

## ITEM 2 PLANNING PROPOSAL PP-2024/6 - 365 MARSHALL MOUNT ROAD, MARSHALL MOUNT

A Planning Proposal request has been submitted for Lot 8 DP 626078, 365 Marshall Mount Road, Marshall Mount. The draft Planning Proposal request is seeking an increased residential lot yield on the periphery of Stage 5 of the West Dapto Urban Release Area by reducing the minimum lot size within the C4 Environmental Living zone from 4,999 to 999sqm.

An assessment of the Planning Proposal request has identified several shortcomings as the proposal lacks strategic and site-specific merit, does not consider the precinct holistically and seeks to reduce lot sizes in an area not identified or suitable for the proposed increase in residential density.

Based upon the staff assessment and advice from the Wollongong Local Planning Panel, it is recommended that Council not support the Planning Proposal request as submitted. The submission of a revised new Planning Proposal request that better addresses the site constraints has been raised by the Wollongong Local Planning Panel as a possible option for the proponent.

### RECOMMENDATION

The Planning Proposal request for Lot 8 DP 626078, 365 Marshall Mount Road, Marshall Mount not be progressed as the proposal lacks strategic and site-specific merit.

### REPORT AUTHORISATIONS

Report of: David Green, Land Use Planning Manager  
 Authorised by: Chris Stewart, Manager City Strategy

### ATTACHMENTS

- 1 Location Plan
- 2 Concept Lot Layout Plan
- 3 Planning Proposal Map
- 4 Submission from the Proponent to the WLPP - 9 May 2025
- 5 Zoning and Minimum Lot Size Context Plans
- 6 Wollongong Local Planning Panel advice

### ACRONYMS USED IN REPORT

Abbreviation	Meaning
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIMS	Aboriginal Heritage Information Management System
APZ	Asset Protection Zones
DEECCW	Department of Climate Change, Energy, the Environment and Water
ISRP	Illawarra Shoalhaven Regional Plan 2041
LEP	Wollongong Local Environmental Plan 2009
MLS	Minimum Lot Size
RAPs	Registered Aboriginal Parties
RFS	NSW Rural Fire Service
SES	NSW State Emergency Service
TfNSW	Transport for New South Wales
TIA	Traffic Impact Assessment
WDURA	West Dapto Urban Release Area
WLPP	Wollongong Local Planning Panel

## BACKGROUND

The site at Lot 8 DP 626078, 365 Marshall Mount Road, Marshall Mount has an area of approximately 36 hectares (Attachment 1). Approximately 12 hectares of the site is subject to the Planning Proposal request to change the Minimum Lot Size (MLS) Map from 4,999sqm to 999sqm. The site is currently used for rural purposes with grazing paddocks and vegetation.

The property is within Stage 5 of the West Dapto Urban Release Area (WDURA) which was rezoned in June 2018 for urban purposes and conservation.

The western portion of the property (located between Marshall Mount Road and the proposed bypass road) is zoned R2 Low Density Residential and is part of the adopted Iowna Neighbourhood Plan precinct.

The eastern portion of the property is zoned C4 Environmental Living with MLS of 4,999sqm, which would enable an estimated 15-20 large lots on the subject site. This part of the site and adjoining properties are within the Timber Glades Neighbourhood precinct. The Yallah Marshall Mount Vision (2015) and West Dapto Vision (2018) indicate that the intended character of the precinct is 'transition' between the surrounding conservation land and the housed urban areas.

In September 2023, a Scoping Proposal was submitted to Council proposing a reduction in the MLS from 4,999 to 999sqm. On 28 November 2023, a pre-lodgement meeting was held. Council officers advised that the proposal was inconsistent with Council's vision for Marshall Mount, had concerns about servicing, and did not support spot rezonings / Planning Proposal requests.

On 17 December 2024, a Planning Proposal request was lodged seeking amendment to the Wollongong LEP 2009 to enable increased residential density on the site.

Preliminary (non-statutory) notification was undertaken from 10 February to 10 March 2025, including State agency consultation. The feedback received by from the preliminary notification is summarised in the Consultation and Communication section of this report.

## PROPOSAL

The Planning Proposal request seeks to amend the Minimum Lot Size (MLS) Map for the C4 Environmental Living part of the property from 4,999 to 999sqm.

