



IRF26/85

Gateway determination report – PP-2024-2739

Reduce minimum lot size – 365 Marshall Mount Road,
Marshall Mount

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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.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A1 - RR-2025-07 - Record of Decision - 365 Marshall Mount Rd Marshall Mount - PP-2024-2739
Attachment A2 - Rezoning Review Briefing Report - PP-2024-2739
Attachment B - Planning Proposal 365 Marshall Mount Road - PP-2024-2739
Attachment B1 - Concept Plan - December 2024 - PP-2024-2739
Attachment B2 -Proposed LEP Map - PP-2024-2739
Attachment B3 - Civil Engineering Plans - December 2024 - PP-2024-2739
Attachment B4 – Strategic Bushfire Assessment – November 2024 - PP-2024-2739
Attachment B5 – Ecological Assessment – May 2023 - PP-2024-2739
Attachment B6 – Traffic Assessment – November 2024 - PP-2024-2739
Attachment B7 – Landscape Report – June 2023 - PP-2024-2739
Attachment B8 – Contamination Report – May 2021 - PP-2024-2739
Attachment B9 – Non-Aboriginal Heritage Report – May 2023 - PP-2024-2739
Attachment B10 – ACHAR– May 2024 - PP-2024-2739
Attachment B11 – Archaeological Report – May 2024 - PP-2024-2739
Attachment B12 – Landscape Character and Visual Impact Assessment – February 2024 - PP-2024-2739
Attachment B13 – Utility Servicing Report – October 2024 - PP-2024-2739
Attachment B14 – Water Cycle Management Strategy – October 2024 - PP-2024-2739
Attachment C1 - Wollongong Council Report - PP-2024-2739
Attachment C2 - LPP Outcome and Minutes - PP-2024-2739
Attachment C3 – Ordinary Council Meeting Minutes – June 2025 - PP-2024-2739
Attachment D1 – Proponent Response to Council Assessment Report – May 2025 - PP-2024-2739
Attachment D2 – Council Response and Agency Submissions – August 2025 - PP-2024-2739

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wollongong
PPA	Southern Regional Planning Panel
NAME	Reduce Minimum Lot Size at 365 Marshall Mount Road, Marshall Mount
NUMBER	PP-2024-2739
LEP TO BE AMENDED	Wollongong LEP 2009
ADDRESS	365 Marshall Mount Road, Marshall Mount
DESCRIPTION	Lot 8 DP 626078
RECEIVED	15/12/2025
FILE NO.	IRF26/85
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 reduce the minimum lot size on the subject site from 4,999m² to 999m² to provide additional housing.

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	4,999m ²	999m ²

The proposal does not involve a zoning change, with the land retaining its C4 Environmental Living zone. 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 site is located at 365 Marshall Mount Road, Marshall Mount, legally known as Lot 8 DP 626078. The lot has an area of 36ha. This proposal relates to a 12-hectare portion of the site zoned C4 Environmental Living - shown in red on Figure 1. Figure 2 shows the lot within the local context. The land is located on the lower foothills of the Illawarra Escarpment and is generally cleared.

The site is identified as bushfire prone land.



Figure 1 Subject site (source: planning proposal)

