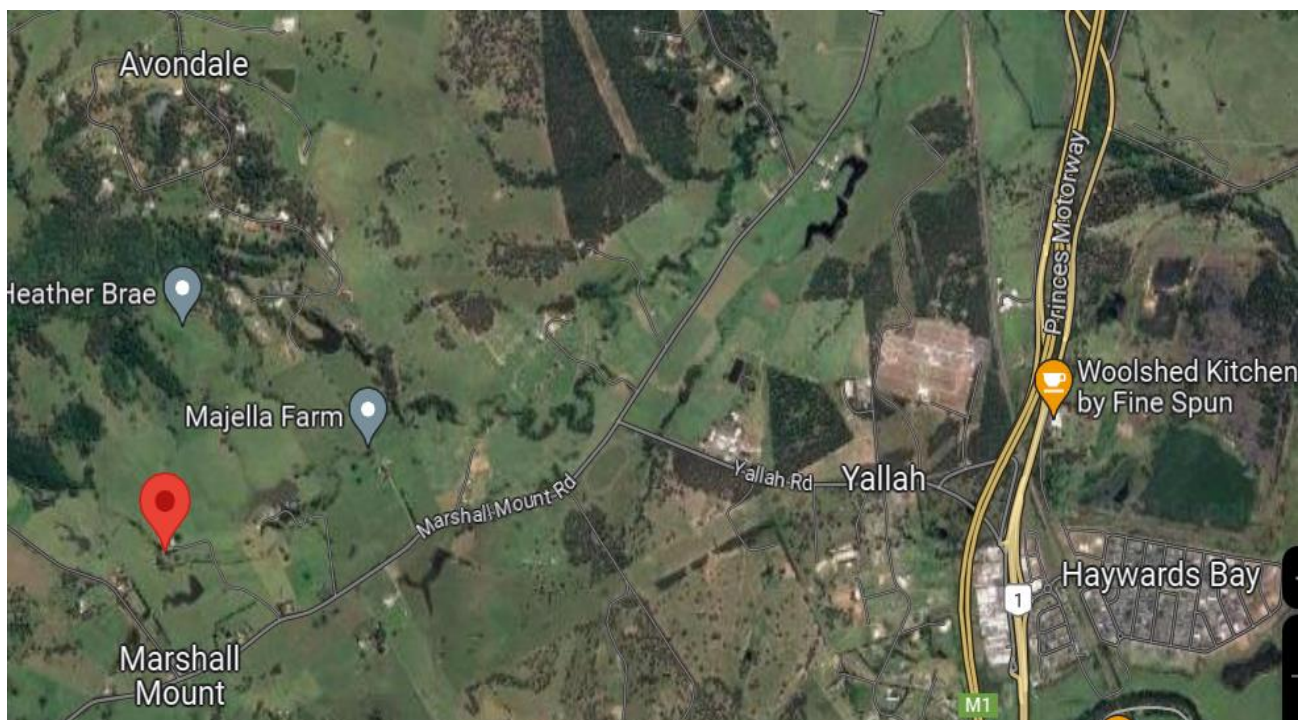
## 1.4 Site description and surrounding area

The subject land is located on Marshall Mount Road, Marshall Mount south-east of Avondale and west of Yallah. Duck Creek runs through the property south of the dwelling and dairy buildings.