The Planning Proposal request was lodged with a conceptual lot layout plan (Attachment 2) and the following supporting reports –

- Aboriginal Cultural Heritage Assessment Report (Biosis)
- Archaeological Report (Biosis)
- Heritage Report (Artefact)
- Bush Fire Assessment Report (Building Code & Bushfire Hazard Solutions)
- Civil Engineering Plans (Maker)
- Concept Plan (DSB Landscape Architects)
- Ecological Report (Lodge Environmental)
- Landscape and Visual Character (Distinctive)
- Preliminary Site Investigation Report (Environment & Natural Resource Solutions)
- Traffic Report (Amber)
- Utilities Investigation (Maker)
- Water Cycle Management (Maker)

The proposed LEP amendments are shown in Attachment 3 of this report. The concept plan suggests that if approved, and subject to development consent, the proposal would allow up to 72 residential lots on the subject site, an increase yield of 52-57 lots.

## Strategic Context

The site is located within Stage 5 of the WDURA. It was initially proposed to be rezoned in 2006-8, but Stages 3, 4 and 5 were deferred following a review by the Growth Centres Commission in 2008. The review related to the viability and affordability of the release area, cost and timing of infrastructure, staging, access, flooding and riparian issues.

The rezoning of Stage 5 occurred in June 2018 as a result of extensive land use studies and planning undertaken following the Growth Centres Commission review and included preparation of Yallah-Marshall Mount Vision 2015. The planning controls in the Wollongong LEP 2009 for this precinct reflect the strategic planning work undertaken by Council and endorsed under the NSW Government planning framework.

## Planning Considerations

This report recommends that the Planning Proposal request not be supported for the reasons outlined below -

- The proposed change to the MLS clause does not achieve the intended development outcomes and precinct character outlined in the Yallah-Marshall Mount Vision 2015 and the West Dapto Vision 2018. The adopted Structure Plan in the West Dapto Vision 2018 nominates the site as 'transition' surrounded by 'conservation' lands. Principle 5 of the Vision's Housing Principles seeks to 'reduce housing density on the fringe of the urban release area to provide delineation to the housed urban areas and a buffer to the Escarpment and important environmental features'.
- The proposal would increase residential densities on the periphery of the urban release area, isolated from the rest of the Yallah-Marshall Mount precinct. The Yallah-Marshall Mount Vision seeks to have densities concentrated around the town centre and public transport routes. The proposal would increase lot densities in an isolated area with unplanned public transport and poor active transport connectivity. The precinct will be heavily reliant upon private vehicles to meet the transportation needs of future residents.
- The site is isolated and has only one access point to the proposed Marshall Mount bypass road which will be limited to a left-in left-out intersection only. NSW SES has raised concern with the single access point. TfNSW notes that public transport along the bypass road is not planned with public transport routes proposed to focus on Marshall Mount Road. The vehicle access arrangements are likely to be staged given the unknown timing for delivery of the proposed Marshall Mount bypass road.
- Smaller lot sizes will mean that the bushfire Asset Protection Zone (APZ) requirements will reduce the building envelopes for lots adjoining the C2 Environmental Conservation zoned land.
- The planned rural-residential style lots within the precinct (MLS of 4,999sqm) are intended to provide stewardship for the adjoining C2 Environmental Conservation zoned lands. The proposal does not indicate how the proposed lots (which would change the area to be more large-lot residential style development) will provide for the stewardship of environmental lands. DCCEEW has indicated that the proposal needs to be amended to include how the C2 Environmental Conservation zoned lands would be protected and managed.
- The proposal is a site-specific "spot" rezoning which does not consider the precinct holistically. The proposal does not include adjoining properties which have the same planning controls (Attachments 2 and 3). There is currently no adopted or draft Neighbourhood Plan for the Timber Glades precinct. Council's Planning Proposal Policy states that a Planning Proposal request will generally not be supported by Council if it relates to 'rezoning of single properties to increase housing density'. Considering sites in isolation, may result in future Planning Proposal requests for the adjoining land, rather than considering the precinct holistically.
- The delivery of the proposed Marshall Mount bypass road is at the 80% concept design stage. Depending upon the timing of infrastructure and development delivery, access to the site may be reliant on an interim arrangement through the northern Iowna Neighbourhood Precinct which is a sub-optimal arrangement given the proposed increase in residential density.

- The submitted Planning Proposal request is not consistent with the general advice provided by Council staff at the Scoping Proposal stage.