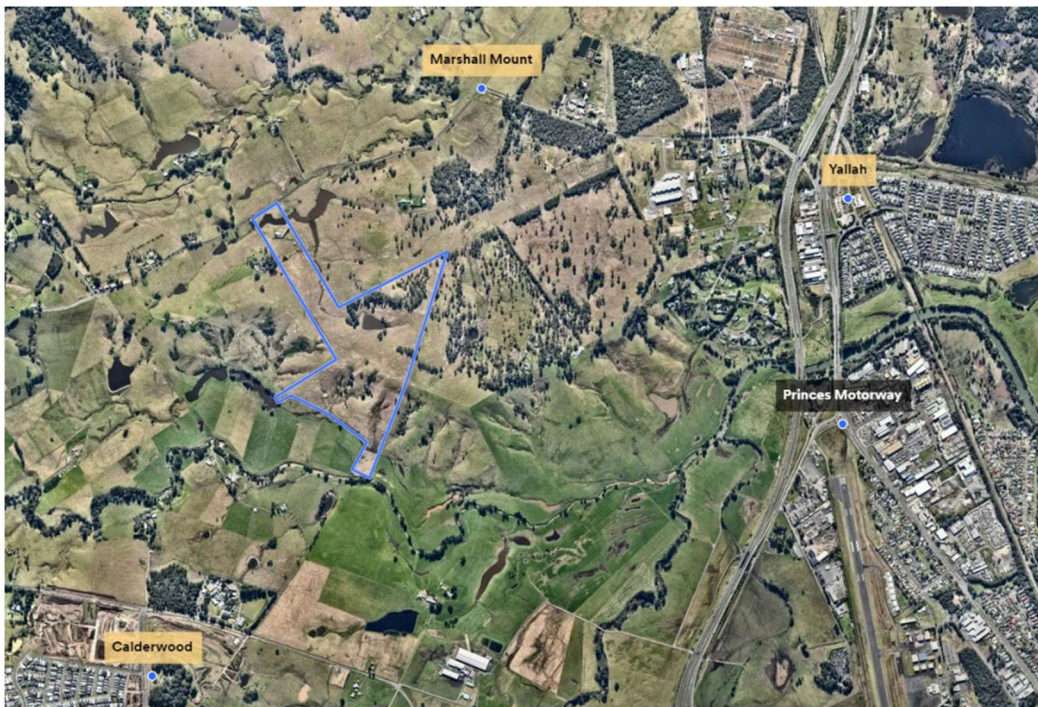


Figure 2 Site context (source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Minimum Lot Size maps, which are suitable for community consultation. There are no changes to zones or other planning controls.

