

ITEM 4 PUBLIC EXHIBITION - PLANNING PROPOSAL - 27 NORTH MARSHALL MOUNT ROAD, MARSHALL MOUNT

Since the rezoning of the West Dapto Urban Release Area, a number of minor issues have arisen, requiring minor changes to the provisions of Wollongong Local Environmental Plan 2009. Council at its meeting of 28 July 2025 resolved to make a series of amendments to enable better implementation of the West Dapto Urban Release Area. This Planning Proposal request seeks to make an amendment to that Planning Proposal to incorporate an RE1 Public Recreation zone in the Marshall Mount Neighbourhood Precinct. This report considers the issue and recommends that Council incorporate the amendment into the existing Planning Proposal.

RECOMMENDATION

- 1 The draft Planning Proposal for the Yallah Marshall Mount precinct endorsed by Council on 28 July 2025 be amended to include RE1 Public Recreation on the identified site at 27 North Marshall Mount Road, Marshall Mount (replacing the proposed C3 Environmental Management zone) (Attachment 4).
- 2 The draft Planning Proposal request be referred to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.
- 3 The draft Planning Proposal be exhibited for a minimum period of 28 days following a Gateway Approval.
- 4 The NSW Department of Planning, Housing and Infrastructure be requested to issue authority to the General Manager to exercise plan making delegation in accordance with Council’s resolution of 26 November 2012.

REPORT AUTHORISATIONS

Report of: David Fitzgibbon, Manager City Strategy (Acting)
 Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Location Plan
- 2 Current Zoning Map
- 3 Wollongong Local Planning Panel Minutes 28 August 2025
- 4 Planning Proposal Maps

ACRONYMS USED IN REPORT

Abbreviation	Meaning
DA	Development Application
DCP	Wollongong Development Control Plan 2009
FY	Financial Year
LEP	Wollongong Local Environment Plan 2009
WDURA	West Dapto Urban Release Area

BACKGROUND

Strategic Context

The Yallah Marshall Mount precinct is also known as Stage 5 of the West Dapto Urban Release Area (WDURA). Stage 5 was rezoned for urban purposes in June 2018.

The precinct is situated on the lower slopes of the Illawarra Escarpment and has a total area of 1,005 hectares. The precinct has been used for grazing and cattle farming. The precinct is made up of cleared grasslands and remnant trees with a mostly cleared understory. Portions of the precinct are vegetated,

and Endangered Ecological Communities are located in the precinct. The Duck Creek and a number of smaller riparian corridors run through the precinct.

Surrounding development consists of rural properties, with Shellharbour Local Government Area and the Calderwood release area to the south, rural lands to the west and proposed Stages 3 and 4 of the West Dapto Urban Release area to the north. Access to the precinct is currently off Calderwood Road to the southwest, Yallah Road to the east and Marshall Mount Road to the north.

While the process of Neighbourhood Planning and infrastructure planning within the precinct has been underway, some minor issues have been noted that require amendment/adjustment to the planning controls to assist the orderly implementation of development within the precinct.

On 28 July 2025 Council resolved to progress a Planning Proposal to make the required changes.

Subsequently, the proponent progressed detailed investigations for the end use of an area identified for rezoning to C3. These investigations have confirmed that this area will be used for recreation purposes and will be developed and dedicated to Council for this purpose through the subdivision process. Rather than progress the proponent's separate Planning Proposal for this area to be rezoned to RE1, it is recommended that the previously endorsed Planning Proposal be amended to include the rezoning of this area as RE1 rather than C3.

PROPOSAL

The submitted Planning Proposal request seeks to make a minor amendment to the planning controls at 27 North Marshall Mount Road, Marshall Mount.

27 North Marshall Mount Road, Marshall Mount (Lot 201 DP 803486) has an area of 35.6 hectares and is located within Stage 5 – Yallah Marshall Mount of the West Dapto Urban Release Area. The current planning controls were introduced in 2018 (Attachment 1). The land has been used for agricultural purposes and contains a dwelling house.

The property is currently zoned a combination of:

- R2 Low Density Residential – 18.53 hectares.
- C4 Environmental Living (in 2 locations) – 3.52 hectares.
- C2 Environmental Conservation (in 2 locations) – 12.96 hectares.
- C3 Environmental Management – 0.63 hectares (Attachment 2).

Council is currently assessing Concept Development Application No. 2023/269 – for the subdivision of the land into 208 residential lots, four (4) environmental living lots, one (1) open space lot, two (2) drainage lots, one (1) residue lot (environmental land), construction of associated roads, services and infrastructure and tree removal. The stage 1 DA proposes 185 residential allotments, four large environmental living lots, one allotment for open space, two drainage lots and one residue lots encompassing the balance of the land holding (environmental land).

The land subject to the Planning Proposal request is the residual land noted in the DA description and will need to be subject to a separate DA assessment.

The boundary of part of the current C2 Environmental Conservation zone (Figure 1) does not accurately reflect the vegetation extent or constraints and is surrounded by land zoned R2 Low Density Residential. The boundary needs to be shifted southwest and expanded.

As part of the lodged Concept Development Application under assessment by Council, the proponent suggested that they can maintain and enhance the natural vegetation corridor around the creek, and build a park on the cleared land, which would be embellished and dedicated to Council. The proponent suggests that the realigned area be zoned RE1 Public Recreation. The proponent submitted new environmental reports, which will enable Council to make consequential changes to the Natural Resource Biodiversity – Sensitivity mapping for the site, which is part of the wider review as part of the Council-led Planning Proposal.