### Wollongong Local Planning Panel

On 12 May 2025, the Planning Proposal request was considered by the Wollongong Local Planning Panel (WLPP). The proponent was notified of the staff report and recommendation. The proponent and consultants attended both the WLPP on-site inspection and subsequent meeting and provided verbal and written submissions (Attachment 4). The following justification was highlighted by the proponent's consultant team for the WLPP's consideration -

- The proposal will increase the development lot yield which is appropriate given the current housing crisis and consistent with the need to deliver housing under the National Housing Accord.
- The site is well serviced by the proposed Marshall Mount bypass road, water and sewer, as well as the amenities being delivered in the adjoining Iowna Neighbourhood Precinct. A footpath network will link the site to the proposed bypass road and broader Iowna Neighbourhood precinct.
- Despite the one access point arrangement (left in, left out design), the proposed development will provide flood free connection to a flood reliable road network. The one-way in and out does not travel through any Forest or Woodland hazards and will therefore not be compromised in times of bushfire.
- Despite the reduce MLS the proposal still provides a transition from Calderwood to the south-west (albeit not directly adjoining) towards the Yallah town centre and does not affect the buffer to the Illawarra Escarpment.
- The concept lot layout plan shows a potential subdivision layout with a range of lot areas from 999sqm and up. The same earthworks are required to deliver the development regardless of the MLS.
- Land zoned C4 Environmental Living in the nearby Duck Creek Neighbourhood precinct has MLS of 999sqm. In this regard the proponent has provided context plans showing the zoning and MLS for the area including Calderwood and precincts surrounding the proposed Marshall Mount Town Centre (Attachment 5).
- The APZ requirements largely sit with the proposed road corridor. The few lots that do not benefit from the permitter road have been made large enough and provided with building envelopes that consider the APZ requirements.

Having consider the staff report and submissions from the proponent, the WLPP advised (Attachment 6)–

- 1 *The Panel advises that the Planning Proposal request does not have sufficient strategic or site-specific merit to be progressed as submitted and assessed. The Panel considers that the Planning Proposal request does not appropriately respond to the relationship and transition between the site and other properties in the Timber Glades Precinct. The Panel broadly agrees with the main issues presented in the Council officers' report.*
- 2 *The Panel considers that an alternate Planning Proposal request for the Timber Glades Precinct may include a marginally higher density than that currently allowed, subject to a demonstrable response to the environmental capacity of the land which includes, but is not limited to, contextual constraints and opportunities, topography and minimising cut and fill, the landscape setting, visual catchments, ecological constraints and associated infrastructure provision (including public transport).*

## CONSULTATION AND COMMUNICATION

### Preliminary feedback

Preliminary notification was undertaken from 10 February to 10 March 2025, including State agency consultation. Council's preliminary exhibition webpage was viewed 108 times and 42 people downloaded documents.



Two community submissions were received raising no objections and supported the proposal to increase housing supply.

A summary of the State agency comments is provided as follows –

- Sydney Water want the proponent to lodge a feasibility application via the Water Servicing Coordinator. There are currently no water or wastewater services available to the development area.
- State Emergency Service (SES)
  - Raise concerns that the area is isolated and has only one access road which may be isolated by a tributary of Duck Creek. Flood resilient infrastructure should be in place prior to any development.
  - Want the impacts of climate change and the impact of bulk earthworks on downstream areas considered.
- Transport for NSW (TfNSW)
  - Public transport along the bypass road is not guaranteed, and the TIA refers to a bus service not developed or being planned. Roads would need to be bus compliant.
  - Active transport needs to be planned and proposed Road Type 6 does not enable off road cycling. The proposal would need to provide active transport connectivity between lots and enable shorter access to the town centre.
  - That the TIA refers to traffic signals that do not correlate with any signals indicated in Council's plans. Any proposed signals would require TfNSW approval.
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
  - The ACHAR needs to be updated to include an updated AHIMS information, comments from the South Coast People Native Title Claimants and consultation with RAPs. The ACHAR needs to include additional reports on items AHIMS 104713, Site 52-5-0848 and further consideration of high significance item Site 52-50-1051. Further consideration needs to be made of cumulative impacts and impacts outside the boundaries.
  - The Planning Proposal needs to ensure the proposal assesses high environmental value lands under the ISRP 2041 and avoids development on these sites.
  - That the area is subject to the WDURA Biodiversity certification application and the development needs to be compliant. A Biodiversity Development Assessment Report may be necessary.
  - That the Planning Proposal should be amended to include how C2 zoned lands will be protected and managed as part of the proposal.
  - The proposal involves flood prone land and needs to satisfy the Local Planning Direction 4.1 and the NSW Government's Flood Prone Land Policy. DCCEEW note the site is isolated and recommends a comprehensive Flood Impact and Risk Assessment is prepared.
- Rural Fire Service (RFS)
  - The proposed development relies on a single point of access and the capacity of existing roads to deal with evacuating residents needs to be considered.
  - The bushfire report indicates a reliance of offsite APZs. It needs to be demonstrated that these can be legally created and maintained.
  - That servicing and infrastructure need to consider practicality of operation for emergency purposes. It is noted that the proposal would significantly increase lot yields in an area which is isolated and proposed to have only one access point which could be isolated by flooding or fire. This access point cannot be finalised until the proposed bypass road is completed. The connection to Marshall Mount Rd is a critical element that has not been resolved.