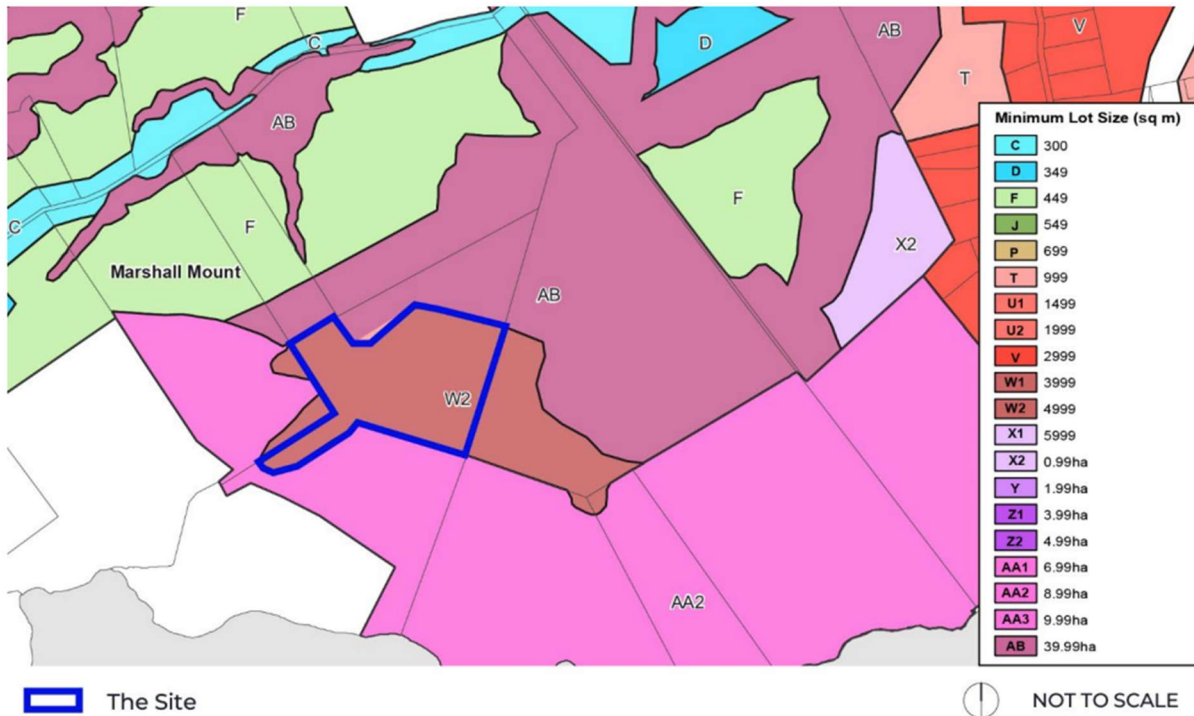


Figure 3 Current minimum lot size map (source: planning proposal)

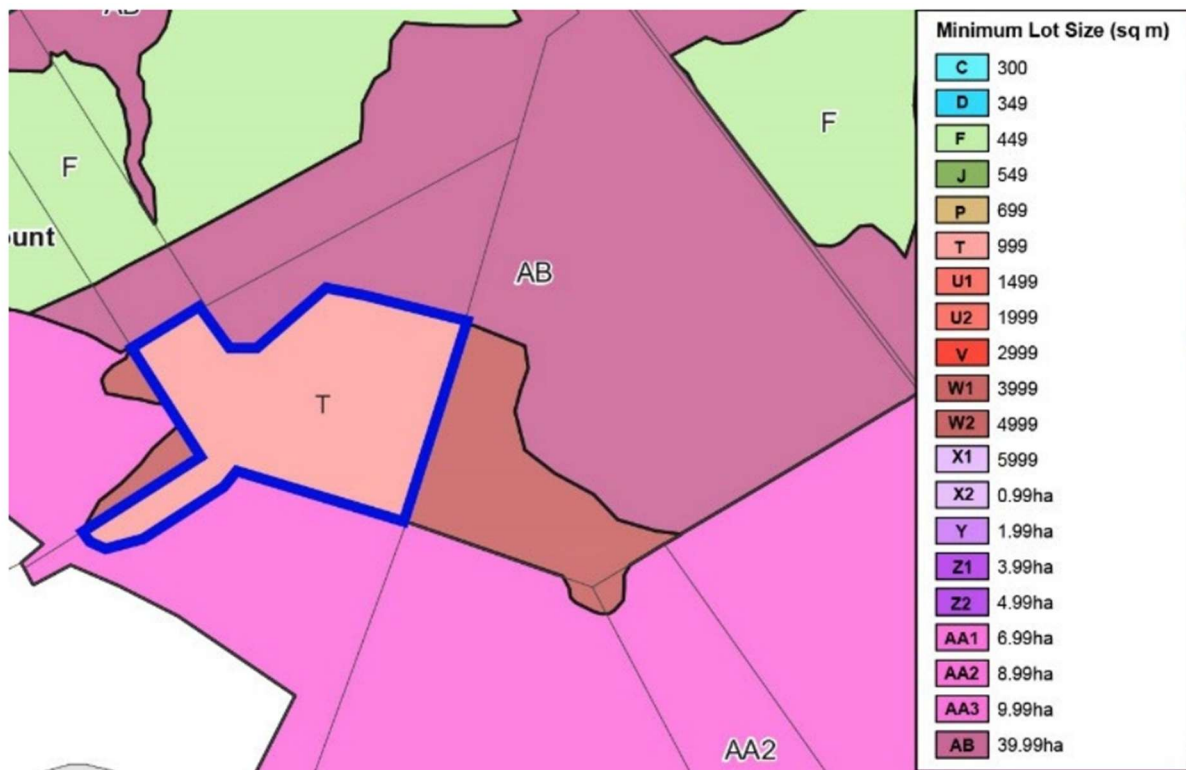


Figure 4 Proposed minimum lot size map (source: planning proposal)

1.6 Background

Wollongong Council resolved not to support the planning proposal at its meeting of 16 June 2025, finding it did not have strategic or site-specific merit.