In early July 2025, the proponent finalised the lodgement of a Planning Proposal request proposing that:

- 1 the C2 Environmental Conservation zoned area be rezoned to RE1 Public Recreation and extended over a larger area
- 2 the C4 Environmental Living zoned area be rezoned to R2 Low Density Residential (Figure 2 and Attachment 4).

The Planning Proposal request is supported by the following reports:

- Planning Proposal report UrbanCo (April 2025).
- Biodiversity Development Assessment Report EcoPlanning (August 2024).
- Riparian Assessment letter EcoPlanning (August 2024).

On 28 July 2025 Council resolved to change the C2 Environmental Conservation zoned area to C3 Environmental Management zone (over a larger area) and the C4 Environmental Living zoned area to R2 Low Density Residential. This change had been in process for a couple of years. The proposed change of the C2 Environmental Conservation zoned area to RE1 Public Recreation had not been fully evaluated at the time of reporting.

The only difference between the Council resolution and the Planning Proposal request is the proposed future zoning of the current C2 Environmental Conservation zoned area to RE1 Public Recreation instead of the Council resolved C3 Environmental Management zone (Figure 2).

The proposed change of the current C2 Environmental Conservation zoned area to RE1 Public Recreation, instead of C3 Environmental Management has now been assessed. It is considered that the RE1 Public Recreation zone can achieve both the conservation outcomes along the minor watercourse and vegetated area, and a public recreation outcome for the future residents (park).

