

ITEM 4

PUBLIC EXHIBITION - DRAFT NEIGHBOURHOOD PLAN FOR MARSHALL VALE AND DUCK CREEK PRECINCTS, MARSHALL MOUNT

Council officers have assessed a draft Neighbourhood Plan, for the “Marshall Vale” and “Duck Creek” precincts within Stage 5: Yallah-Marshall Mount of the West Dapto Release Area.

The Yallah-Marshall Mount precinct was rezoned in 2018 to enable urban development and conservation outcomes. Clause 6.2 of Wollongong Local Environmental Plan (LEP) 2009 requires that a Neighbourhood Plan be prepared and adopted by Council prior to development.

This report recommends that the draft Neighbourhood Plan be exhibited. It is also recommended that the heritage significance of Miala House be further assessed through a separate draft Planning Proposal process.

### RECOMMENDATION

- 1 The draft Neighbourhood Plan for the Marshall Vale and Duck Creek precincts be endorsed to progress to exhibition as an amendment to the Wollongong Development Control Plan 2009 – Chapter D16 West Dapto Release Area for a minimum of 28 days.
- 2 The landowners within the Marshall Vale and Duck Creek precincts be advised that an Aboriginal Cultural Heritage Assessment Report(s) will be required to be prepared for all properties (excluding 410 Marshall Mount Road) to enable the Neighbourhood Plan to be finalised on those properties.
- 3 The heritage significance of “Miala” House be referred to the Wollongong Local Planning Panel for advice on whether a draft Planning Proposal should be prepared and then reported to Council.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

### ATTACHMENTS

- 1 Location Plan
- 2 Land Zoning Map
- 3 Draft Neighbourhood Plan
- 4 Proposed Riparian Corridors

### BACKGROUND

The Yallah-Marshall Mount Planning Proposal, Amendment 36 to Wollongong LEP 2009, was made in June 2018.

The Wollongong Development Control Plan (DCP) 2009 Chapter D16 West Dapto Release Area shows 7 Neighbourhood Precincts within Stage 5 of the West Dapto Release Area. To date, Council has resolved to exhibit draft Neighbourhood Plans in Stage 5, for the Iowna precinct (exhibition completed) and the Elm Park precinct.

The draft Neighbourhood Plan for the “Marshall Vale” and “Duck Creek” precincts was lodged on 26 February 2020. The site is bounded by Marshall Mount Road to the south, future residential and town centre lands to the east, North Marshall Mount Road and the “Marshall Mount” Neighbourhood Plan precinct to the west and the ridgeline between the Duck Creek valley and Avondale Road valley to the north (Attachment 1).

The two precinct covered by the draft Neighbourhood Plan has a combined area of 247.1 hectares and cover part of 12 properties. Riparian areas traverse the precinct, including Duck Creek, the main waterway in the valley. The steeper western part of the precinct is covered by bushland and is zoned C2 Environmental Conservation, which is not proposed to change. The precinct is currently used for rural uses.

The following properties are covered by the draft Neighbourhood Plan -

Property Description	Property Address
Lot 2 DP 1184741 (part)	169 North Marshall Mount Road, Marshall Mount
Lot 2022 DP 810874	42 North Marshall Mount Road, Marshall Mount
Lot 2021 DP 81874	36 North Marshall Mount Road, Marshall Mount
Lot 100 DP 712786	456 Marshall Mount Road, Marshall Mount
Lot 1 DP 396100	450 Marshall Mount Road, Marshall Mount
Lot 1 DP 396101	444 Marshall Mount Road, Marshall Mount
Lot 11 DP 790746	428 Marshall Mount Road, Marshall Mount
Lot 12 DP 790746	"Miala" 410 Marshall Mount Road, Marshall Mount
Lot 1 DP 1039888	402 Marshall Mount Road, Marshall Mount (owned by NSW Land & Housing Corporation)
Lot 2 DP 1039888	386 Marshall Mount Road, Marshall Mount
Lot 101 DP 879381	346 Marshall Mount Road, Marshall Mount
Lot 1 DP 170817 (part)	330 Marshall Mount Road, Marshall Mount
Undeveloped Road Reserve	Bisecting No. 42 North Marshall Mount Road, Marshall Mount

Clause 6.2 of the Wollongong LEP 2009 requires a DCP to be prepared addressing certain requirements. Council has adopted the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area which provides the overall master plan for West Dapto and development guidelines. It requires the submission of a more detailed Neighbourhood Plan (master plan) for precincts nominated in the DCP. Neighbourhood Plans generally cover multiple properties so that issues like connecting roads, drainage management, recreation facilities are addressed in an integrated manner. Generally, neighbourhoods consist of a property controlled by a developer and other properties owned by non-developers (the current owners and residents).