## OPTIONS

This report recommends that Council not support progression of the current Planning Proposal request. Should Council resolve as recommended in this report, the proponent may seek a rezoning review by the Department of Planning, Housing and Infrastructure. If the rezoning review is supported, the exhibition and progression of the Planning Proposal is likely to be managed by the Department. Council could make a submission during the exhibition.

If Council resolves to support and progress the Planning Proposal request in its current form, the following alternative resolution is suggested -

- 1 *A Planning Proposal be prepared for Lot 8 DP 626078, 365 Marshall Mount Road, Marshall Mount to reduce the minimum lot size of the land zoned C4 Environmental Living from 4,99sqm to 999sqm, and be submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.*
- 2 *If a Gateway Determination is issued, the Planning Proposal be exhibited for a minimum period of 28 days.*
- 3 *The NSW Department of Planning, Housing and Infrastructure be advised that Council wishes to utilise its plan-making delegations to finalise the Planning Proposal, after the consideration of the post exhibition report.*

The submission of a revised new Planning Proposal request that better addresses the site constraints has also been raised by the Wollongong Local Planning Panel as a possible option for the proponent. Any new Planning Proposal should address the landscape setting, adjoining properties, access and other issues raised in this report.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan Objectives 1 “We value and protect our environment”. It specifically delivers on the following -

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.5 Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs.	Land Use Planning

The Planning Proposal request has been considered against the following strategic documents -

- Illawarra Shoalhaven Regional Plan 2041 (2021) – the site is within the West Dapto Release Area
- Wollongong Local Strategic Planning Statement 2020 - the site is within the West Dapto Release Area
- Council’s Planning Proposal Policy (2022) – the proposal is inconsistent with the Policy given it is a spot rezoning and does not consider neighbouring sites in the precinct.
- Council’s West Dapto Vision 2018 – inconsistent as the site is identified as a transition zone, not a housed urban area.
- Council’s Yallah-Marshall Mount Vision 2015 – inconsistent as the site is identified in the vision as having large areas of significant bushland with potential for limited rural residential development.
- Wollongong Housing Strategy (2023) – the proposal does seek to increase housing supply, however it is not in a preferred location, as nominated by the West Dapto Vision 2018 and Yallah-Marshall Mount Vision 2015.

## SUSTAINABILITY IMPLICATIONS

The Planning Proposal request is inconsistent with the Yallah-Marshall Mount Vision 2015 and West Dapto Vision 2018 which seeks to locate higher density housing adjacent to public transport routes and community facilities to improve the sustainability, liveability and resilience of our city.

## RISK MANAGEMENT

Maintaining consistency with the Yallah-Marshall Mount Vision 2015 and West Dapto Vision 2018 will provide improved clarity to Council, developers and the community regarding the lodgement requirements and development assessment process within the WDURA.

## FINANCIAL IMPLICATIONS

The financial implications of the WDURA are significant and are subject to regular monitoring and modelling. As part of the West Dapto Review Project, Council recently considered and adopted an updated West Dapto Development Contributions Plan 2025. There are no significant financial implications resulting from this report, as no change is proposed.