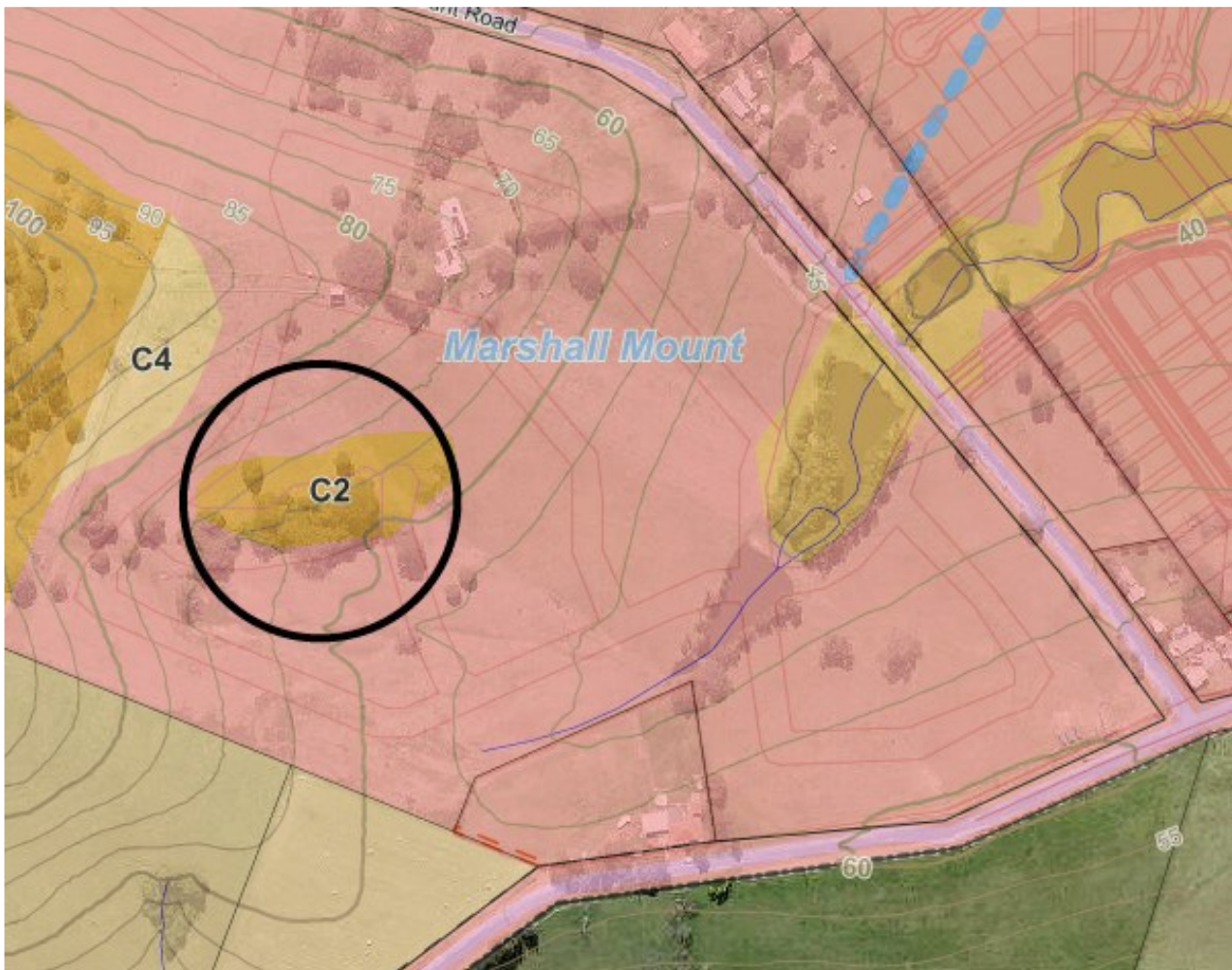


Figure 1: Current Zoning

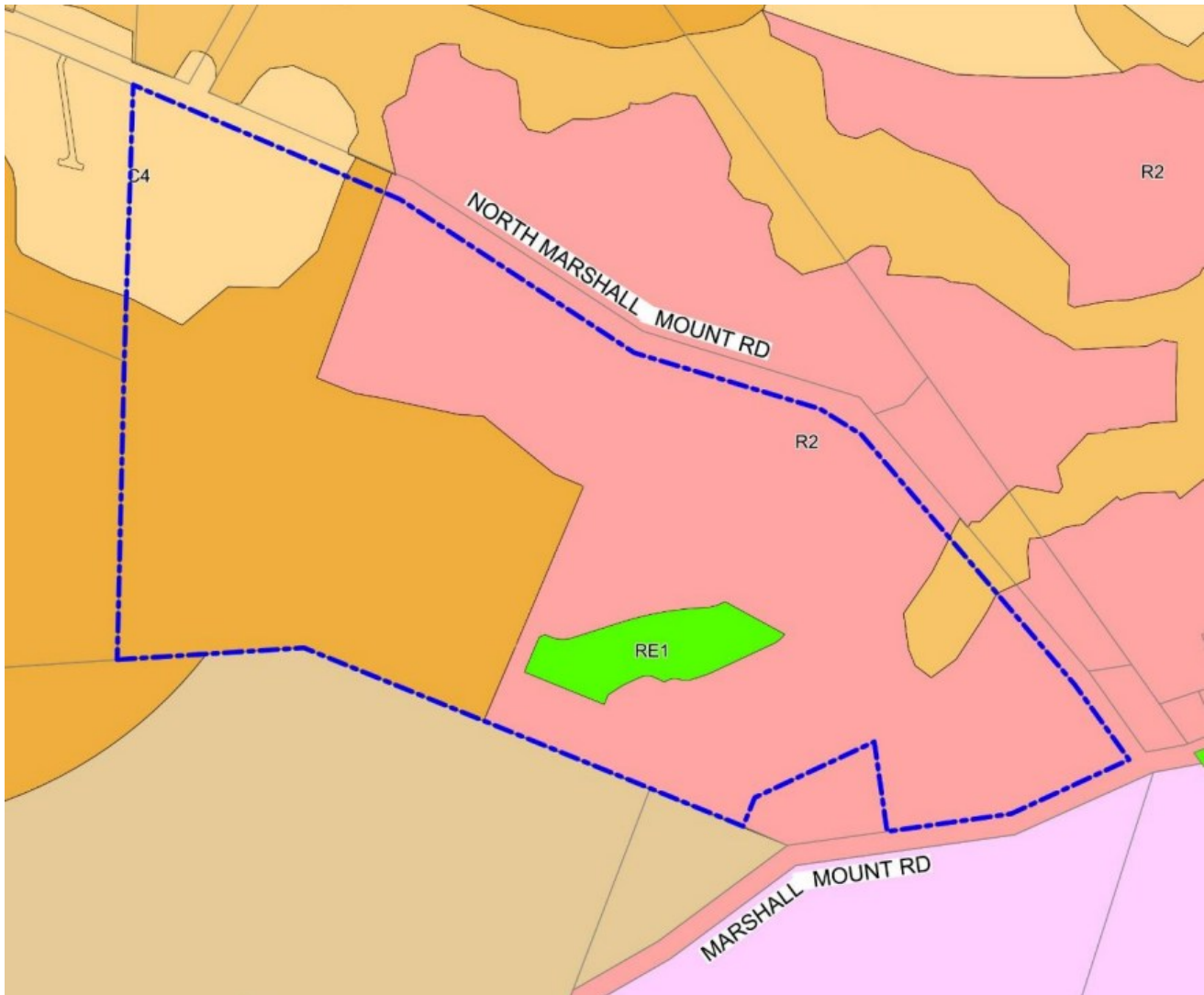


Figure 2: Submitted Planning Proposal Request

Wollongong Local Planning Panel Considerations

On 28 August 2025, the draft Planning Proposal request was considered by the Wollongong Local Planning Panel. The Panel support the proposed change to RE1 Public Recreation and recommend that it be incorporated into the Council-led Planning Proposal, rather than progressing two Planning Proposals that cover the same property.

Wollongong Local Planning Panel advice is at Attachment 3.

CONSULTATION AND COMMUNICATION

If the draft Policy and associated materials are supported by Council and a Gateway Determination is issued, the suite of documents will be placed on public exhibition for a minimum 28 days. All submissions will be reviewed, and any post exhibition revised amendments will be reported to a future Council meeting for adoption.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2035 Community Strategic Plan Goal 2 – “We have well planned, connected, and liveable places”, under - Plan and manage the West Dapto Urban Release Area and advocate to State and Federal Governments to deliver the infrastructure and facilities required to support the growing community.

The proposal is broadly consistent with -

- Illawarra Shoalhaven Regional Plan (2021) – it supports urban development within the WDURA.
- Wollongong Local Strategic Planning Statement 2025, as it supports urban development within the WDURA and will provide the community access to green and healthy urban open spaces and streets.
- Council’s West Dapto Vision 2018.
- Yallah-Marshall Mount Vision 2015.