In July 2025, the proponent lodged a Rezoning Review Request with the Southern Regional Planning Panel (SRPP).

On 6 November 2025 the SRPP determined that the proposal had both strategic and site-specific merit and should be submitted for a Gateway determination. The Rezoning Review Briefing Report and Record of Decision are **Attachment A1** and **Attachment A2**.

2 Need for the planning proposal

The planning proposal is the result of Southern Regional Planning Panel resolution dated 6 November 2025.

The planning proposal is the only way to amend the WLEP 2009 to reduce the applicable minimum lot size.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Illawarra Shoalhaven Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 11 Protect important environmental assets	The proposal includes protection of high value environmental land, aligning with strategy 11.1 protect important environmental assets and 11.4 protect biodiversity values in urban release areas.
Objective 12 Build resilient places and communities	The proposal aligns with strategy 12.2, as it limits development in bushfire prone areas. It is accompanied by a Strategic Bushfire Assessment, which identifies the site is Vegetation Category 3. The Rezoning Review report notes the concept plan includes Asset Protection Zones that sufficiently protect the future development.
Objective 13 Increase urban tree canopy cover	The proposal does not directly increase urban tree canopy cover, however the accompanying concept plan's landscape report (Appendix B7) includes proposed street trees, aligning with this objective.
Objective 18 Provide housing supply in the right locations	The proposal states it aligns with this objective by delivering low-impact residential development in an identified urban release area, in proximity to future jobs, services and infrastructure. Specifically, the proposal aligns with strategy 18.2 consider opportunities to review planning controls so that they are creating flexible and feasible conditions for housing supply.

Regional Plan Objectives	Justification
Objective 19 Deliver housing that is more diverse and affordable	The proposal will facilitate diverse residential development including standard and large lots, aligning with this objective.
Objective 23 Celebrate, conserve and reuse cultural heritage	The proposal identified one artefact in the site, four Potential Archaeological Deposits (PADs) and four areas of moderate potential. The PADs and other areas of potential artefacts will not be affected by the proposal or associated concept development. Impacts to these sites will be further minimised through fencing and an Aboriginal Heritage Impact Permit (AHIP), aligning with strategy 23.1 identify and conserve cultural heritage values.
Objective 28 Create connected and accessible walking and cycling networks.	TfNSW have raised that the proposal will not deliver a good outcome as off-road cycling is not enabled by the proposed road types. However, the proposal states it will link the proposed development to the shared path along the future bypass road by footpaths, aligning with the goals of this objective. Detailed design will be included as part of any future subdivision development application.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The proposal states that it aligns with LSPS priorities 3.0 Housing for all, specifically, 3.1.3 West Dapto Urban Release Area, and 6.0 Protect the natural environment. It will facilitate the delivery of additional residential development, responding to demand for a mix of lot sizes. It will also have a negligible impact on biodiversity, ensuring it is consistent with the LSPS.
Wollongong Housing Strategy 2023	The proposal states it aligns with the <i>Wollongong Housing Strategy 2023</i> , in particular; strategies CW1, CW2 and CW4. It will deliver more residential housing in an appropriate area and provide a greater mix of housing within the West Dapto Urban Release Area.

Local Strategies	Justification
West Dapto Vision	The proposal states that it aligns with the <i>West Dapto Vision</i> as it facilitates the delivery of a diverse mix of housing within a transition area between future urban land and large rural lots. The proposal emphasises it does not compromise important environmental features and is expected to have supporting infrastructure like water and sewage in future. Council assessed that the proposal does not align with the Vision as it will increase residential density in a location with little prospect of public or active transport connectivity, and the West Dapto Urban Release Area already has substantial housing capacity to meet demand. As noted in section 4.3, if the Iowna neighbourhood is to be fully serviced by public transport, the Marshall Mount bypass road must include a bus service that will also provide public transport access for this proposal. Therefore, the proposal is considered to be consistent with the West Dapto Vision.