The draft Neighbourhood Plan is informed by the West Dapto Vision and Structure Plan 2018 adopted by Council. The vision is a Council policy that guides land use in the West Dapto Urban Release Area. The draft Neighbourhood Plan process is a more detailed examination of the site by the proponent which forms an amendment to the Wollongong DCP 2009 – Chapter D16 West Dapto Release Area.

The submitted proposal was accompanied by the following studies -

- Duck Creek/Marshall Vale Neighbourhood Plan Report (Urbanco 2020).
- Duck Creek Utility Services Investigation (RJK Consulting Engineers 2020).
- Review of Flood Related Matters (Rienco 2019).
- Ecological Constraints Assessment (Ecoplaning 2020).
- Bushfire Assessment (Peterson Bushfire 2020).
- Draft Heritage Review (AECOM 2019).
- Traffic Impact Assessment (Bitzios 2020).
- Preliminary Site Investigation (Douglas Partners 2019).

The original draft Neighbourhood Plan relied on potential zoning boundary adjustments, but was not accompanied by a Planning Proposal. With this and other feedback, the proponent revised the draft Neighbourhood Plan in December 2020. The revised draft Neighbourhood Plan relies on the existing zonings and planning controls and suggests a development outcome comprising of approximately 1,050 dwellings.

Following initial assessment and issues raised, the proponent has submitted the following updated reports-

- Heritage Review (AECOM 2020).
- Heritage Review (AECOM 2021).
- Heritage Review (Ecological 2021).
- Road Noise Assessment (AECOM 2020).
- Watercycle Report (Indesco 2020).
- Aboriginal Cultural Heritage Assessment Report – 410 Marshall Mount Road (AECOM June 2022).
- Duck Creek/Marshall Vale Neighbourhood Plan Report (updated) (Urbanco June 2022).

## PROPOSAL

The draft Neighbourhood Plan proposal is consistent with -

- Illawarra Shoalhaven Regional Plan 2041 (May 2021) in broad terms, as it supports urban development within the West Dapto urban release area.
- Wollongong Local Strategic Planning Statement 2020, as it supports urban development within the West Dapto urban release area.
- Council's West Dapto Vision (2018).
- Council's Yallah-Marshall Mount Vision (2015), where it seeks to increase residential densities close to Marshall Mount Road.

## Residential development

The draft Neighbourhood Plan envisages a total future residential of 1,050 dwellings. At this stage, only 330 and 410 Marshall Mount Road are optioned or owned by developers and are likely to be developed in the short-medium term (depending on the timing of service provisions). The proposed residential development is consistent with the Yallah Marshall Mount vision.

## Marshall Mount Road and Yallah Road

Marshall Mount Road and Yallah Road will need to be upgraded and widened to meet with increased demand as the area is developed. Council is in the process of engaging design consultants to prepare the concept designs for these roads. The concept plans and subsequent detail design plans will guide road location, road widths, intersection locations, servicing and road batters.

While the draft Neighbourhood Plan incorporates indicative road widening, without the concept road designs, there is uncertainty around the extent of widening required and the effect on land adjacent to Marshall Mount Road. It is unlikely that Council's concept road design will be finalised for incorporating into the Neighbourhood Plan following exhibition, and the land adjacent to Marshall Mount Road may need to be deferred. Future amendments to the Neighbourhood Plan may be required to accommodate the concept road designs. It is anticipated that the required widening will either be dedicated through the subdivision process, with development contributions offset, or Council will need to acquire the land.

## Proposed local road network

The proposed internal road network shown in the draft Neighbourhood Plan is consistent with the Yallah Marshall Mount vision. The proposed road widths comply with Council's design standards.

When complete, it is estimated that the development will generate 7,918 traffic movements daily, with 761(am) and 835(pm) during the peak hours. The proposed local road network and upgrades to Marshall Mount Road and Yallah Road can accommodate this traffic volume. Apart from Marshall Mount Road, there are no collector roads within the precincts that are funded through the West Dapto Development Contributions Plan (2020) and will need to be developer funded.

## Flooding

The draft Neighbourhood Plan is consistent with the Duck Creek Flood Study and no residential development is proposed within the 1% flood level. Duck Creek is proposed to be crossed in 2 locations by bridges which will need to be above the 1% flood planning level. These bridges are not part of the West Dapto Development Contributions Plan (2020) and will be developer funded.