The site is within Stage 5 Yallah-Marshall Mount of WDURA. It was rezoned in 2018 through Wollongong LEP 2009 (Amendment No.36). Stage 5 is serviced independently from the remainder of the WDURA which follows a staged sequence of development.

Table 1: Wollongong Local Strategic Planning Statement 2025 consideration

Strategic Planning Policy	Considerations	Response
Sustainable and resilient		
1 We rehabilitate and protect natural environments and ecosystems	<p>Preservation and improvement of natural environments through the management and restoration of natural areas.</p> <p>Conserve endangered ecological communities and threatened species.</p> <p>Coastal management, floodplain risk management and stormwater management.</p>	<p>The proposal seeks to make a minor amendment to the Council-led Planning Proposal and is largely consistent with this priority.</p> <p>The RE1 zone is sufficient to achieve the intended outcome.</p>
2 We are resilient to climate risks and environmental hazards	<p>Ensure our urban areas are resilient, thrive in ideal conditions, adapt to change and survive and recover from extreme events to reduce the risks to our community from environmental hazards.</p> <p>Avoid intensification in flood-prone, bushfire-prone and coastal hazard areas and align with relevant guidelines and policies.</p> <p>Support net-zero targets and renewable energy transition.</p>	<p>As above, the proposal makes minor amendments and is largely consistent with this priority.</p> <p>The proposal does not intensify development within hazard prone areas.</p>
3 We have access to green and healthy urban open spaces and streets	<p>Provide and utilise green and healthy open spaces and streets to offset the impacts of urban heat island effects and improve amenity and community wellbeing.</p> <p>Ensure community access to high amenity natural and urban green space and utilise our existing open spaces and streets creatively to maximise urban greening and community recreation.</p>	<p>The Council-led Planning Proposal and the submitted Planning Proposal request both increase the riparian green space. The proponent has suggested that the realigned space would be RE1 Public Recreation.</p>

Strategic Planning Policy	Considerations	Response
Liveable and connected		
<p>4 The natural, built and cultural context informs the design of places and buildings.</p>	<p>Respect the natural and cultural landscapes and environments with the Wollongong Local Government Area. Enable development which recognises and responds to environmental conditions, landscape character, heritage, and cultural values</p>	<p>As mentioned, the proposal will maintain the riparian green space endorsed by Council on 28 July 2025, which includes better connectivity to the rest of the riparian system. The proponent has suggested that the realigned space would be RE1 Public Recreation.</p>
<p>5 We are growing our capacity for housing, so our community have access to diverse and high-quality homes in the future.</p>	<p>Strategic planning provides the ability to deliver diverse and high-quality housing to meet the needs of our growing community. Housing should be suitable at all price points and created with community well-being and sustainable development in mind.</p>	<p>The proposal will not change the housing outcomes endorsed by Council on 28 July 2025. The area subject to the change is part of a Concept DA (which considers the whole property) but is not part of the stage 1 outcomes.</p>
<p>6 The network of Centres provides for the needs of our community</p>	<p>City, town and village centres meet the needs of the community and support creativity, economic growth, sustainability and social well-being.</p>	<p>The proposal will not change the centres related outcomes endorsed by Council on 28 July 2025. The area is on the periphery of the urban area, with connectivity to a future town centre at Marshall Mount.</p>
<p>7 Transport options are safe, reliable and accessible</p>	<p>Transport networks enable a shift in transport modes from private vehicles to public and active transport to reduce greenhouse gas emissions, urban heat, travel times and poor health outcomes, while increasing social and economic participation and street safety. Land use and transport planning is integrated to ensure infrastructure is maximised to support growth in well serviced locations.</p>	<p>The area is currently rural but is in an urban release area. The Yallah-Marshall Mount Vision aims to concentrate urban development close to potential public transport routes to maximise access. The site also would be able to utilise riparian greenspaces for future connectivity once the precinct is developed. The proposal will not change the housing outcomes endorsed by Council on 28 July 2025.</p>
<p>8 The city reflects the creativity, history, identity of our people; invites community participation and contributes to a diverse economy.</p>	<p>Enable development that responds to the cultural history of place and promotes ongoing engagement through restoration, interpretation and creative expression.</p>	<p>This aim was considered in the original rezoning of the precinct. The proposal submitted to Council does not contradict this.</p>

Strategic Planning Policy	Considerations	Response
Productive and vibrant		
<p>9 Employment generating uses are prioritised in Centres and Industrial areas.</p>	<p>Plan for employment generating uses to support local and regional employment enhance Wollongong's economy and provide goods and services to the community.</p> <p>Protect and retain diverse industrial land and enable its productivity and ability to cater to emerging industries.</p> <p>Support the role of existing and planned centres as defined through the Retail and Business Centres Hierarchy.</p>	<p>The site is on the periphery of the urban zoned area and is some distance from the proposed town centre. There are no direct proposed employment generating uses on the site other than potential home businesses & working from home opportunities.</p> <p>The site does contribute to the catchment for nearby proposed town centres at Marshall Mount and Calderwood.</p>
<p>10 The freight network is efficient, from international trade to the last mile</p>	<p>Ensure transport corridors link freight to ports, airports, retail centres and employment lands to promote economic and industrial growth.</p> <p>Freight Transport corridors should be resilient to environmental hazards and have appropriate capacity while avoiding incompatible land uses.</p>	<p>The proposal does not affect freight networks.</p>
<p>11 Port Kembla's industrial precinct and Port are a hub for economic growth, employment and innovation.</p>	<p>Recognise, retain, and promote the Port of Port Kembla and surrounds as an area of significant economic importance focused on employment generation in heavy industry, port operations and clean energy investment</p>	<p>The proposal does not affect the Port of Port Kembla.</p>
<p>12 The growing visitor economy celebrates natural and cultural assets.</p>	<p>Grow the visitor economy of the Wollongong LGA through attracting more major events and tourism infrastructure to increase visitation rates while caring for our natural and cultural assets.</p>	<p>Improved road access through the West Dapto Urban Release Area will increase access opportunities for natural assets in the Illawarra Escarpment area</p>