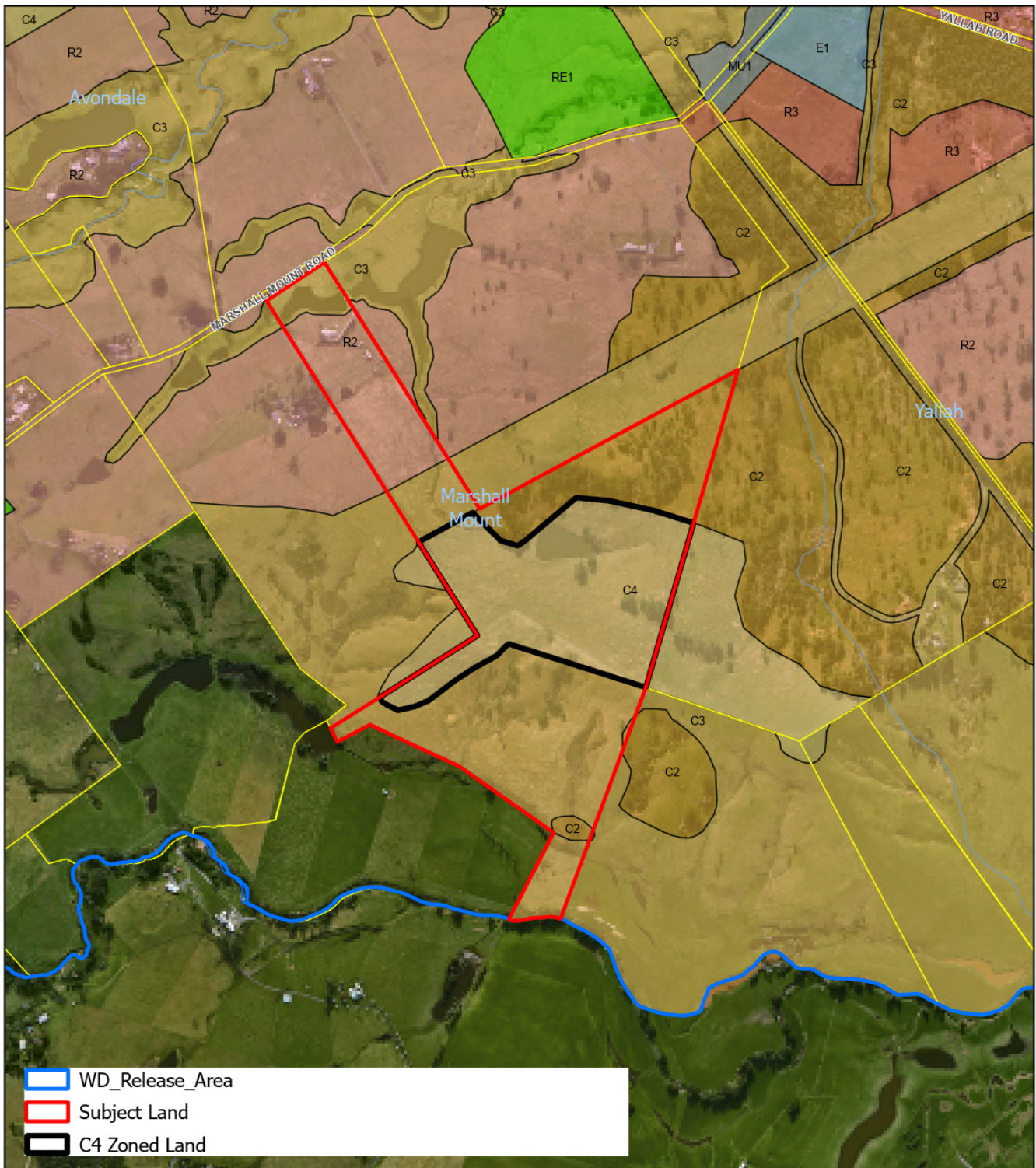
If the Planning Proposal request is progressed and a development application for subdivision approved, there would be an increase in development contributions and rates income, associated with the proposed increased number of dwellings.

## CONCLUSION

The rezoning of Stage 5 of the West Dapto Urban Release Area occurred in June 2018 as a result of extensive land use studies and planning undertake following the Growth Centres Commission review and included preparation of Yallah-Marshall Mount Vision 2015.

The planning controls in the Wollongong LEP 2009 for this precinct reflect the strategic planning work undertaken by Council and endorsed under the NSW Government planning framework. The current zoning and LEP controls reflect the environmental and scenic attributes of the site and locality.

It is recommended that the submitted Planning Proposal request to reduce the minimum lot size at Lot 8 DP 626078, 365 Marshall Mount Road, Marshall Mount does not have strategic or site-specific merit and should not progress.



## 365 Marshall Mount Rd

Path: K:\CST\Arcgis\1 Planning Proposals\1 ArcGISPro\365 Marshall Mount Rd\365 Marshall Mount Rd ZoneAir.aprx