3.3 Local planning panel (LPP) recommendation

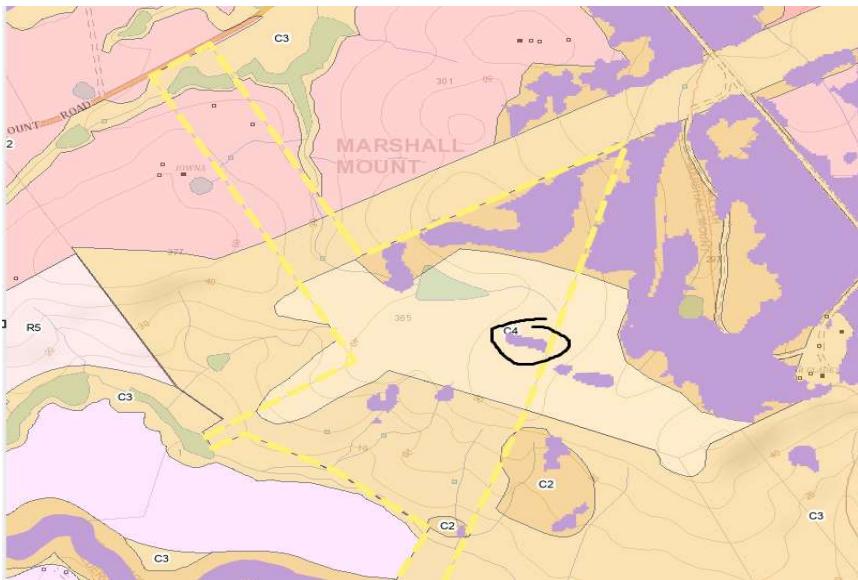
The Wollongong Local Planning Panel recommended the planning proposal should not be progressed as it does not appropriately respond to the transition between the site and other properties in the precinct. The panel considered an alternative proposal may be appropriate, with less density than proposed.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Generally consistent	As noted in section 3.1, the proposal is generally consistent with the <i>Illawarra Shoalhaven Regional Plan 2041</i> .
1.4 Site Specific Provisions	Generally consistent	The proposal does not introduce restrictive site-specific planning controls

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Inconsistency justified – minor	The proposal will reduce the conservation standards that apply to land zoned C4 Environmental Living, including a small area marked as containing biodiversity values by increasing the density of development permitted on the land. However, the inconsistency is minor and justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the Direction as the C4 land is generally cleared and the C2 Environmental Conservation and C3 Environmental Management zones will continue to apply to areas of higher environmental values. 
3.2 Heritage Conservation	Inconsistency justified – minor	Future development of the land is likely to result in direct impacts to one registered AHIMS. However, the proposal will avoid impacts to one registered AHIMS site within the study area, and four identified areas of moderate potential for Aboriginal artefacts. The impacted AHIMS site was assessed to be of minor significance and therefore the inconsistency is considered justified, being of minor significance.
4.1 Flooding	Generally consistent	The proposal includes a flood impact study that identifies that the proposed new residential zoned land is not affected by any flood scenarios, up to and including a PMF (probable maximum flood). The study notes evacuation via the access road and future Marshall Mount bypass road remains feasible even at the PMF, and it is therefore considered that the proposal is consistent with this direction. Consultation with DCCEEW Flooding will be required as part of the consultation process.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	Consistency to be determined following consultation with NSW RFS	This direction requires consultation with the NSW Rural Fire Service (RFS) following the receipt of a Gateway determination. The proposal incorrectly identifies the site as only partially identified as 'vegetation buffer' (Planning proposal p. 48) but is accompanied by a Strategic Bushfire Assessment that correctly identifies the site as Vegetation Category 3. The accompanying concept design for the future development includes suitable evacuation routes and management measures including APZs. The Rural Fire Service has made preliminary comment on the proposal - noting that the proposed future development will rely on a single point of access; and that the Bushfire report indicates a reliance on offsite APZs. Consultation with RFS will be required as a condition of the Gateway determination and consistency with this direction is to be determined.
4.4 Remediation of Contaminated Land	Generally consistent	The proposal includes land previously used for a purpose listed in Table 1 of the Contaminated Land Planning Guidelines. It is accompanied by a Preliminary Site Investigation (PSI, Appendix B8) which identified 7 Areas of Environmental Concern. The PSI includes recommendations which, if followed, will enable the site to be suitable for the proposed development. It is noted further assessment will be conducted at a future development assessment stage, should this proposal be accepted.
4.5 Acid Sulfate Soils	Generally consistent	The PSI includes an assessment of likelihood for acid sulfate soils and concludes there is low risk of potential acid sulfate soils. The PSI includes recommendations to minimise risk, and it is noted further assessment will be conducted at a future development assessment stage, should this proposal be accepted.
5.1 Integrating Land Use and Transport	Generally consistent	As outlined in section 4.3, the proposal states it provides opportunities for future residents to connect to the proposed shared path and bus services along the bypass road. This is considered consistent with the objectives of this direction.
6.1 Residential Zones	Generally consistent	The proposal will enable a greater variety and choice of housing than current restrictions, while utilising future infrastructure and minimising environmental impacts, consistent with the objectives of this direction.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation	Consistent	The proposal does not interfere with the operation of this SEPP.
Housing	Consistent	The proposal does not interfere with the operation of this SEPP.
Resilience and Hazards	Consistent	The proposal does not interfere with the operation of this SEPP.