Council's Planning Proposal Policy 2022

The Planning Proposal request is consistent and inconsistent with Council's Planning Proposal Policy (2022). Council's preference is to review the planning controls for precincts or by issue, rather than site-by-site requests.

The Planning Proposal Policy indicates that requests to rezone land or change development standards or permitted uses are generally not encouraged by Council and should only be submitted in the following circumstances –

Circumstances	Consistency
<ul style="list-style-type: none"> Where land cannot be reasonably developed or used under the existing zoning or controls; 	<ul style="list-style-type: none"> Consistent and inconsistent. The land has been deferred from the Concept DA – stage 1. The Planning Proposal would allow a better outcome, a greater area of C3/RE1 zoned land and more R2 zoned land.
<ul style="list-style-type: none"> Where it is necessary to correct an error or anomaly (eg mapping); 	<ul style="list-style-type: none"> Consistent and inconsistent. Council on 28 July 2025 resolved to correct the inaccurate location of the C2 Environmental Conservation zone. The Planning Proposal request seeks a change to an acceptable alternative zone.
<ul style="list-style-type: none"> Where there is a sound strategic argument for an amendment, based on consistency with: <ul style="list-style-type: none"> Council’s Strategic Plan Our Wollongong Our Future 2032, the Regional Strategy – the Illawarra Shoalhaven Regional Plan 2041, Council’s Local Strategic Planning Statement (2020), Wollongong Housing Strategy (2023), Wollongong Retail and Business Centres Strategy (2023), Wollongong Industrial Lands Review (2024), or similar strategy or policy; 	<ul style="list-style-type: none"> Refer to separate assessment Consistent Refer to separate assessment Consistent – increased housing in West Dapto Refer to separate assessment Not applicable
<ul style="list-style-type: none"> Where the proposed amendment is considered to be minor in nature, has strategic merit, and has been sufficiently justified; 	<ul style="list-style-type: none"> The proposal is minor. The proposal has some strategic merit The proposal has been justified.
<ul style="list-style-type: none"> Where development of land in accordance with the existing zoning would not be in the public interest. 	<ul style="list-style-type: none"> Consistent – the proposal provides a better outcome

The Planning Proposal Policy indicates that the following Planning Proposal requests will generally not be supported by Council –

Circumstances	Consistency
<ul style="list-style-type: none"> Requests that are not supported by an endorsed local or regional strategy, plan or policy and are considered speculative; 	<ul style="list-style-type: none"> Not applicable – request is consistent with the West Dapto vision.
<ul style="list-style-type: none"> The rezoning of single properties to increase housing density; 	<ul style="list-style-type: none"> Not applicable. The proposal does relate to a single property and is increasing residential development potential. The circumstance is aimed at existing urban areas, to prevent requests to upzone individual properties.
<ul style="list-style-type: none"> Increasing housing in the Illawarra Escarpment, except where implementing an adopted strategy. 	<ul style="list-style-type: none"> Not applicable.

Circumstances	Consistency
<ul style="list-style-type: none"> Permitting housing within C2 Environmental Conservation zoned land or increased housing in C3 Environmental Management zoned land; 	<ul style="list-style-type: none"> Not applicable.
<ul style="list-style-type: none"> Proposing development in floodway and high hazard areas, and/or permitting a significant increase in dwelling density of land within the flood planning area, and for areas between the flood planning area and the probable maximum flood; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Proposing the loss of employment or industrial land; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Proposing the linear expansion of town centres; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Requests that will result in land uses or development intensification that is beyond the capability of the land or incompatible with important environmental values and/or constraints; and 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Requests that will result in unacceptable demands on utilities and services, such as sewerage, water, electricity, transport etc. 	<ul style="list-style-type: none"> Not applicable

The Planning Proposal Policy indicates that it is necessary to prioritise the processing of planning proposal requests to ensure those providing the greatest public benefit are given preference over those serving individual interest or are of limited benefit to the greater Wollongong community. As a guide, the following planning proposal requests are given priority –

Circumstances	Consistency
<ul style="list-style-type: none"> Contributes to economic growth and promotes sustainable practice; 	<ul style="list-style-type: none"> Consistent
<ul style="list-style-type: none"> Significant employment generating development; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Provision of high quality, appropriately located housing accessible to the broader and lower income community; 	<ul style="list-style-type: none"> Consistent
<ul style="list-style-type: none"> Education, medical or community facilities and services; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Commercial or retail development in accordance with an adopted Council or State Government strategy; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Preservation and conservation of the environment; 	<ul style="list-style-type: none"> Consistent
<ul style="list-style-type: none"> Reducing an identified conflict between incompatible land uses; 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Improving tourism opportunities 	<ul style="list-style-type: none"> Not applicable
<ul style="list-style-type: none"> Implementing endorsed Council Strategies or Concept Plans (eg West Dapto Amendments). 	<ul style="list-style-type: none"> Consistent with the West Dapto vision

SUSTAINABILITY IMPLICATIONS

The revised Local Environmental Plan would provide greater access to green and healthy urban open spaces and streets and improve the sustainability, liveability and resilience of our city. As a result of the updated environmental studies, council can also review the Natural Resources Biodiversity – Sensitivity mapping to make consequential amendments to reflect the latest information.

