

Post-Exhibition Report – PP-2024-2739

The planning proposal seeks to facilitate the delivery of residential lots by amending the minimum lot size controls of the Wollongong Local Environmental Plan 2009 (Approximately 72 residential lots, 0 jobs).

1 Introduction

The planning proposal is at the post exhibition stage, which is the last stage before a Local Environmental Plan (LEP) may be made and finalised. The Southern Regional Planning Panel (the Panel) determined at a rezoning review that the proposal had strategic and site merit (6 November 2025). Subsequently, a Gateway assessment was undertaken, and a Gateway Determination was issued on 29 January 2026 for the proposal to proceed, subject to conditions. Consultation with agencies and the community required by the Gateway Determination conditions has now been completed.

The purpose of this report is to provide a summary of the key matters raised by members of the public, Wollongong City Council (Council) and public agencies during the public exhibition of the planning proposal for 365 Marshall Mount Road, Marshall Mount (the site). The report makes a recommendation to the Panel that it submit the proposal (**Attachments A1 - A15**) to the Department of Planning, Housing and Infrastructure for Finalisation.

Element	Description
Date of Gateway Determination	29 January 2026
Date Public Exhibition	16 April 2026 – 14 May 2026
Planning Proposal no.	PP-2024-2739
LGA	City of Wollongong
LEP to be amended	<i>Wollongong Local Environmental Plan 2009</i>
Address	365 Marshall Mount Road, Marshall Mount NSW 2530 (Part Lot 8 DP 626078)
Brief overview of the timeframe/progress of the planning proposal	17 December 2024 – Planning proposal (PP-2024-2739) is lodged with Council. 10 February to 10 March 2025 – Non-statutory public exhibition and agency consultation undertaken by Council. 12 May 2025 – Wollongong Local Planning Panel recommended Council to not support the planning proposal. 16 June 2025 – Wollongong City Council resolved not to progress the planning proposal.

Element	Description
	28 July 2025 – Rezoning review request submitted on the NSW Planning Portal. 14 August 2025 – Rezoning Review (RR-2025-07) is accepted by the Department and acknowledgement letters sent to the proponent, Council and the Panel Chair. 6 November 2025 – The Panel determined that the planning proposal should be submitted for Gateway determination due to demonstrating both strategic and site-specific merit (Attachment B). 2 December 2025 – The proponent provides updated package in accordance with the Panel's conditions. 15 December 2025 – Proposal submitted for Gateway determination. 29 January 2026 – A Gateway determination is issued (Attachment C). 2 February 2026 – NSW Rural Fire Service (RFS) is consulted in accordance with the Gateway determination. 23 February 2026 – NSW RFS advice received (Attachment A15). 26 March 2026 – The proponent provided an updated version of the planning proposal in response to the NSW RFS advice. 13 April 2026 – The PPA Team on behalf of the Panel, determined that the planning proposal was consistent with the Gateway determination. In accordance with the <i>Sydney District & Regional Planning Panel Operational Procedures November 2022</i>, there was no need to refer the planning proposal to the Panel prior to public exhibition (Attachment E). 16 April to 14 May 2026 – The planning proposal is publicly exhibited. 21 May 2026 – Council's endorsed submission is provided to the Department (Attachment G). 15 June 2026 – The proponent provides their Response to Submissions (RtS) package (Attachment J).
Finalisation date required by Gateway Determination	29 October 2026
Department contact:	Elke Tuckfield, Planning Officer, Planning Proposal Authority (PPA)

1.1 The Site and local context

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 – highlighted red in **Figure 1**.

The land is located on the lower foothills of the Illawarra Escarpment and is generally cleared.

The site is approximately 4.4km north-west of Albion Park Railway Station, 2km west of the Princes Highway, and 8km east of Macquarie Pass National Park. The broader site is located partially within the Iwona Neighbourhood Concept Plan identified as part of the West Dapto Release Area under the Wollongong Development Control Plan; however, it is noted that the subject site has not been mapped within the Iwona Neighbourhood area.