4 Site-specific assessment

4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal not already addressed in this assessment.

4.1.1 Biodiversity

The subject site includes small areas of vegetation associated with two Threatened Ecological Communities: *Illawarra Lowland Red Gum Grassy Forest*, endangered under the BC act, and *Illawarra and south coast lowland forest and woodland ecological community*, Critically Endangered under the EPBC Act.

However, further assessment concluded that due to poor condition, the vegetation did not meet requirements for TECs. It is noted the proposal avoids impacts to significant amounts of moderate and high-quality vegetation found within the subject lot and study area.

The subject lot also contains land mapped as containing Biodiversity Values (Figure 6). These will be considered as part of the development assessment process.

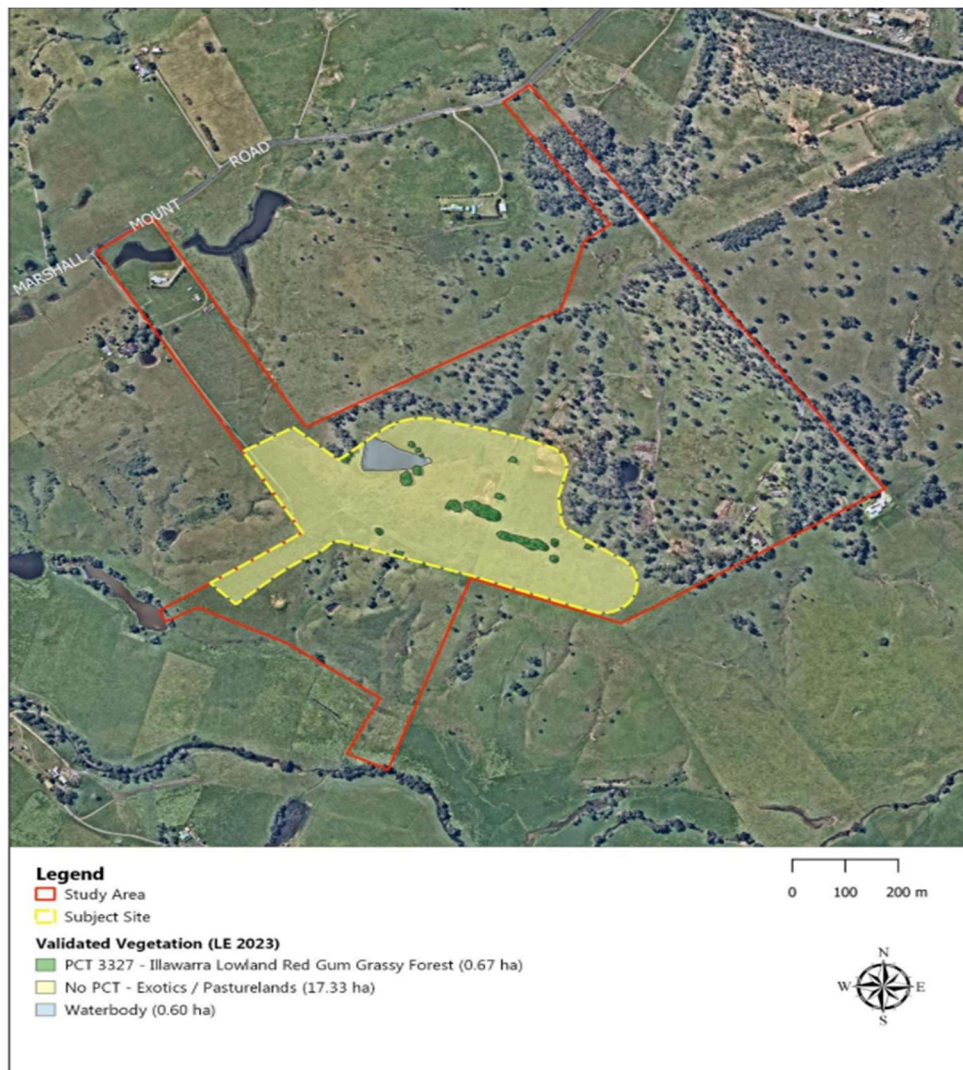


Figure 5 presence of vegetation within the subject site. Source: planning proposal

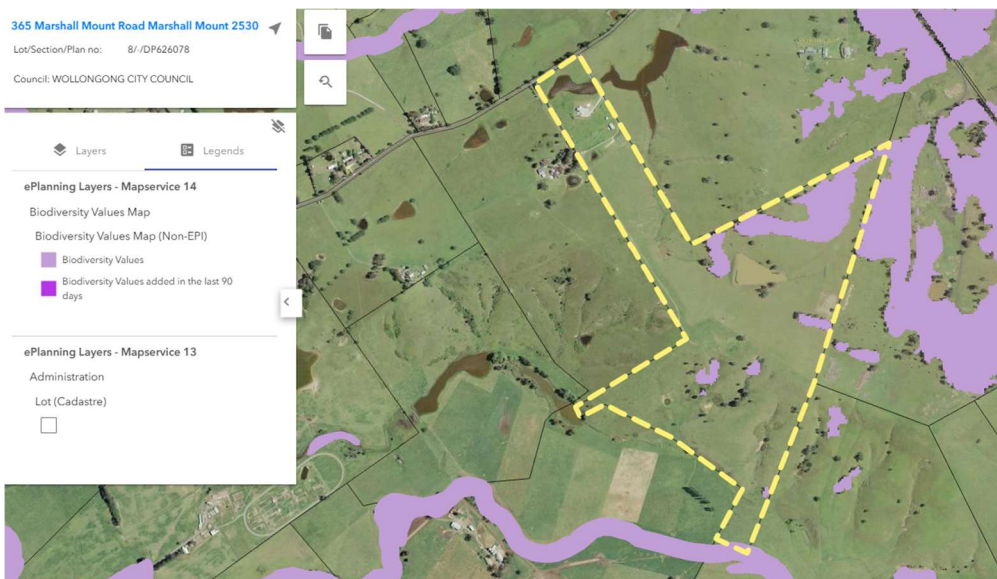


Figure 6 Biodiversity Values mapping from spatial. Source: eSpatial viewer

4.1.2 Flooding

The proposal includes a flood impact study that identifies that the land subject to the proposed new minimum lot size is not affected by any flood scenarios, up to and including a PMF (probable maximum flood). The study notes evacuation via the access road and future Marshall Mount bypass road remains feasible even at the PMF.