RISK MANAGEMENT

The revised Local Environmental Plan will provide improved open space that will be constructed and dedicated to Council.

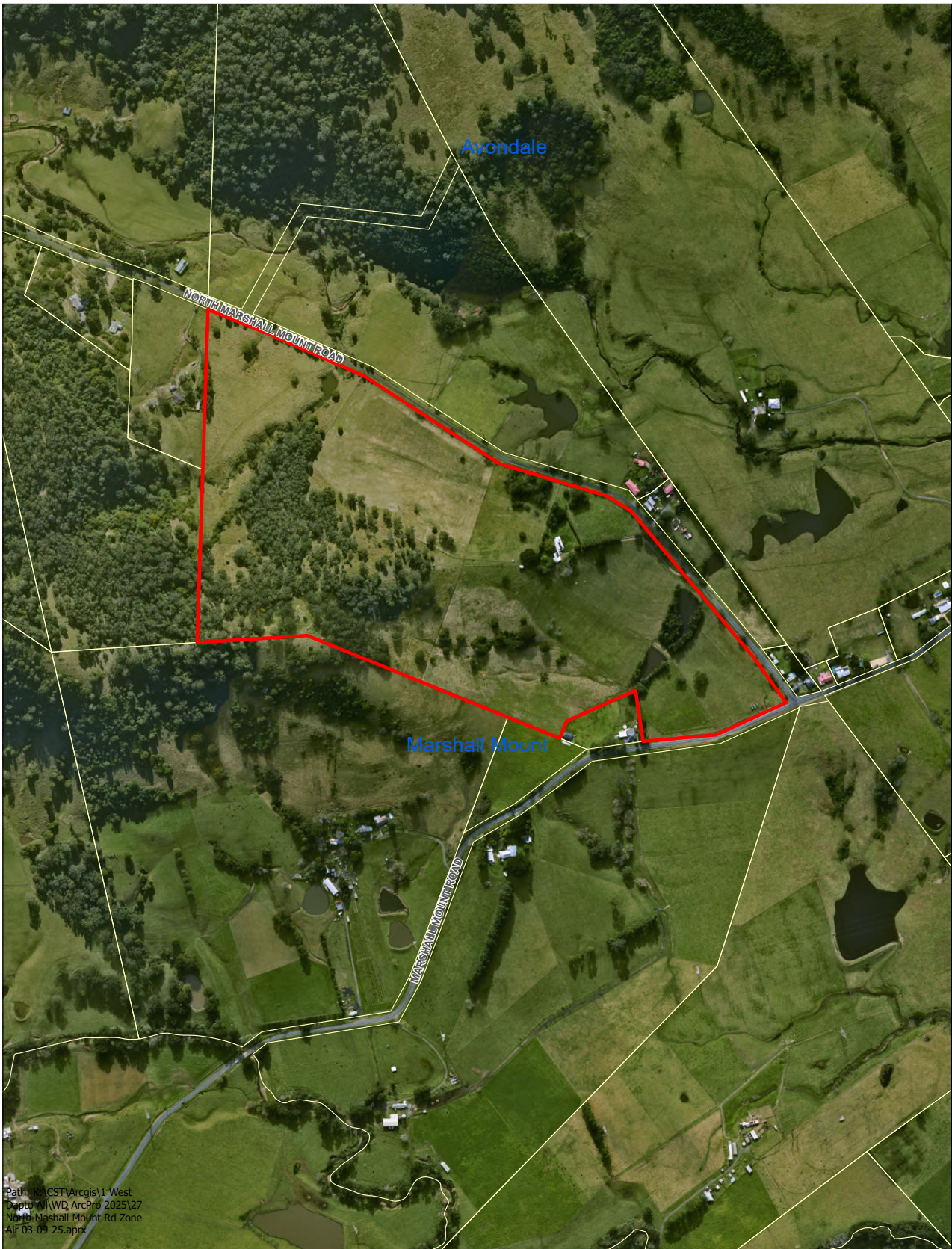
FINANCIAL IMPLICATIONS

The financial implications of the West Dapto Urban Release Area are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council considered and adopted an updated Section 7.11 Contributions Plan for the West Dapto Urban Release Area. There is no provision in councils Contributions Plan for the acquisition or embellishment of this open space. If the open space is constructed and dedicated to Council, there is a community benefit, with only ongoing maintenance costs to be considered.

There are no significant financial implications resulting from this report.