Figure 1 – Subject site (source: Nearmap, Department annotated)

1.2 State Electorate and local member

The site falls within the Kiama state electorate. Ms Katelin McInerney MP is the State Member. The site falls within the Whitlam federal electorate. Ms Carol Berry MP is the Federal Member. To the team’s knowledge, neither MP has made any written representations regarding the proposal. There are no donations or gifts to disclose, and a political donation disclosure is not required.

1.3 Planning Proposal

Table 1 – Overview of planning proposal

Element	Description
Site Area	Approximately 12ha
Site Description	Part Lot 8 DP 626078

Element	Description
Proposal summary	The planning proposal seeks to amend the Wollongong LEP 2009 to enable a residential development of up to 72 dwellings though amending the Minimum Lot Size Map for the subject site from 4,999m² to 999m². <u>Development Control Plan (DCP)</u> The proponent proposes the preparation of a Stage 1 concept development application to meet the requirements of Clause 6.2 in the Wollongong LEP 2009.

The planning proposal (**Attachment A1** and **Table 1**) seeks to amend the Wollongong LEP 2009 per the changes in **Table 2** below.

Table 2 – Current and proposed controls

Control	Current	Proposed
Zone	C4 Environmental Living	No change
Minimum lot size	4,999m ²	999m ²
Urban release area/DCP clause Clause 6.2 of Wollongong LEP requires the preparation of a site-specific DCP for land within an Urban Release Area prior to development consent.	Applies to the site	No change

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

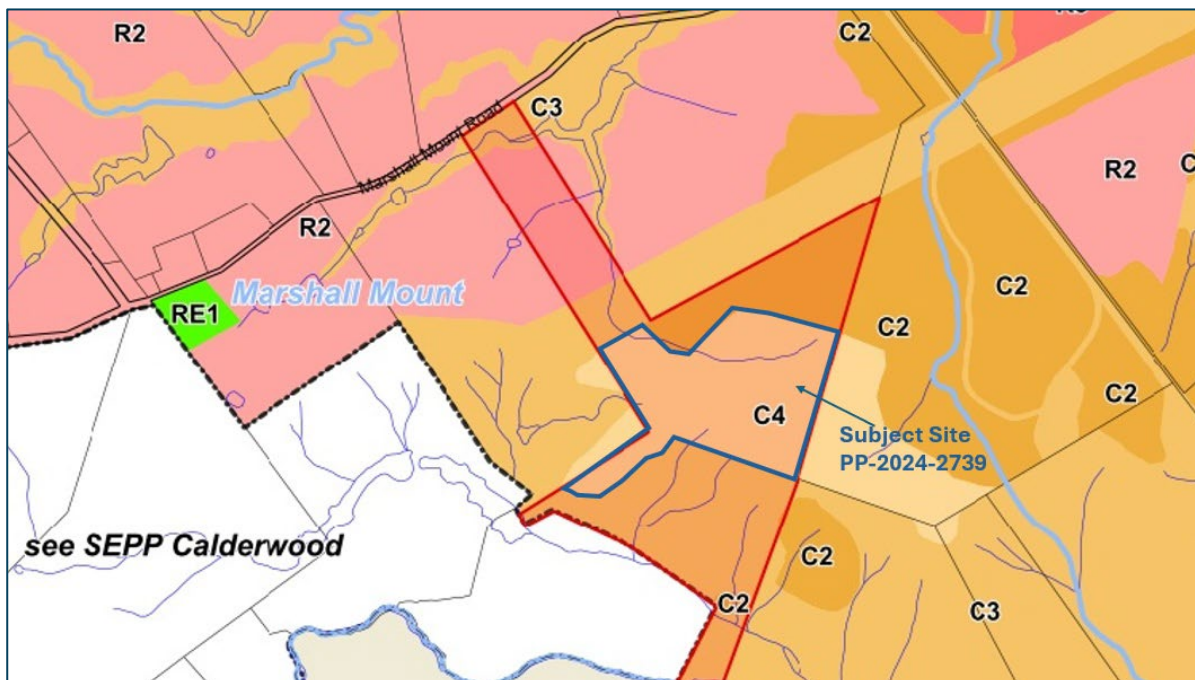


Figure 2 – Current Land Zone Map (source: Planning Proposal, March 2026)

