



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	6 November 2025
DATE OF DECISION	23 October 2025
PANEL MEMBERS	Chris Wilson (Chair), Grant Christmas, Juliet Grant
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2025-07 – Wollongong LGA – PP-2024-2739

365 Marshall Mount Road, Marshall Mount (As described in Schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
 - ☐ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous in favour.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Wollongong City Council and the proponent, Cavi Property Group.

Strategic Merit

The Panel agreed that the planning proposal had Strategic Merit given that:

- it responds to a change in circumstances that has not been recognised in Council's strategic plans which have informed the current zoning and associated provisions for the site and broader West Dapto Urban Release Area (WDURA);
- it facilitates the opportunity for more housing, in response to the broader NSW housing crisis, than is currently permitted on the site;

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4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | strategicpanels@dpie.nsw.gov.au

- the site has been identified in the WDURA for housing and this is reflected in the current zoning of the site, which is not proposed to change as part of this proposal; and
- it is generally consistent with the vision for the site in the WDURA.

Site Specific Merit

The Panel agreed that the planning proposal had Site Specific Merit given that:

- the proposal demonstrates that suitable access arrangements can be provided for in the context of the planned road infrastructure identified in the WDURA. This includes adequate evacuation routes in response to bushfire and flooding hazards on and neighbouring the site;
- suitable asset protection zones can be provided for to ensure compatibility with the identified bushfire hazard; and
- suitable mechanisms for surrounding conservation lands can be provided for to protect environment values on adjacent sites.

Panel recommendations

The Panel requires that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal report and associated documents must be consistent with the LEP Plan Making Guidelines 2023.

The Panel notes that:

- Clause 6.2 of the Wollongong LEP requires preparation of a site-specific Development Control Plan. Consultation should be undertaken with Council about the necessity to amend the existing DCP, noting the planning proposal relates to a change in lot size; and
- consideration be given to the stewardship of neighbouring C2 land and the opportunity for the OSD basin to be secured through a community title scheme that applies across the site.

The Panel requires confirmation from the proponent that they agree to:

- a) revise the planning proposal to be consistent with the Panel's recommendations; and
- b) subsequently provide a revised planning proposal to address the Panel's concerns.

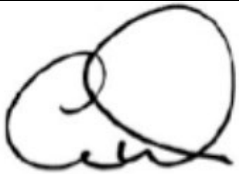
The proponent has up to two weeks from the date of this determination to confirm whether they agree to proceed in accordance with the Panel's decision. Should the proponent not agree to proceed in accordance with the decision, then the Panel will reconvene to determine that the planning proposal will not be submitted for Gateway Determination.

Wollongong Council has resolved not to support the planning proposal, and thus are unable to accept the role of Planning Proposal Authority (PPA) for this planning proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this planning proposal.

Should the proponent fail to pay the PPA fee within one month of this determination, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

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PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2025-07 – Wollongong LGA – PP-2024-2739 – at 365 Marshall Mount Road, Marshall Mount, Wollongong.
2	LEP TO BE AMENDED	Wollongong Local Environmental Plan (LEP) 2009
3	PROPOSED INSTRUMENT	The proposal seeks to: Reduce the minimum lot size from 4,999sqm to 999sqm
4	MATERIAL CONSIDERED BY THE PANEL	Material considered by the Panel included: - Rezoning review request documentation - Additional visuals from DPHI 23 October 2025 - Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 8 October 2025 - Slide presentations from DPHI, 23 October 2025 and Cavi Property Group 23 October 2025
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	Site inspection with Department of Planning, Housing and Infrastructure (DPHI): 10:00am – 11:30pm, 23 October 2025 - Panel members in attendance: Chris Wilson (Chair), Grant Christmas, and Juliet Grant - DPHI staff in attendance: Louise McMahon, Alex Galea, Luke Fanayan, Graham Towers - Key issues discussed included: - The sites context and relationship to the wider WDURA and neighbouring growth in Shellharbour LGA. - Natural hazards applying to the site and neighbouring land. - Agency feedback. - Site access. Briefing with Department of Planning, Housing and Infrastructure (DPHI): 1:00pm – 1:45pm, 23 October 2025 - Panel members in attendance: Chris Wilson (Chair), Grant Christmas, and Juliet Grant - DPHI staff in attendance: Louise McMahon, Alex Galea, Luke Fanayan, Graham Towers - Key issues discussed: - Strategic merit of the proposal was discussed, including its location within the Urban Release Area (URA) and alignment with the broader planning vision. - Feedback received from relevant agencies, including the key site-specific issues. - Servicing requirements were discussed, including the influence of on-site sewage management (OSSM) on determining appropriate lot sizes. Briefing with Wollongong City Council: 1:45pm – 2:30pm, 23 October 2025

	○ Panel members in attendance: Chris Wilson (Chair), Grant Christmas, and Juliet Grant ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Luke Fanayan, Graham Towers ○ Council representatives in attendance: David Green, Jon Bridge ○ Key issues discussed included: ○ Council's position on strategic planning and alignment, including a precinct-based planning approach, concerns about spot rezonings, and consistency with adopted neighbourhood plans and strategic planning frameworks. ○ Site constraints and proposed concept, including the lack of response to view corridors, topography, and surrounding land uses, servicing, along with concerns about generic subdivision design. ○ Access and transport planning, including road design, connectivity to surrounding areas and town centres, pedestrian and public transport considerations, and flood impact. ○ The need for diverse lot sizes. ○ Land management and environmental stewardship principles. ○ Council's previous engagement, scoping advice, and expectations for future submissions were acknowledged, including a preference for withdrawal of the current proposal in favour of a more comprehensive precinct plan. ● Briefing with Cavi Property Group (Proponent): 2:45pm – 3:30pm, 23 October 2025 ○ Panel members in attendance: Chris Wilson (Chair), Grant Christmas, and Juliet Grant ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Luke Fanayan, Graham Towers ○ Proponent representatives in attendance: Ed Karim, Christophor Curtis, Kelly MacDonald, Jessica Saunders, Mike Wilson, Anthony Whealy ○ Key issues discussed: ○ The proponent outlined the site context, strategic alignment, and planning requirements, including the potential use of a Concept DA and the need for a DCP under the WDURA. ○ Future character of the surrounding area, including proximity to urban development, town centres, and comparisons to similar sites such as Ducks Creek. ○ Development yield and design limitations, including the impact of site constraints such as cut and fill, vegetation, topography, and road access limitations. ○ Servicing capacity and infrastructure delivery. ○ Transport issues, including connectivity to the Iowna Neighbourhood Plan, bypass road design, temporary
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		access options, future traffic impact and public transport potential. ○ Bushfire protection and emergency planning requirements. ○ Land management responsibilities, including stewardship of constrained land. ● Panel Discussion: 3:15pm – 4:00pm, 23 October 2025 ○ Panel members in attendance: Chris Wilson (Chair), Grant Christmas, and Juliet Grant ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Luke Fanayan, Graham Towers ○ Key Issues discussed included: ○ Strategic context of the site. ○ Access and road design considerations, including the potential to redesign the bypass road, integration with the Iona Neighbourhood, and limitations posed by C2 land. ○ Traffic and access to the site.
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