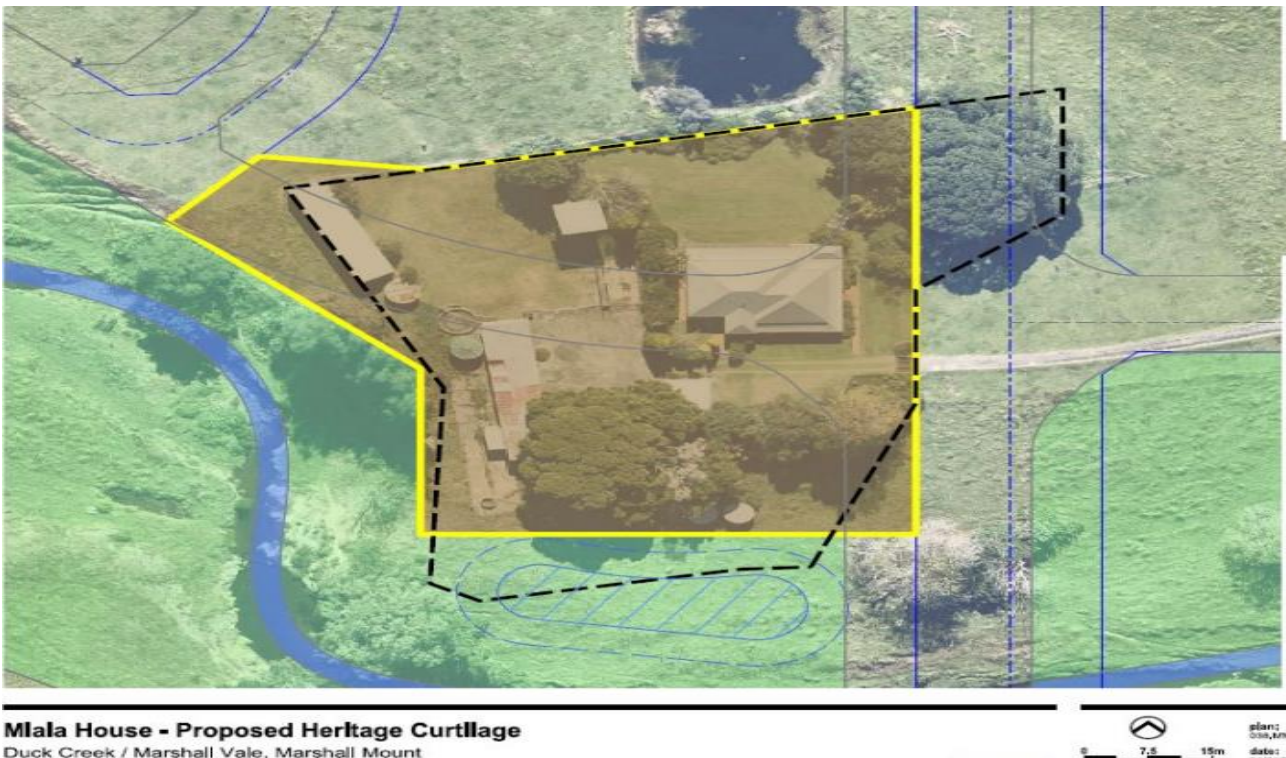
The property was zoned a mix of R2 Low Density Residential, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living when the broader Yallah Marshall Mount (Stage 5 West Dapto) area was rezoned.

The house and dairy buildings are situated on land zoned R2 Low Density Residential.

The area is largely undeveloped at the moment, but land zoned for residential purposes will be developed in the future.



**Figure 1 Locality Plan (source: Google maps)**



**Figure 2 – House, Dairy buildings and proposed curtilage (source: Wollongong Council Report 20 March 2023)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the heritage and minimum lot size maps. These maps are suitable for public exhibition.

## 2 Need for the planning proposal

The heritage significance of the property was identified during the preparation of the Neighbourhood Plan for the Duck Creek/Marshall Vale precinct.

Council resolved on 27 June 2022 to refer the matter to the Wollongong Local Planning Panel (WLPP) for consideration of the heritage value and advice on whether the property should be added to the Wollongong LEP 2009 as an item of local heritage significance.

The WLPP considered heritage reports on 31 October 2022 and supported the preparation of a draft planning proposal for the heritage listing of Malia House, the Dairy complex and proposed a curtilage that would encompass a large fig tree on the property.

The existing zoning and lot size would not support the retention and preservation of the heritage significance of the item.

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is consistent with Objective 23 of the Illawarra Shoalhaven Regional Plan as it will conserve cultural heritage values.

## 3.2 Local

The proposal states that it is consistent with local plans and endorsed strategies. It is also consistent with the strategic direction and objectives of Council's Local Strategic Planning Statement 2020; and Wollongong Heritage Strategy 2019-2022.

## 3.3 Section 9.1 Ministerial Directions

The proposal is consistent with applicable section 9.1 Directions including:

- 1.1 Implementation of Regional Plans; and
- 3.2 Heritage Conservation.

## 3.4 State environmental planning policies (SEPPs)

The proposal is consistent with relevant SEPPs.

## 4 Site-specific assessment

The proposal involves the listing of a heritage item and an increase in the minimum lot size required for subdivision. This will result in the retention of a heritage item including a large fig tree. The proposal will not have negative environmental impacts.

The proposal discusses the origin and history of the buildings and property and heritage significance.

The proposal will have an economic impact on the landowner – Council has advised that the owner is aware of this proposal and will have the opportunity to comment through the PP process.

The proposal may provide a social benefit by preserving local heritage.

The provision of public infrastructure is not relevant to this proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

### 5.2 Agencies

Council has advised Heritage NSW of the proposed addition to the Wollongong LEP 2009 Heritage Schedule and will undertake further consultation through the planning proposal process.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure adequate time for consultation and finalisation of the amendment.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority. This is considered appropriate given the local nature of the proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will preserve an item identified as having local heritage significance

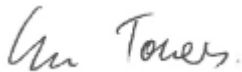
## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the proposal is consistent with applicable section 9.1 Directions.

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

1. Consultation is required with the following public authorities:
  - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



1/5/23

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