## Riparian

The draft Neighbourhood Plan proposes variation to the standard riparian corridor widths following an assessment undertaken by Ecoplaning. Additionally a site walkover occurred in November 2020 with Council officers, and the NSW Natural Resource Access Regulator to examine the riparian areas along Duck Creek. The draft Neighbourhood Plan proposes to reduce riparian widths in some locations and increase the width in other locations (Attachment 4). Overall, there is a proposed net increase in the area of riparian corridors. The assessment of the riparian areas contained in the Ecoplaning report will form part of the draft Neighbourhood Plan exhibition material.

## Heritage

The Wollongong LEP 2009 identifies two heritage items within the south-western corner of the Neighbourhood Plan area, as follows -

- Local Heritage Item 5983 - Former Marshall Mount School and Master's Residence – 456 Marshall Mount Road.
- Local Heritage Item 61027 - Marshall Mount Progress Association Hall – 450 Marshall Mount Road.

The two items are located on small properties and are not proposed to be redeveloped by the submitted draft Neighbourhood Plan. There is no proposal to change the heritage listing of these two properties.

The draft Neighbourhood Plan was lodged with a heritage assessment report by AECOM (2019). The AECOM study concludes that Miala house and curtilage (410 Marshall Mount Road, Marshall Mount) has Local Heritage Significance. Miala house is not currently heritage listed and was not identified as a potential heritage item through Council's West Dapto Heritage Studies. The AECOM reports note that the homestead will be impacted based upon development plans within the draft Neighbourhood Plan. Opportunities for the retention of Miala house were not considered possible by the proponent given topographic, layout, earthworks and bushfire protection constraints.

The heritage significance of the property was raised with the proponent who commissioned another study (Ecological 2021). The Heritage Review concludes that Miala house does not make an important contribution to the individuality and character of the local area and is not an important part of the area's heritage.

Council officers felt the Ecological report had a number of shortcomings and raised concerns about the findings of the Heritage Review. Council officers also undertook further investigations, a site inspection and prepared a Heritage report which found the house and curtilage had heritage significance, consistent with the earlier AECOM report. A copy of the Council officers report was provided to the proponent.

Council officers discussed the history of the site with the owner and family members. The owner indicate that the property was well established when they acquired it in 1956, and the house was already in need of substantial maintenance and repair at the time. Further, its occupation and uses continued in their ownership, such as the on-going use of the Dairy.

In May 2022, the applicant agreed to amend the draft Neighbourhood Plan to retain Miala house and curtilage. One of the two large Fig trees located in front of the house is proposed to be removed to facilitate the proposed collector road. There is limited opportunity to move the road due to its proximity to Duck Creek and need to minimise bridge lengths at the crossing.

Council officers consider that Miala house has local heritage significance and could be listed as a heritage item in the Wollongong LEP 2009. The preparation of a Planning Proposal for the heritage listing is a separate process to the draft Neighbourhood Plan. The heritage reports will need be reported to the Wollongong Local Planning Panel for advice and then reported to Council for determination as to whether a draft Planning Proposal should be prepared. This process can occur in parallel with the draft Neighbourhood Plan.

Once the heritage significance is determined, other issues (such as appropriate curtilage etc.) can be determined. Then consideration can be given as to what could be retained, interpreted etc. This may result in amendments to the draft Neighbourhood Plan following exhibition.

### **Aboriginal Heritage**

An Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Report (ACHAR) was submitted in June 2022 for 410 Marshall Mount Road. The Archaeological Investigation included in the ACHAR has identified 9 sites, generally consisting of stone artefact scatters of varying densities. Seven of these sites have been identified as having low significance, whilst two have been assessed by AECOM as having moderate significance. It is noted that the Illawarra Local Aboriginal Lands Council and other Registered Aboriginal Parties indicated that all identified archaeological sites have cultural significance and requested conservation of these areas of moderate significance.

The development as proposed has been assessed by AECOM as requiring the complete destruction of 7 of the 9 identified sites, whilst “partial” retention of the other 2 is proposed. The AECOM report recommends a whole of site Aboriginal Heritage Impact Permit be obtained by the proponent.

The submitted ACHAR and the draft Neighbourhood Plan (if progressed) will require formal referral to Heritage NSW for comment in relation to the potential impacts on Aboriginal Cultural Heritage and the implications of the *National Parks and Wildlife Act 1974* for the proposed development. The report and draft ACHAR should also be referred to the local Aboriginal community for comment as part of the future public exhibition process.