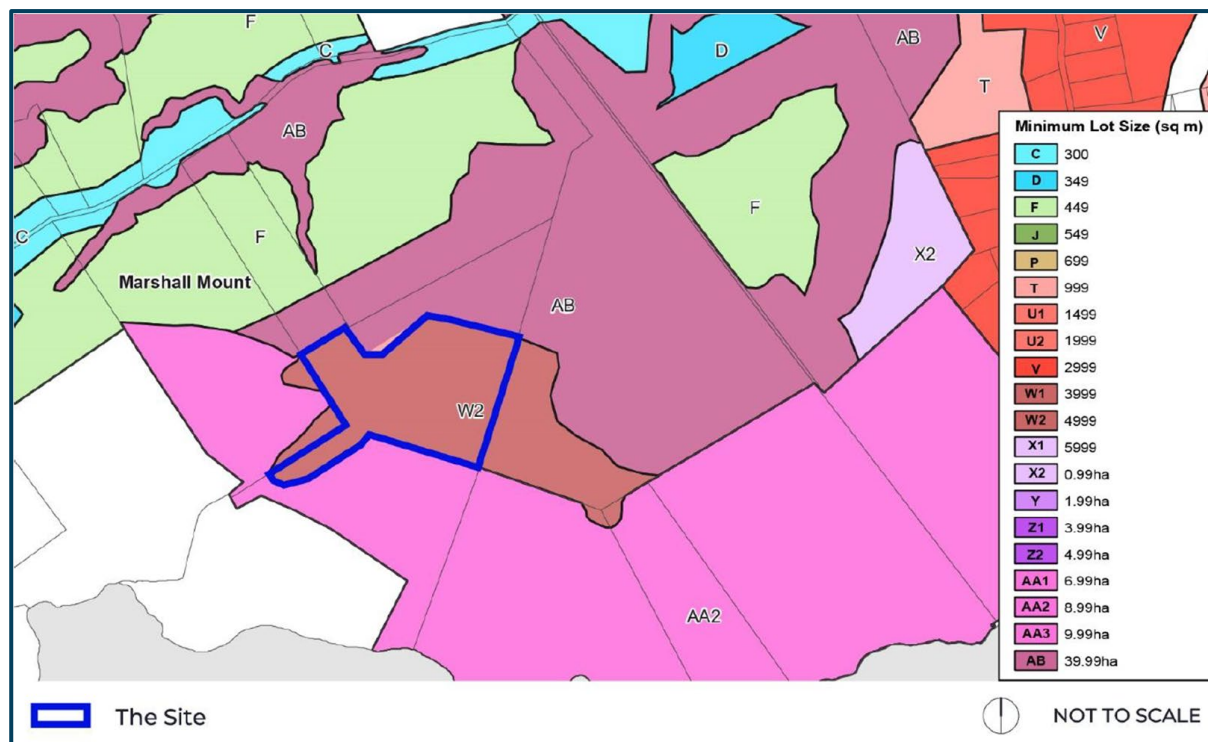


Figure 2 – Current Minimum Lot Size (source: Planning Proposal, March 2026)