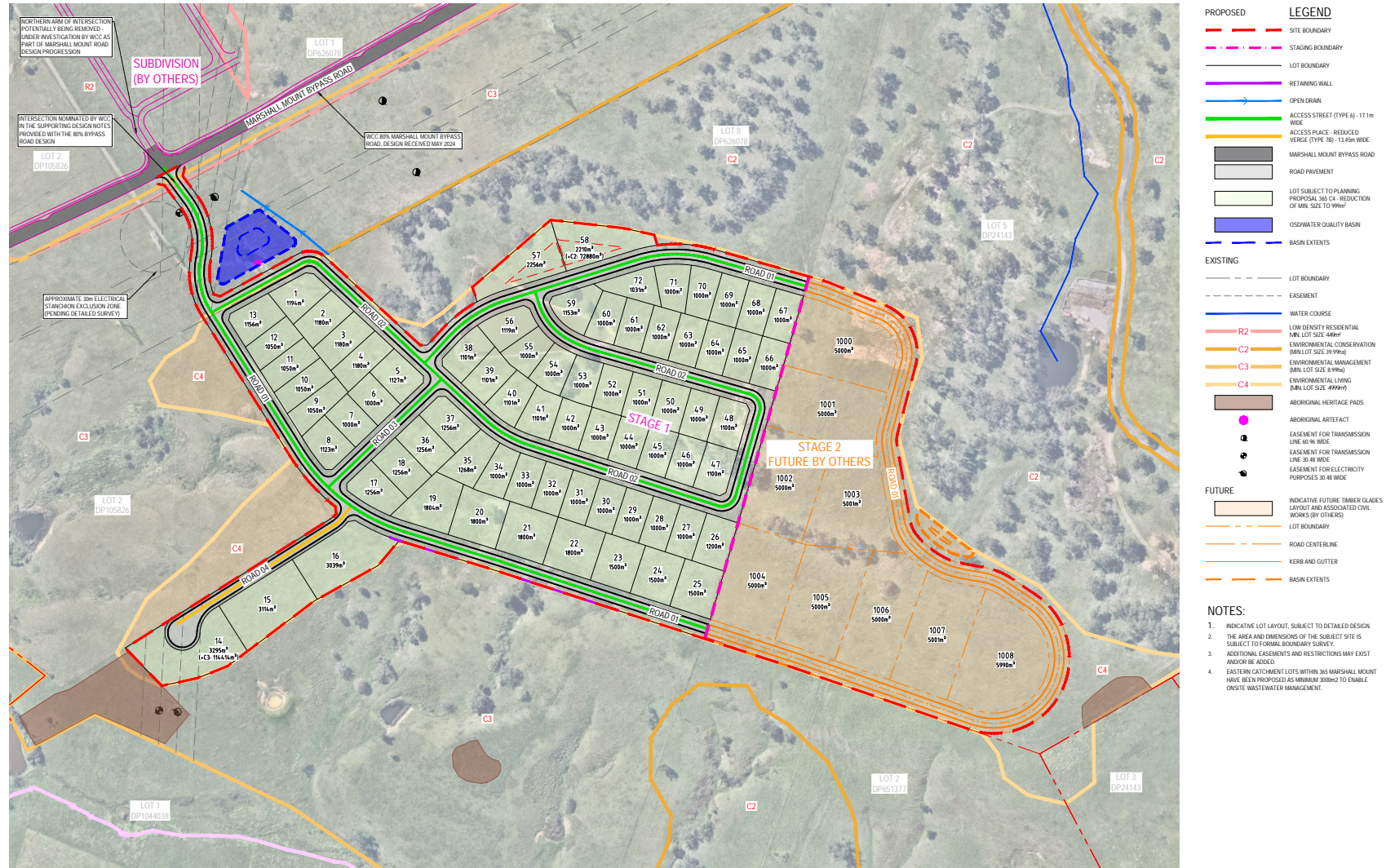


Coordinate System: GDA2020 MGA Zone 56



0 200 400  
Meters





REV	DATE	DESCRIPTION	AMEND BY	APP BY
P6	13.12.24	UPDATED TO REFLECT 80% BYPASS ROAD DESIGN	JRC	TH
P5	10.12.24	UPDATED TO REFLECT 80% BYPASS ROAD DESIGN	JRC	TH
P4	21.10.24	UPDATED TO REFLECT 80% BYPASS ROAD DESIGN	JRC	TH
P3	22.04.24	ISSUED FOR INFORMATION	MD	TH
P2	29.01.24	ISSUED FOR INFORMATION	MD	TH
P1	25.01.24	ISSUED FOR INFORMATION	MD	TH