Similar reports have not been submitted for the other properties in the precinct. These properties are anticipated to contain similar levels of Aboriginal cultural significance and sites, yet these have not been the subject of further detailed assessment and review. The absence of the reports means that Archaeological and Cultural Significance has not been fully assessed as part of the draft Neighbourhood Plan. It is not appropriate to lock in aspects of the draft neighbourhood Plan (i.e. road alignment and connection points) and defer these investigations to the Development Application phase. The landowners will be advised that this information will be required to be submitted to enable finalisation of the Neighbourhood Plan following exhibition. Future amendments to the Neighbourhood Plan may be required to accommodate the findings of the additional ACHAR. It should be noted that should Council consider it appropriate to require this report to be submitted prior to exhibition, this will delay exhibition by a minimum of 6 months.

### **Servicing**

Sydney Water are preparing water and sewer plans to serve the precinct. Sydney Water have indicated that sewerage services should be available by 2025 and developers can make interim arrangements in the short term (ie collection and pump-out).

## Yallah Town Centre

Retail shops and services and a primary school are proposed to be provided in adjoining Neighbourhood Precinct at the intersection of Marshall Mount and Yallah Roads.

## Recreation and Community facilities

A large recreation area (7.6ha) is proposed to be provided at the eastern end of the Neighbourhood, consistent with the Yallah Marshall Mount vision, RE1 Public Recreation zoning and West Dapto Development Contribution Plan (2020). The proposed recreation area includes a watercourse and will not be entirely useable for active recreation. There are no current proposals for Council to acquire the land. The land is likely to be transferred when the residential portion of the property is developed and the acquisition cost offset from the development contributions payable. Council will need to prepare a design for the recreation area.

Adjacent to the recreation area, the draft Neighbourhood Plan nominates a potential primary school site. Consultation will occur with the Department of Education during the exhibition period.

Marshall Mount Hall which is currently used for local community events is privately owned. The draft Neighbourhood Plan reflects the continuation of this use.

Council is preparing a draft Open Space, Recreation and Community Needs study for West Dapto which is reviewing the future community needs.

## CONSULTATION AND COMMUNICATION

A lead consultant for the draft neighbourhood Plan has been liaising with the landholder/developer representatives for the precinct. Co-operation between the landholder/developers would allow for a more holistic consideration of the whole neighbourhood precinct.

If supported by Council, the draft Neighbourhood Plan would be exhibited for a minimum of 28 days, with the documents being available on Council's website, at Council's Customer Service Centre, at the Central Library and Dapto Library.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 1 "We value and protect our environment" and Goal 5 "We have a healthy community in a liveable city". It specifically delivers on the following -

Community Strategic Plan	Delivery Program 2018-2022	Operational Plan 2021-22
Strategy	4 Year Action	Operational Plan Actions
1.3 The sustainability of our urban environment is improved	1.3.1.2 Develop planning controls and Town Centre and Neighbourhood Plans	1.3.1.2.2 Continue the review of the West Dapto Land Release Area by developing a Local Infrastructure Plan

## 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 are no significant financial implications resulting from this report.

## CONCLUSION

It is recommended that the draft Neighbourhood Plan for the Marshall Vale and Duck Creek precincts be exhibited. Concurrently, Council offices will progress the investigation into the potential Heritage Listing of Miala house and the preparation of a draft Planning Proposal.

Further reports will be provided to Council following the exhibition period and consideration of the heritage significance of the homestead.

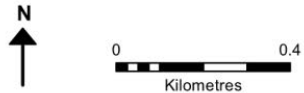


**WOLLONGONG LOCAL  
ENVIRONMENTAL  
PLAN 2009**

Location Plan and  
2021 Airphot

 Duck Creek Marshall Vale boundary

Cadastral  
 Cadastral 11.04.22 © Wollongong City Council



Projection: GDA 2020  
MGA Zone 56

Scale 1:10,000 @ A3

Map Identification number:  
Location\_Zoning\_110422.mxd







**WOLLONGONG LOCAL  
ENVIRONMENTAL  
PLAN 2009**

**Location Plan and  
Land Zoning Map**

**Zoning**

- B6 Mixed Use
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RU2 Rural Landscape
- SP1 Infrastructure
- Duck Creek Marshall Vale boundary

