



IRF25/2461

Gateway determination report – PP-2025-794

West Dapto Minor Amendments – West Dapto Urban
Release Area

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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
Planning Proposal – 250411-084-E2 (Proponent planning proposal) – PP-2025-794
Planning Proposal – 2025-10-29 West Dapto Minor Amendments (Council planning proposal) – PP-2025-794

Appendix 1 – 2022-205 - 27 North Marshall Mount Road, Marshall Mount – Riparian Assessment – PP-2025-794

Appendix 2 – 2022-205 – 27 North Marshall Mount Road, Marshall Mount – BDAR – PP-2025-794

Appendix 3 – 2025-09-15 Council Report 27 North Marshall Mount Road – PP-2025-794

Appendix 4 – 2025-09-15 Council Minutes extract – PP-2025-794

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wollongong
PPA	Wollongong City Council
NAME	West Dapto Minor Amendments, 0 homes 0 jobs
NUMBER	PP-2025-794
LEP TO BE AMENDED	Wollongong LEP 2009
ADDRESS	Various lots within Stage 1, 2 & 5 of the West Dapto Urban Release Area
DESCRIPTION	Various including Lot 201 / DP 803486 & Lot 1 / DP 1184741
RECEIVED	29/10/2025
FILE NO.	IRF25/2461
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:

- Facilitate the development of West Dapto Urban Release Area by making minor adjustments to the boundaries of zoning, heritage, land acquisition, floor space ratio and minimum lot size.

1.3 Explanation of provisions

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

1. Amend land use zoning at 27 North Marshall Mount Road as per Table 3

Table 3 Current and proposed controls at 27 North Marshall Mount Road

Control	Current	Proposed
Zone	C2	RE1
	C4	R2
Floor space ratio	N/A	0.5:1
Minimum lot size	999m ²	449m ²

2. Amend land use zoning at 143 North Marshall Mount Road as per Table 4

Table 4 Current and proposed controls at 143 North Marshall Mount Road

Control	Current	Proposed
Zone	C2	C4
Minimum lot size	39.99ha	4999m ²
Height of building	N/A	9m

3. Amend zoning and Land Acquisition maps by modifying some areas of C2 Environmental Conservation to C3 Environmental Management to enable roads as permitted with consent and to create road reserves.
4. Amend Clause 4.1B Lot averaging subdivision in Zone RU2, Zone C3 or Zone C4 by adding the following text:
 - (4)(c) The subdivision will not result in any lot being less than 20% below the stated minimum lot size for that land.
5. Amend Clause 7.2 Natural Resource Sensitivity as per Table 5 to update references to legislation

Table 5 Current and proposed wording of Clause 7.2 of the WLEP 2009

Current wording	Proposed wording (proposed change in red font)
5(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	5(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the <i>Local Land Services Act 2013</i> or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
5(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or	5(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Local Land Services Act 2013</i> as continued in force by that clause, or
5(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserves under the <i>Forestry Act 1916</i> , or	5(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserves under the <i>Forestry Act 2012</i> , or
5(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying Act 2002</i> , or	5(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying and Spatial Information Act 2002</i> , or
5(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i> .	5(e) plants declared to be noxious weeds under the <i>Biosecurity Act 2015</i> .

6. Amend the Natural Resources Biodiversity – Sensitivity mapping to remove the affectation from developed properties, where an adopted Neighbourhood Plan is in force that identifies the land for intensive forms of development – such as the development anticipated in Residential, Commercial and Industrial zones.

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 proposal applies to land within the West Dapto Urban Release Area.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the WLEP 2009 maps, however the scale of the maps does not easily allow changes to be identified.

It is recommended that more detailed mapping be added to the proposal to clearly show where boundaries are being amended and what is changing.