CONCLUSION


The Planning Proposal request is for 27 North Marshall Mount Road, Marshall Mount to make minor adjustments to the existing Council Planning Proposal for the Marshall Mount precinct, endorsed on 28 July 2025. The strategic merit of the proposal is consistent with the Regional Plan, Ministerial Directions and Council's strategic planning documents. It is recommended that Council resolve to progress the draft Planning Proposal incorporating the amended RE1 Public Recreation zoning and it be submitted to the NSW Department of Planning, Housing and Infrastructure, seeking a Gateway Determination and subsequent public exhibition.

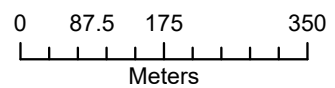


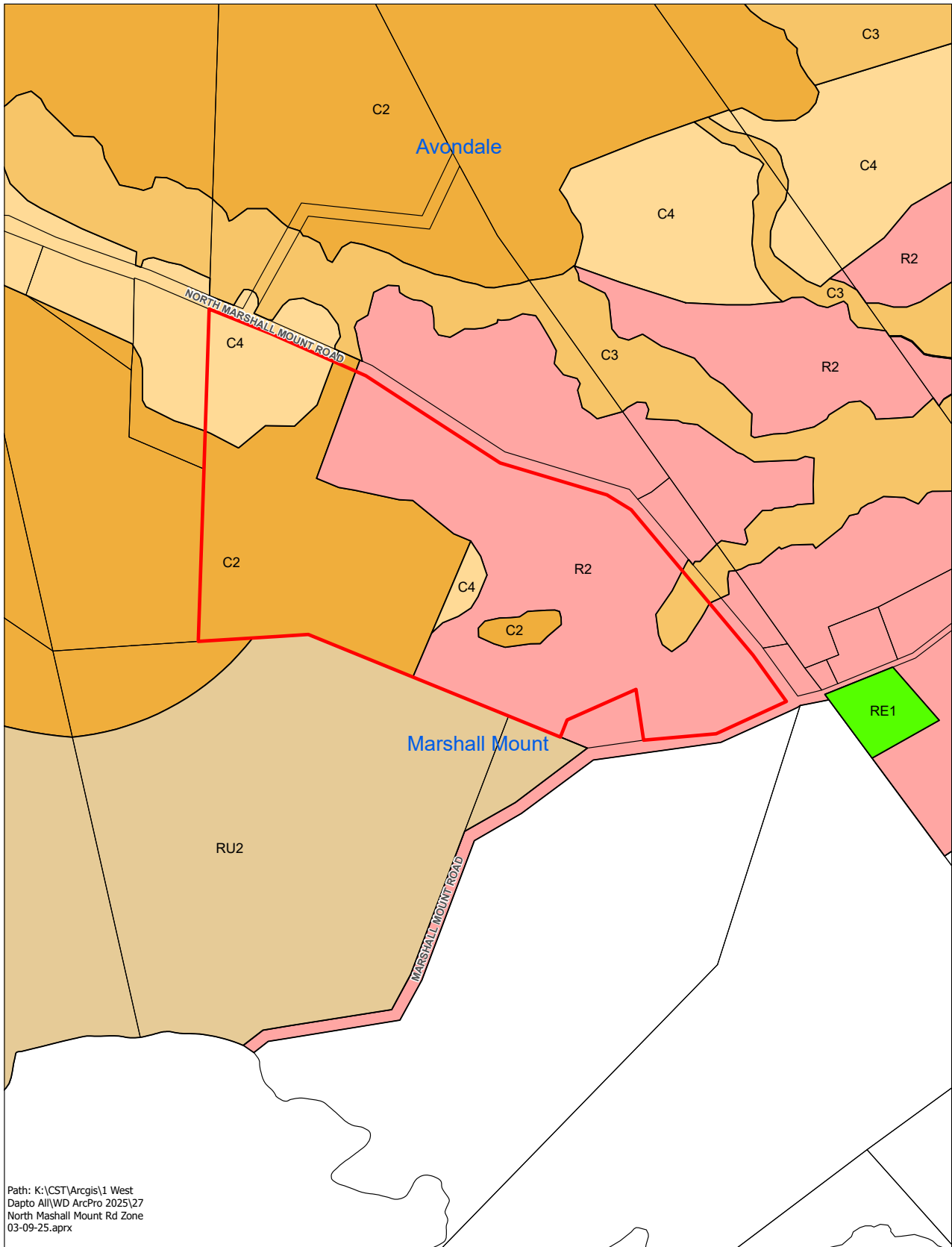
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**27 North Marshall Mount RD
Marshall Mount**



 27 Marshall Mount Rd 03-09-25

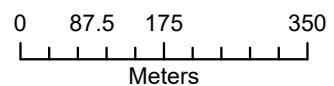




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**27 North Marshall Mount RD
Marshall Mount**

- Environmental Conservation
- Environmental Management
- Environmental Living
- Low Density Residential
- Public Recreation
- Rural Landscape
- 27 Marshall Mount Rd 03-09-25



ADVICE AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF MEETING	28 August 2025
PANEL MEMBERS	Scott Barwick (Chair), Marjorie Ferguson, Stephen Davies

Meeting held at Wollongong City Council, 41 Burelli Street, Wollongong on 28 August 2025 opened at 1.00pm and closed at 4.00pm.

MATTER DETERMINED

Item 1 - Planning Proposal – 27 North Marshall Mount Road, Marshall Mount.