Cadastre  
Cadastre 11.04.22 © Wollongong City Council

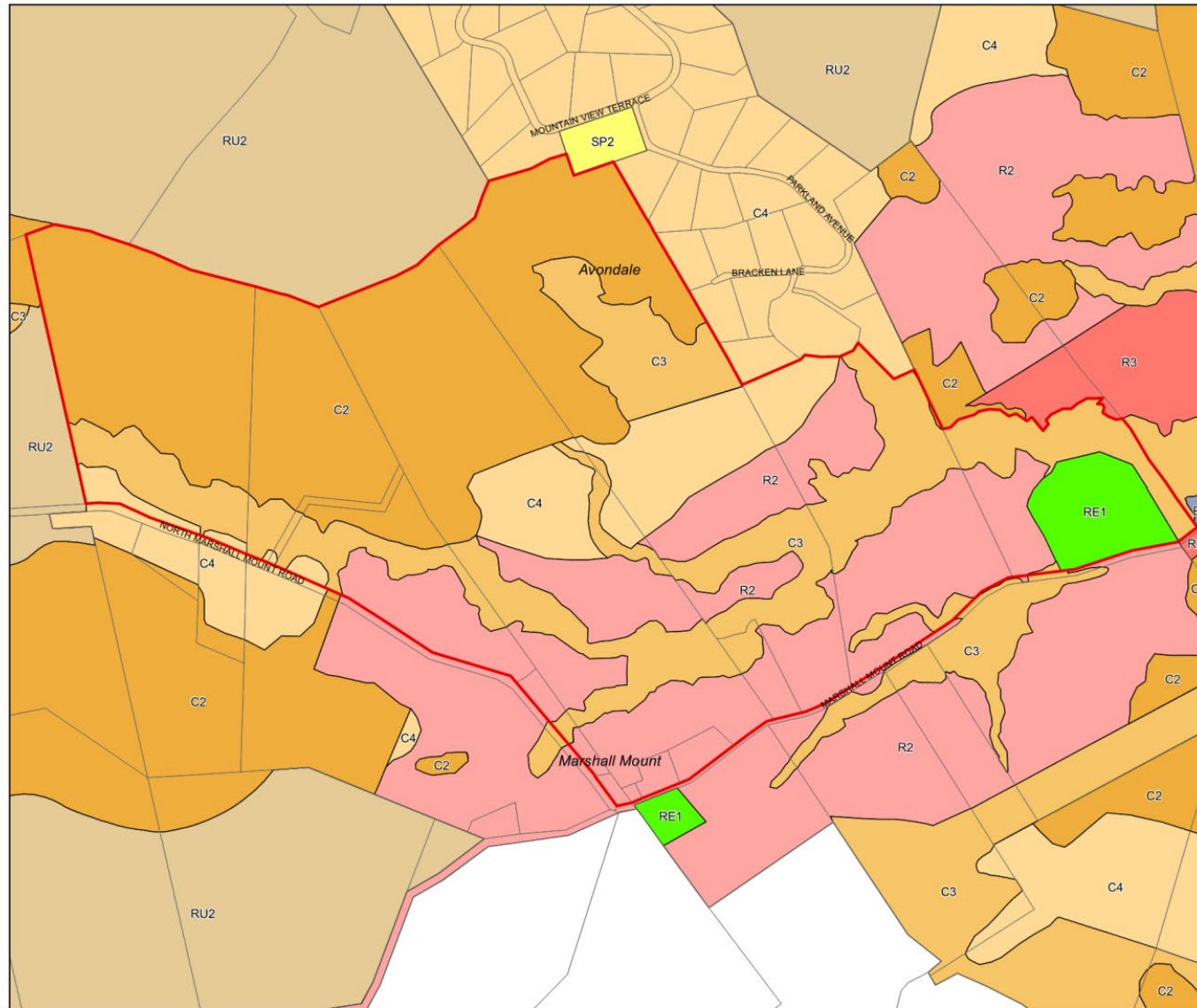


0 0.4  
Kilometres

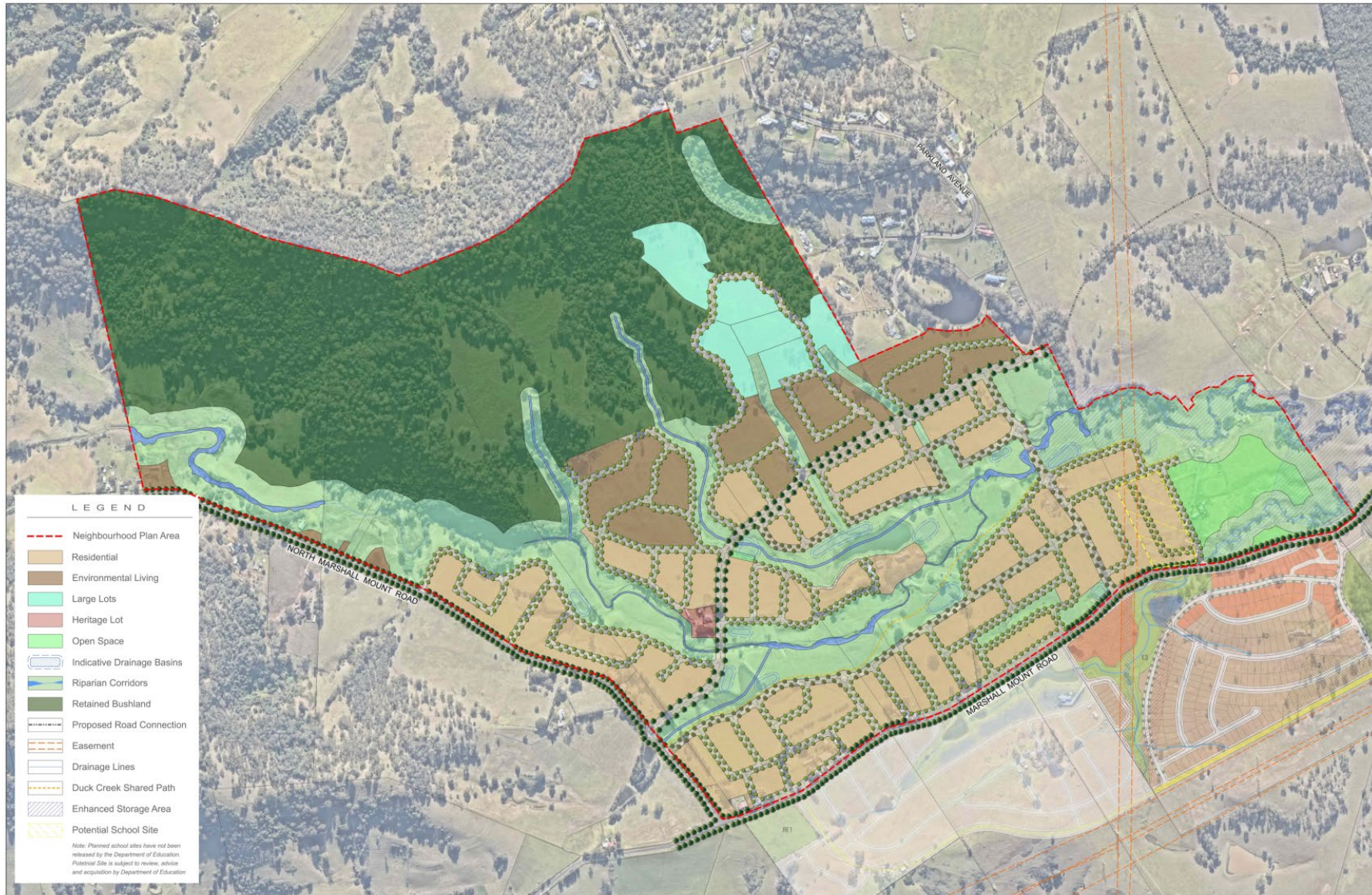
Projection: GDA 2020  
MGA Zone 56

Scale 1:10,000 @ A3

Map Identification number:  
Location\_Zoning\_110422.mxd



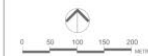




**NEIGHBOURHOOD PLAN  
DUCK CREEK / MARSHALL VALE  
MARSHALL MOUNT**

**NOTES**

Base data supplied by N200 LPI / Wollongong Council / Hemisphere May 2019  
Proposed N200 LPI Zone 50  
Areas and dimensions shown are subject to final survey calculations.  
All boundaries are shown for illustrative purposes only and are subject to  
current engineering design.  
The drawings presented on this plan are the copyright of Urbanco.  
No copies in whole or in part may be made without the permission of Urbanco.



CLIENT : West DL  
SCALE : A1 @ 1:4,000  
DATE : 27/05/2022  
PLAN No : 036.MM.019  
REVISION : 15

**urbanco**  
Suite 3.03 55 Miller Street PYRMONT NSW 2009  
PO Box 548 PYRMONT NSW 2009 | 02 9551 9333  
hello@urbanco.com.au | www.urbanco.com.au