4.1.3 Bushfire

The proposal is accompanied by a Strategic Bushfire Assessment that identifies the site as bushfire prone land, vegetation category 3. The assessment indicates future development could comply with Planning for Bushfire Protection (2019), and the accompanying concept plan includes a number of mitigation measures to minimise potential bushfire impact, including APZs.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Aboriginal Heritage	An Aboriginal Cultural Heritage Assessment Report (ACHAR) is included in the proposal (Appendix B10). The assessment identified one existing AHIMS site within the project area, one new AHIMS site and four areas of moderate potential for artefacts. The assessment concluded the new AHIMS site was of low archaeological significance. The existing AHIMS site and four areas of potential are to be protected from impacts by fencing and other management practices. Consultation with relevant RAPs indicated support for the recommendations of the ACHAR (above).
Social and economic (supply and demand)	The site presents an opportunity to facilitate residential development and can be seen as a logical part of the West Dapto Urban Release Area development and is not likely to have a significant impact on the adjoining lands.

4.3 Infrastructure

4.3.1 Transport

The delivery of the Marshall Mount Bypass Road (currently at the 80% concept design stage) that separates the site from the neighbouring Iowna neighbourhood will act as the only access point for the residential development. However, the proponent has stated that the site has access through proponent-owned land from Marshall Mount Road currently, ensuring access in the case of delays to the delivery of the bypass road.

Council considered active and public transport connectivity should be considered, with this infrastructure likely to be lacking, forcing reliance on private vehicles. TfNSW noted that the strategic bus service identified by the proposal along the Bypass Road is not a route developed or being planned by TfNSW.

However, the proponent noted that the Wollongong DCP identifies the Marshall Mount Town Centre Bypass Road is to be designed as a Major Collector Road to provide for future bus services, and a bus route along the bypass road is required to service the neighbouring Iowna

neighbourhood. It is considered that the proposal can be appropriately serviced by transport infrastructure.

4.3.2 Services

The catalyst for this planning proposal was the ability of the site to be connected to sewer. A factor in applying the 4,999m² MLS was that on-site sewerage management would be required. The ability to connect to sewer means that this constraint on lot sizes is no longer applicable.

The proposal notes that water infrastructure will be installed along Marshall Mount Road by the end of 2026, which will ensure water and sewage infrastructure connections for future development. Electrical infrastructure will be provided via the existing 11kV distribution line, however this requires further investigation and liaison with Endeavour Energy. Gas connection is expected to be installed concurrently with neighbouring developments.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. However, the agencies consulted during the non-legislative exhibition are recommended to be consulted again for the formal exhibition. These include the following:

- Sydney Water
- State Emergency Services
- Transport for NSW
- DCCEEW ACH
- DCCEEW BCS
- NSW Rural Fire Service

It is recommended the agencies be given 30 working days to comment.

6 Timeframe

A 15 month time frame to complete the LEP is proposed by Council.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of within nine months of the Gateway determination with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

This proposal has resulted from a rezoning review and Council is unable to act as planning proposal authority (PPA) or local plan-making authority (LPMA). The Planning Panel will act as PPA and the Department will be LPMA.

8 Recommendation

It is recommended the delegate of the Secretary:

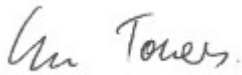
- Agree that any inconsistencies with section 9.1 Directions 3.1 Conservation Zones and 3.2 Heritage Conservation are justified and
- Note that consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection will be determined following consultation with the NSW RFS.

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. Consultation is required with the following public authorities:
 - Sydney Water
 - State Emergency Services
 - Transport for NSW
 - DCCEEW ACH
 - DCCEEW BCS
 - NSW Rural Fire Service
2. The planning proposal should be made available for community consultation for a minimum of 20 working days

The timeframe for the LEP to be completed is on or before nine months of the Gateway determination.



28 January 2026

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29/1/2026

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