SCALE 1:1500 AT ORIGINAL SIZE



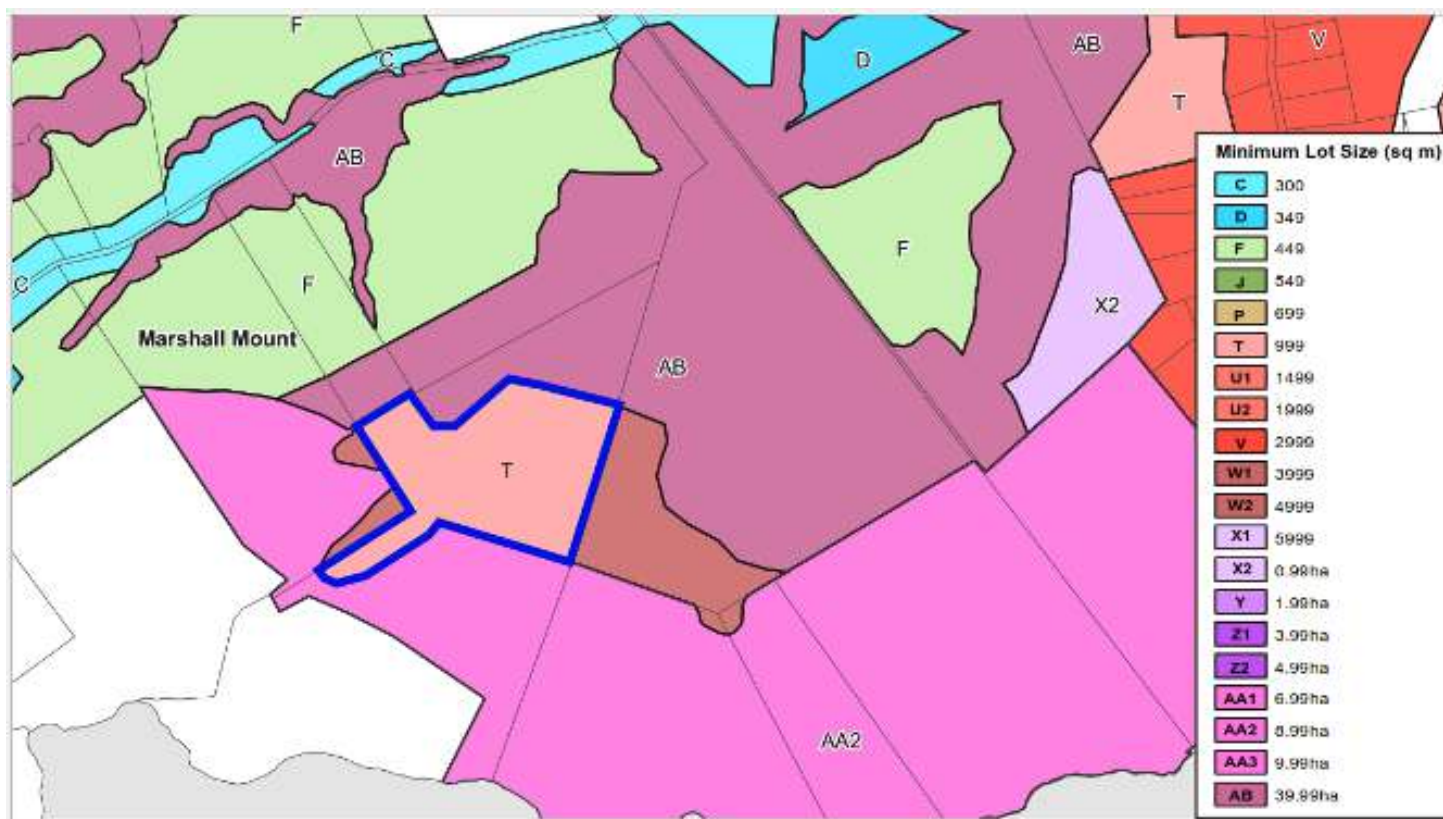
DRAWN:	DESIGNED:
M. DAVID	M. DAVID
DRAFT CHECK:	DESIGN CHECK:
T. HOWE	T. HOWE
APPROVED:	T. HOWE
FOR INFORMATION	

PROPOSED SUBDIVISION OF LOT 8 IN DP626078  
365 MARSHALL MOUNT ROAD  
CONCEPT LOT LAYOUT PLAN

DRAWING NUMBER	SHEET NO.	ORIG. SIZE	REVISION
MKR00156-00-SK016		A1	P6



## Attachment 2 Planning Proposal Map





9 May 2025

2230338

Wollongong Local Planning Panel  
Chairperson  
City of Wollongong  
41 Burelli Street  
Wollongong NSW 2500

Dear Wollongong Local Planning Panel,

**Local Planning Panel Meeting 12 May 2025: Item 1 - Planning Proposal: 365 Marshall Mount Road – Timber Glades lot size reduction**

We write on behalf of [REDACTED] the proponent for a Planning Proposal at 365 Marshall Mount Road, Marshall Mount, within the Timber Glades Neighbourhood in the West Dapto Urban Release Area. This letter has been prepared in response to the Local Planning Panel report for the subject Planning Proposal, and provides additional clarification as required.

A Scoping Proposal was submitted to the City of Wollongong (Council) on 22 September 2023, seeking commentary on a proposed Planning Proposal to reduce the minimum lot size control applicable to the subject site from 4,999sqm to 999sqm.