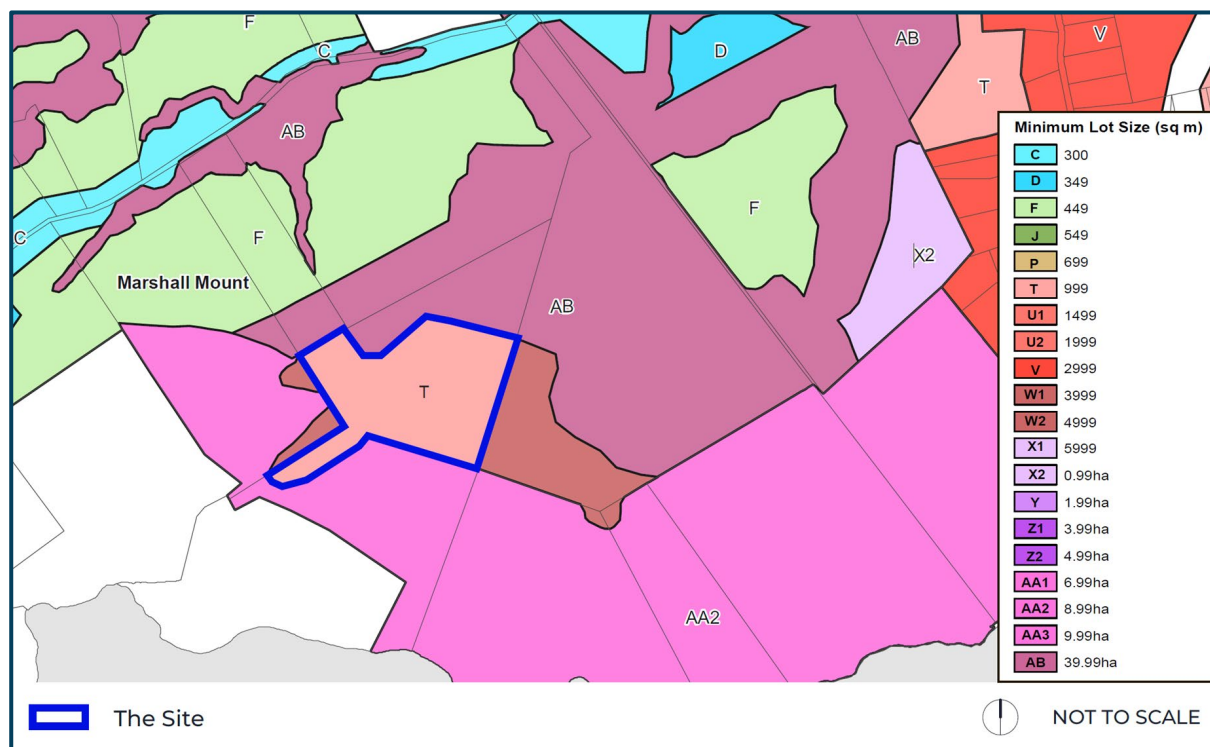


Figure 3 – Proposed Minimum Lot Size (source: Planning Proposal, March 2026)

1.4 Rezoning Review

On 23 October 2025, the Southern Regional Planning Panel considered a rezoning review for this planning proposal because Council notified the proponent it will not support the proposed amendment.

The Panel determined on 6 November 2025 to support the planning proposal because the proposal has demonstrated strategic and site specific merit and is consistent with State and Local Strategies. The Panel made the following recommendations:

- 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 also noted 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's determination and reasons for its decision are provided in **Attachment B**.

The Panel appointed itself as the Planning Proposal Authority (PPA).

The proposal was submitted to the Department for a Gateway determination on 15 December 2025.

1.5 Gateway determination

The Gateway determination issued on 29 January 2026 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

1. *Prior to public exhibition, consultation with NSW Rural Fire Service on the planning proposal is required and any comments addressed in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection.*
2. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*

the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

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 Guideline (Department of Planning and Environment, August 2023).
3. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act:*
 - *Sydney Water*
 - *State Emergency Services*
 - *Transport for NSW*
 - *DCCCEEW ACH*
 - *DCCCEEW BCS*
4. *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 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).*

The Gateway determination identifies that the proposal is to be finalised before 29 October 2026. All conditions of the Gateway determination have been met (see **Attachment D**).

2 Community Consultation

2.1 Pre-exhibition Consultation

In accordance with the Gateway determination, the NSW Rural Fire Service (RFS) was consulted prior to exhibition.

The NSW RFS raised no objections to the proposal and provided advice on matters to be addressed as part of a future subdivision application to Council (**Attachment A15**).

The planning proposal was updated by the proponent prior to exhibition to address the NSW RFS advice as follows:

- Discussion included in the proposal addressing Ministerial Direction 4.3 Planning for Bushfire Protection; and
- Confirmed that following further discussion between the proponent's bushfire consultant and the NSW RFS, that the NSW RFS advice received identifies the matters to be considered at the subdivision development application stage, rather than as part of the planning proposal.

2.2 Public Exhibition

On 13 April 2026, the PPA Team advised the Panel that the proposal had been satisfactorily amended to meet the Gateway Conditions for public exhibition to commence (**Attachment E**).

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal from 16 April to 14 May 2026. An additional day was included above the required timeframe due to a public holiday falling within the exhibition period.