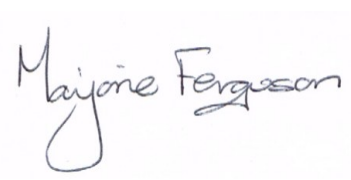

PANEL CONSIDERATION

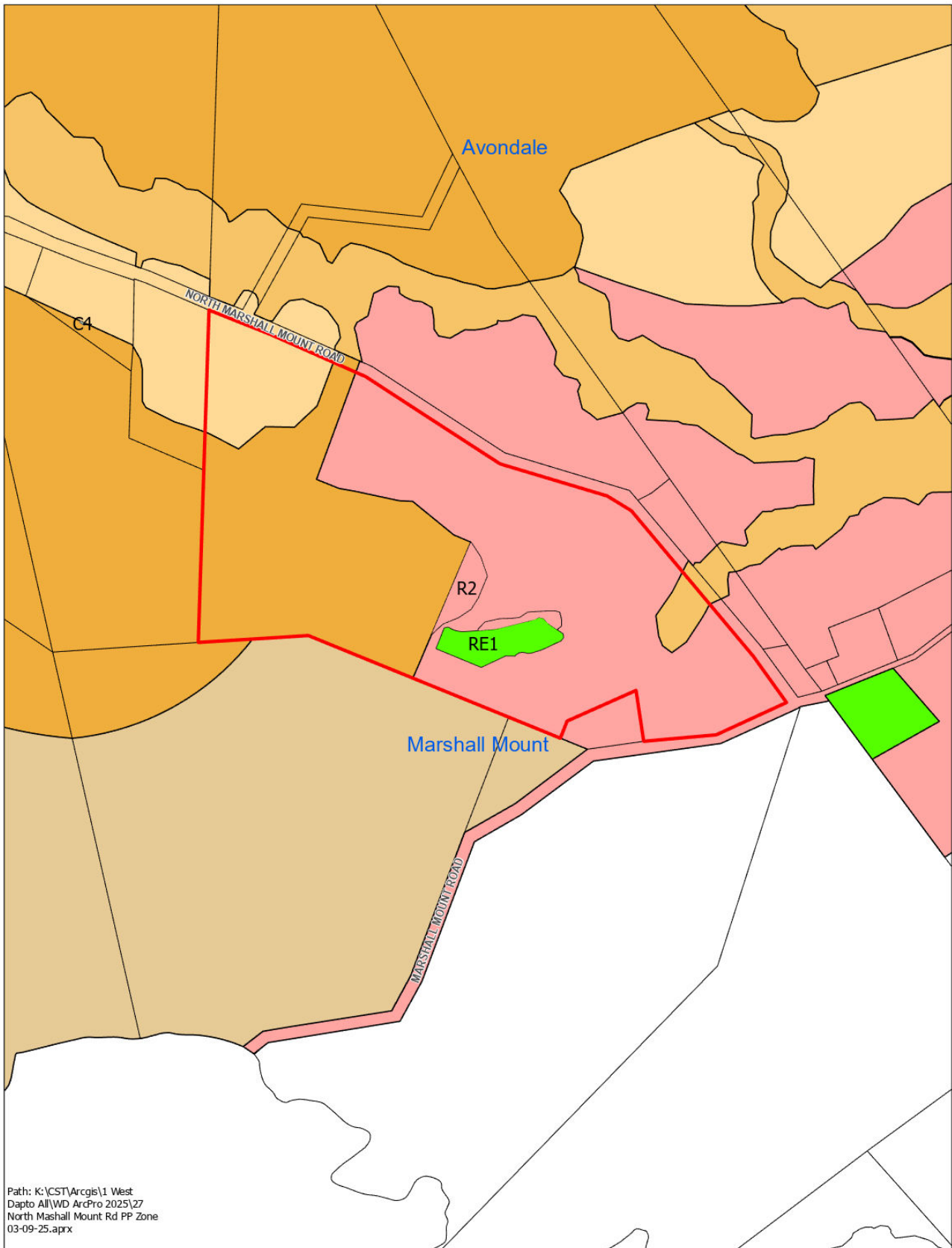
The Panel considered the Council officer’s report, the site inspection and the representation made by the owner and their consultants at the meeting.

PANEL ADVICE

1. The Panel notes that Council on 28 July 2025 considered a Planning Proposal that includes the property and supported the rezoning of the ridge land from C4 Environmental Living to R2 Low Density Residential, and the creekline area from C2 Environmental Conservation to C3 Environmental Management.
2. In terms of the Planning Proposal request, the Panel considers that the applicants request to rezone the C2 Environmental Conservation area to RE1 Public Recreation has strategic and site specific merit.
3. The Panel considers a single zone is preferred to the entire area that is intended to be dedicated by the applicant to Council as a future park and natural area.
4. The Panel considers that the land use zone amendment should be incorporated into the Council-led Planning Proposal, rather than progressing two Planning Proposals.

The advice was unanimous.

PANEL MEMBERS	
 Scott Barwick (Chair)	 Marjorie Ferguson (Expert)
 Stephen Davies (Expert)	



Planning Proposal
27 North Marshall Mount Rd Marshall Mount

- Environmental Conservation
- Environmental Management
- Environmental Living
- Low Density Residential
- Public Recreation
- Rural Landscape
- 27 Marshall Mount Rd 03-09-25