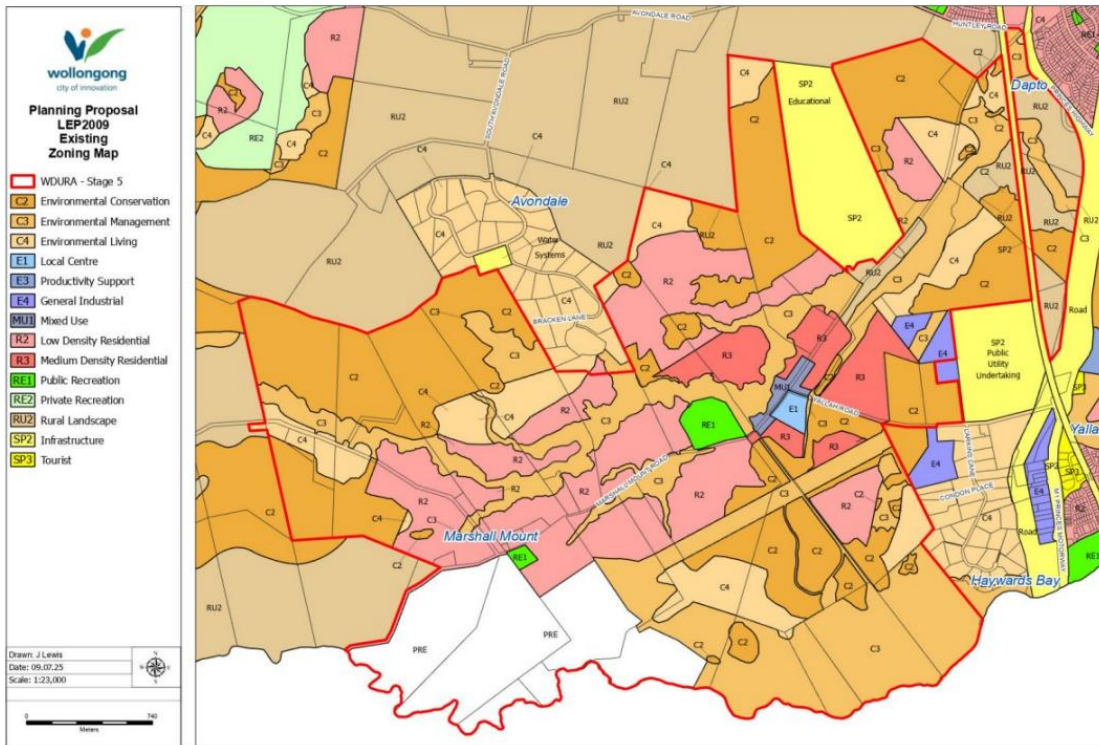


Figure 1 Current zoning map

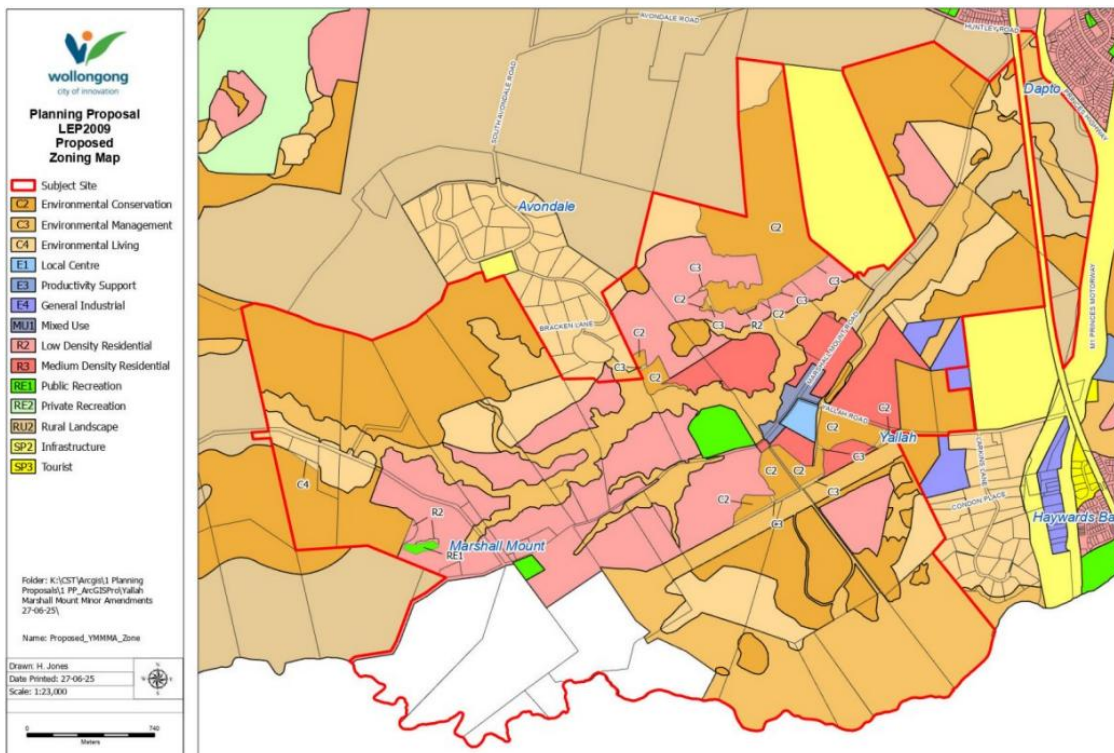


Figure 2 Proposed zoning map

1.6 Background

Stage 5 of the West Dapto Urban Release Area was rezoned for urban purposes in June 2018.