3 Submissions

3.1 Submissions during exhibition

A total of 8 submissions were received during the exhibition period, including:

- 2 public submissions (**Attachment I**);
- 5 Agency submissions (**Attachment H**); and
- a submission from Wollongong City Council (**Attachment G**).

There was a community submission received objecting to the proposal, and a community submission received in support from an organisation, Oakley Developments Pty Ltd.

A table outlining the PPA Team and the proponent's response to submissions is provided as **Attachment F**.

3.1.1 Submissions supporting the proposal

The community submission received supporting the proposal during exhibition from Oakley Developments Pty Ltd, a neighbouring landholder, who supported the proposed reduction of the minimum lot size.

3.1.2 Submissions objecting to and/or raising issues about the proposal

The community submission objecting to the proposal raised concerns, including:

- the Indicative Concept Scheme design has the potential to impact the feasibility of a joint venture agreement for a future residential development across both landholdings; and
- the proposal may have incorrectly identified the significance of Aboriginal Cultural Heritage artefacts on their property and allocated a larger buffer than necessary on the Indicative Concept Scheme design.

3.1.3 Submissions from Agencies

In accordance with the Gateway Determination, the following agencies were consulted:

- Conservation Programs, Heritage & Regulation (CPHR) group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Heritage NSW
- NSW State Emergency Service (SES)
- Sydney Water
- Transport for NSW (TfNSW)

Submissions were received from all agencies listed above. The agencies submissions are provided in full at **Attachment H**. The response to all matters raised in agency submissions are addressed in **Attachment F**.

3.1.4 Submission from Council

A submission was received from Wollongong City Council; the submission is provided in full at **Attachment G**. Council's submission maintained their previous objection to the planning proposal and raised multiple concerns with the proposal including:

- Strategic merit;
- Access and emergency egress;
- Transport and road infrastructure including in relation to the future Marshall Mount Bypass; and
- Bushfire considerations.

The response to all matters raised in Council's submission are addressed in **Attachment F**.

3.2 Key Issues from submissions

3.2.1 Issue – Flooding & Emergency Access

DCCEEW CPHR Response:

CPHR's submission raised the following flooding matters:

- concern raised regarding site isolation in the event of flooding impacting surrounding existing roads;
- recommends a comprehensive Flood Impact and Risk Assessment (FIRA) to address the requirements of Local Planning Direction 4.1 - Flooding over the range of floods up to the Probable Maximum Flood (PMF) including issues relating to flood and isolation risk, flood impacts and public safety, including any emergency management and access advice from the NSW SES; and
- it is unclear whether the Marshall Mount Bypass Road would be delivered prior to the proposed development. The FIRA is recommended to include confirmation of the timing for construction of the Marshall Mount Bypass Road relative to progression of the proposal, and the outcomes of consultation with the NSW SES.

Council Response:

- The proposal relies on a single access point, which raises concerns in emergency situations (e.g. bushfire or flooding). This access is dependent on the future bypass road and cannot yet be finalised.

NSW SES Response:

- The proposal has considered flooding issues in accordance with the requirements of NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning and relevant planning circulars and directions under the *Environmental Planning and Assessment Act, 1979*, including Local Planning Direction 4.1 Flooding.
- Noted all proposed lots and roadways are proposed to be located above the PMF, including the future Marshall Mount Bypass Road being delivered by Council by around 2030. Should the Marshall Mount Bypass Road not be constructed before the proposed development, site access can be temporarily provided through the Iowna Neighbourhood.

TfNSW Response:

- No objections were raised to the proposal, the proposed interim access road or the proposed access to the site being a left in, left out unsignalised intersection, following the construction of the Marshall Mount Bypass Road.

Proponent Response:

- Access and emergency management are considered in the traffic, bushfire and flood documentation provided in support of the Planning Proposal. The NSW SES notes that all proposed lots and roads are above the PMF and that temporary access through Iowna will be available if the Marshall Mount Bypass Road is not constructed before the development.
- The site itself is not flood affected, and any downstream flooding impacts will be dealt with through the development of adjoining lands and the delivery of new and road upgrades as outlined within the West Dapto Development Contributions Plan. Any existing flooding impacts are issues that are relevant to the entirety of the West Dapto Urban Release Area and other users of the network.
- The additional traffic generation resulting from the increased development potential of the land would not have any adverse impact on the capacity of the surrounding road networks in the event of a flood.
- A FIRA was not requested as part of the scoping stage of the proposal and is not warranted in this instance.
- Roads and essential infrastructure will be available before the occupation of the site.
- Matters raised by the NSW SES will be the subject of a future Neighbourhood Plan/Concept DA.
- The design of the intersection of the site with the Marshall Mount Bypass Road will be the subject of a future DA process.