While planning for infrastructure, Council noted minor issues within the WLEP 2009 that required amendment to assist with the development of the precinct.

On 28 July 2025 Council resolved to progress a planning proposal to make the required changes, including rezoning of land within 27 North Marshall Mount Road.

Simultaneously, the proponent for 27 North Marshall Mount Road submitted a proposal (attachment **Proponent Planning Proposal**) for minor zoning changes within the boundaries of Lot 201 DP 803486, to align with a concept development application (council no. 2023/269) for the subdivision of land and other changes including the dedication of land as RE1 Public Recreation.

On 28 August 2025 the Wollongong Local Planning Panel (WLPP) considered the proponent planning proposal and supported the rezoning of C2 land to RE1, and subsequent dedication. The WLPP recommended that the two proposals be combined due to covering the same property. This proposal is a result of that recommendation.

2 Need for the planning proposal

The proposal is a result of the Council resolution dated 15 September 2025, and the background discussed in section 1.6. The planning proposal has been initiated by Council.

The planning proposal is the only way to amend the LEP with the six changes listed in section 1.3. These assist in the development of the West Dapto Urban Release Area, as supported by the West Dapto Structure Plan and the strategic documents discussed in section 3.

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.

Table 6 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 11: Protect important environmental assets	The proposal includes protection of high value existing vegetation, as a public park. This aligns with Strategy 11.1 and 11.4, to <i>protect important environmental assets</i> and <i>protect biodiversity values in urban release areas</i> respectively.
Objective 18: Provide housing supply in the right locations	The proposal will assist in enabling residential development in the West Dapto Urban Release Area, following the structure plan and strategies that have identified the area as appropriate for residential development for decades. The proposal aligns with Strategy 18.1 <i>facilitate opportunities to support ongoing supply of housing in appropriate locations</i> and the site is identified as a 'housing release area' on Map 9 of the Illawarra-Shoalhaven Regional Plan 2041.

Objective 19: Deliver housing that is more diverse and affordable	The planning proposal supports a concept development application that incorporates 240 low and medium density lots and 12 large environmental living lots, aligning with Strategy 19.1 <i>provide a mix of housing types and lot sizes including small lots in urban release areas.</i>
Objective 21: Respond to the changing needs of local neighbourhoods	The planning proposal supports the dedication of a public park to Council, aligning with Strategy 21.1 <i>improve public space to foster and support great places to live for changing populations.</i>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies.

Table 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The proposal is consistent with the following planning priorities from the Wollongong LSPS 2025: Priority 1. <i>We rehabilitate and protect natural environments and ecosystems</i> ; Priority 3. <i>We have access to green and healthy urban open spaces</i> ; and Priority 4. <i>The natural, built and cultural context informs the design of places</i> due to the retention and dedication of a high-quality environment as a public park.
Our Wollongong Our Future 2032 Community Strategic Plan	The proposal is consistent with Goal 1: <i>We value and protect our environment</i> . It also delivers on strategy 1.6 <i>West Dapto urban growth is effectively managed with facilities and spaces to support the future community.</i>
Wollongong Housing Strategy 2023	The proposal will support the development of the West Dapto Urban Growth Area by correcting minor errors, enabling residential development while protecting natural resources and protecting future road corridors consistent with the objectives of the Wollongong Housing Strategy 2023.

3.3 Local planning panel (LPP) recommendation

As noted in section 1.6, the Wollongong LPP considered the proponents planning proposal and supported the change from the original (Council) proposal zoning of C3 Environmental Management to RE1 Public Recreation. The WLPP also recommended the proposal be combined with Council's proposal.

3.4 Section 9.1 Ministerial Directions.

The planning proposal is generally consistent with relevant section 9.1 Directions.

Directions of particular significance are discussed below:

3.1 Conservation zones

The proposal is inconsistent with this direction as it seeks to reduce the conservation standards of land within the West Dapto Urban Release Area, including land marked as 'Natural Resource Sensitivity and Biodiversity' on the *Wollongong LEP 2009 Natural Resource Sensitivity and*

Biodiversity map. However, this inconsistency is justified as the changes align with several strategic plans including the *West Dapto Structure Plan* and the *Illawarra Shoalhaven Regional Plan 2041* and is also supported by a riparian assessment and BDAR. Essentially, the proposal reflects that better information is available than that used to inform the initial controls.

Referral to Biodiversity and Conservation will also ensure the environmental impacts of the proposal are considered.

It is recommended that the Secretary agree that the inconsistency with this Direction is justified.

4.3 Planning for Bushfire Protection

This Direction aims to protect life, property and the environment from bushfire hazards by discouraging incompatible land uses and encouraging sound management.

Various sites within the planning proposal are identified as bushfire prone land. A bushfire assessment has been prepared as part of Concept DA 2023/269; however, this only covers 27 North Marshall Mount Road.

The proposal is likely to have very minimal impacts on bushfire risk; however, the terms of the direction do not allow a proposal to be inconsistent based on minor significance. Therefore, Council will be required to consult with NSW RFS following receipt of a Gateway determination to satisfy the terms of this direction.

It is recommended that the Secretary agree that this proposal will be consistent with this direction following consultation with the NSW RFS.

5.2 Reserving Land for Public Purposes

This Direction aims to facilitate the provision of public services and facilities.

It states that a planning proposal must not create, alter or reduce zones or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary.

This proposal rezones land from a conservation zone to a public recreation zone and, therefore, the approval of the Secretary of the Department is required.

As Council accepts the reservation of the land it is recommended that the Secretary approve the additions to the RE1 land.

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 will not impact on the operation of the SEPP.
Housing	Consistent	The proposal does not impact on the operation of the SEPP.
Resilience and Hazards	Consistent	The proposal does not impact on the operation of the SEPP.

4 Site-specific assessment

4.1 Environmental

Biodiversity

The proposal involves minor adjustments to zone boundaries and controls and is not considered to have a significant impact on environmental values.

The proposal rezones land allowing for more intensive land uses, including residential development and roads. However, the affected land is included within the West Dapto Urban Release Area Structure Plan, and strategic assessment has already been carried out regarding the environmental impacts of development in West Dapto.

Specific to 27 North Marshall Mount Road, the rezonings will enable alignment with a concept plan boundary, preserving an area of high environmental value as a public recreation area. Detailed environmental impact assessment has been undertaken and is attached as **Appendix 2**.

Specific to 143 North Marshall Mount Road, the rezonings will permit more intensive land use of the part of the lot currently zoned C2 Environmental Conservation. However, the proposed change aligns with the property boundary and existing West Dapto structure plan and is considered to be of minor significance.

4.2 Social and economic

The proposal will have a positive social and economic impact as it will assist in the planned development of the West Dapto Urban Release Area, enabling better quality dwellings. It will ensure a public park will be included in development of 27 North Marshall Mount Road, improving amenity and quality of life for future community members.

4.3 Infrastructure

The proposal does not increase demand on services or infrastructure as the land was already zoned for an urban outcome.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal:

- NSW Rural Fire Service
- Transport for NSW
- DCCEWW Biodiversity, Conservation and Sciences Division

This is considered acceptable.

6 Timeframe

Council proposes a 4 month time frame to complete the LEP.

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

4 months is not considered sufficient time to exhibit and finalise the planning proposal and address any issues that may arise. A timeframe of 9 months is recommended.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is for various minor local amendments, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.1 Conservation Zones is minor or justified; and
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection is unknown and will require consultation with NSW Rural Fire Service.
- Approve the addition of land for a public purpose as required by section 9.1 Direction 5.2 Reserving land for public purposes.

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. Prior to exhibition the following updates to the proposal should be made:
 - Section B: Q6 & Q7. Currently, both Q6 and Q7 discuss Ministerial directions. The proposal should be updated so that the discussion Q6 addresses State Environmental Planning Policies and Q7 addresses consistency with Ministerial Directions.
 - More detailed mapping on proposed changes and boundary adjustments should be included. The scale of the existing mapping in the proposal makes it difficult to identify exactly what changes are proposed.
2. Prior to community consultation, consultation is required with the NSW Rural Fire Service.
3. Consultation is required with the following public authorities:
 - DCCEEW Biodiversity, Conservation and Sciences
 - Transport for NSW
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 21 August 2026 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 21 August 2026

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14/11/25

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