PPA Team Response:

The proposal adequately addresses flooding and emergency access arrangements for reasons including:

- the NSW SES nor NSW RFS have raised concerns or objections with the proposal, including increases in density, consistency with flooding and bushfire ministerial directions, the need for a FIRA or evacuation routes. These agencies are responsible for flood and/or bushfire evacuation during an emergency;
- NSW SES and Council have not required the prep considered that should the Marshall Mount Bypass not be constructed before the proposed development, temporary site access can be provided through the Iowna Neighbourhood;
- NSW SES noted that all proposed development is above the PMF;
- the proposal does not introduce any new land uses on the site, which ensures compatibility with the any flooding hazards on or neighbouring the site;
- TfNSW raised no objection to the proposal, including site access arrangements or likely traffic generation; and
- the existing site-specific DCP provision under Clause 6.2 of the Wollongong LEP 2009 includes specific provisions dealing with flooding to ensure future detailed design adequately responds to natural hazards on or neighbouring the site.

3.2.2 Issue - Biodiversity

DCCEEW CPHR Response:

- The indicative subdivision layout identifies residential lots across mapped watercourses and areas of High Environmental Value (HEV).
- Recommendation to include BAM plots in grassland areas outside of remnant woodland as part of future on-ground assessments, to confirm species composition for Illawarra Lowlands Grassy Woodland Threatened Ecological Community (TEC) in developable areas.
- Recommendation for a robust Vegetation Management Plan (VMP) that meets the West Dapto Release Area DCP (Chapter D16 of the Wollongong DCP) objectives and requirements from other agencies including the Natural Resources Access Regulator (NRAR).
- Recommendation to consider suitable mechanisms as part of the proposal or future Neighbourhood Plan to protect remnant C2 zoned lands, including through incorporating adjoining properties into a broader conservation area.
- Noted an inconsistency between the Planning Proposal Report (Table 7) and the findings of the Ecological Constraints and Opportunities Report.

Proponent Response:

- Matters relating to HEV land, mapped watercourses, TEC vegetation and SAI risk will be further considered through detailed subdivision design, future development assessment and any required biodiversity assessment pathway.
- Future assessment (if required) will include all direct and indirect clearing associated with the proposal, including clearing for roads, services, fencing, APZs, drainage infrastructure, temporary works and other ancillary development.
- Long-term protection and management of the remnant C2 land will be addressed through the future Neighbourhood/Concept Development Application and any future development applications.

- A detailed VMP will be prepared at the relevant future development stage and address the objectives of Chapter D16 of the Wollongong DCP as well as requirements from relevant agencies.

PPA Team Response:

The proposal adequately addresses biodiversity matters for reasons including:

- no change is proposed to any zone on or neighbouring the site under the proposal, including the existing C4 Environmental Living zone;
- biodiversity certification on the site is addressed under the West Dapto Urban Release Area (WDURA) biocertification. If the site is biocertified prior to lodgement of a DA, a BDAR will not be required or alternatively a BDAR can be prepared and determined as part of the DA process;
- the layout and lots shown in the proponent's Indicative Concept Scheme (**Attachment A2**) are indicative only and can be refined through the DA process, including:
 - responses to environmental features;
 - ensure a suitable VMP is prepared and implemented; and
 - on-ground assessments BAM plots to confirm species composition for Illawarra Lowlands Grassy Woodland TEC as necessary.
- the proponent has provided an updated Planning Proposal Report (**Attachment A1**) which has revised the text in Table 7 to remove the inconsistency raised by CPHR; and
- the proponent's intention to maintain the existing C2 zoned land under private ownership with ongoing management through a Community title scheme as a suitable management mechanism. This can ensure the ongoing management of the already zoned environmentally significant land in accordance with any development consent and associated VMP.

3.2.3 Issue – Aboriginal Cultural Heritage

Community Submission

The community submission objecting to the proposal raised concerns that the proposal may have incorrectly identified the significance of Aboriginal artefacts on their property and allocated a larger buffer than necessary.

Heritage NSW Response:

- The ACHAR should be updated to identify the Registered Aboriginal Parties (RAP) who participated in the survey. Conversely, if no RAPs were involved, the ACHAR should be revised to clearly outline the reasons for their absence or exclusion.
- Recommended that the significance assessment in the ACHAR and Aboriginal Archaeological Assessment (AAA) is amended to include the overall significance of the Aboriginal Cultural Heritage sites, and any sections of the ACHAR and AAA which refer to significance are also updated to ensure consistency with this amendment.
- Recommended that the Unexpected Finds Policy (UFP) incorporates both an Aboriginal Cultural Heritage Induction and Historical Archaeological Induction, to assist workers in recognising potential Aboriginal objects and potential archaeological deposits and help reduce the risk of damage to these items.

- Recommended that the Potential Archaeological Deposits (PAD) identified by the survey be registered on the Aboriginal Heritage Information Management System (AHIMS) at the earliest opportunity to formally record the Aboriginal Cultural Heritage sites.

Proponent Response:

- The proponent has provided an updated and redacted ACHAR (**Attachment A11**) and an updated and redacted Archaeological Report (**Attachment A12**) as part of the Response to Submissions package addressing the issues raised by Heritage NSW.
- The updated reports specify the RAPs who participated in consultation.
- Any sites identified within the ACHAR are considered to have been recorded on AHIMS consistent with the requirements of the *National Parks and Wildlife Act 1974*.

PPA Team Response:

The proposal adequately addresses Aboriginal cultural heritage matters for reasons including:

- Heritage NSW raised no objections with the proposal;
- no change is proposed to the existing C4 Environmental Living zone. The recent rezoning of the site has adequately addressed Aboriginal cultural heritage matters on the site;
- the uncovering of any items of Aboriginal cultural heritage significance during the construction process can be adequately managed by conditions of development consent; and
- the proponent has provided an updated ACHAR and Archaeological Report to address Heritage NSW's comments.

4 Next Steps

The Department is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department through the NSW Planning Portal for finalisation.

The Department will prepare a finalisation report in accordance with the LEP Making Guidelines (August 2023) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will organise drafting of the LEP and finalisation of maps and will consult the panel on any draft instrument.

5 Recommendation

Based on this post-exhibition report, it is recommended that the Southern Regional Planning Panel determine that the planning proposal should be submitted to the Department for finalisation.

The planning proposal is considered suitable for finalisation because:

- The proposal demonstrates strategic and site specific merit
- The conditions of the Gateway have been met
- Agency and community consultation has occurred in accordance with the Gateway determination

5.1 Attachments

- Attachment A1** – Updated Planning Proposal Report
- Attachment A2** – Indicative Concept Scheme
- Attachment A3** – Proposed LEP Map
- Attachment A4** – Civil Engineering Plans
- Attachment A5** – Bushfire Report
- Attachment A6** – Ecological Report
- Attachment A7** – Traffic Assessment
- Attachment A8** – Landscape Report
- Attachment A9** – Contamination Report
- Attachment A10** – Non-Aboriginal Heritage Impact Assessment
- Attachment A11** – Updated Aboriginal Cultural Heritage Assessment Report (June 2026)
- Attachment A12** – Updated Archaeological Report (June 2026)
- Attachment A13** – Landscape Character and Visual Impact Assessment
- Attachment A14** – Water Cycle Management Strategy
- Attachment A15** – NSW Rural Fire Service Advice (February 2026)
- Attachment B** – Rezoning Review Record of Decision (November 2025)
- Attachment C** – Gateway Determination (January 2026)
- Attachment D** – Assessment Against Gateway Determination
- Attachment E** – Authorisation of exhibition (April 2026)
- Attachment F** – Summary of submissions and responses
- Attachment G** – Council submission
- Attachment H** – Consolidated Agency submissions
- Attachment I** – Consolidated Community Submissions
- Attachment J** – Proponent response to submissions (June 2026)



3/7/2026

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13 July 2026

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