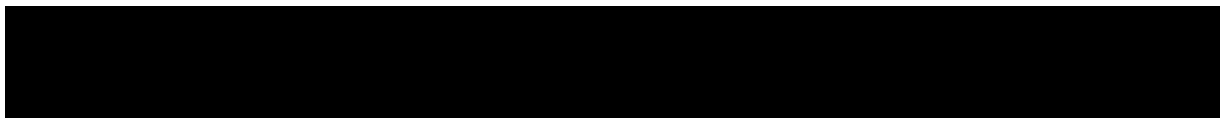
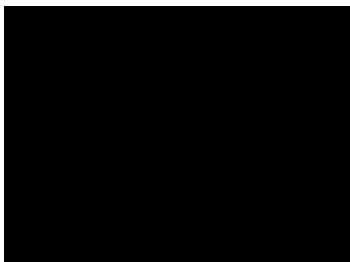
After this, a Scoping Meeting was held on 28 November, with commentary received from Council and select agencies.

The Planning Proposal was lodged on 17 December 2024, in response to Council and agency comments.

Since that time, Council have carried out an assessment of the lodged Planning Proposal and have issued a report to the Local Planning Panel.

The following Table 1 (overleaf) provides a response to the matters raised in the Council report.

We would request that the Local Planning Panel review this response prior to the meeting to be held at 12.45pm on 12 May 2025 regarding this Planning Proposal.





### 365 Marshall Mount Road, Marshall Mount – Response to Council Local Planning Panel Report

Table 1 Council Assessment Report

Item	Comment
<b>Background</b>	
In September 2023 a Scoping Proposal was submitted to Council and on 28 November 2023 a pre-lodgement meeting was held. Council officers advised that the proposal was inconsistent with Council's vision for Marshall Mount, had concerns about servicing, and did not support spot rezonings / planning proposals that didn't consider adjoining properties.	<p>Council's Pre-Lodgement Scoping Meeting were addressed in detail in Table 3 of the Planning Proposal (page 5). These comments are re-addressed below from agencies to indicate how the Proposal has addressed these matters (shown in <i>italics</i> below as summarised):</p> <ul style="list-style-type: none"> <li>• <i>Sydney Water requiring a feasibility to be lodged.</i> <ul style="list-style-type: none"> <li>- Sydney Water have confirmed the site forms part of their under-construction trunk drainage system based on continual liaison with Maker Consulting.</li> </ul> </li> <li>• <i>SES concerns regarding site isolation and one access road.</i> <ul style="list-style-type: none"> <li>- This is addressed below in flooding comments and in the submitted Water Cycle Management Plan, however in summary the proposed development will provide flood free connection to the flood reliable road network as the subject Site will remain flood free in all events up to Probable Maximum Flood (PMF).</li> </ul> </li> <li>• <i>SES commentary around the impact of bulk earthworks on downstream areas.</i> <ul style="list-style-type: none"> <li>- This will form part of future detailed DA design however the Water Cycle Management Plan considers this at a high level as part of the indicative concept design provided to demonstrate that any impacts are able to be appropriately managed and are not relevant to the subject PP which seeks to amend the minimum lot size only. The same earthworks would be required to provide for the ring road regardless of whether the minimum lot size is amended for the subject site.</li> </ul> </li> <li>• <i>TfNSW commented on traffic matters including public transport, active transport, and traffic impacts.</i> <ul style="list-style-type: none"> <li>- These matters have all been addressed in detail in the submitted Traffic Assessment prepared by Amber in response to these comments.</li> </ul> </li> </ul> <p>Internal Council comments related to the following (shown in <i>italics</i>)– which informed the documentation and assessments prepared to support the Planning Proposal:</p> <ul style="list-style-type: none"> <li>• <i>The proposed 999sqm minimum lot size is inconsistent with desired character:</i> <ul style="list-style-type: none"> <li>- The Planning Proposal report addresses this matter throughout and this is supported by the Landscape Visual Impact Assessment at Appendix L.</li> </ul> </li> <li>• <i>Emergency access in a fire or flood:</i> <ul style="list-style-type: none"> <li>- These matters were addressed in the Water Cycle Management Plan prepared by Maker (and as outlined above and below, the development will provide flood free connections), and the Bushfire Assessment prepared by Bushfire Hazard Solutions (which notes that the proposed access and egress routes are considered acceptable, refer page 20 of the Bushfire Assessment).</li> </ul> </li> <li>• <i>Smaller lot sizes and APZs limiting building envelopes:</i></li> </ul>



Item	Comment
	<ul style="list-style-type: none"> <li>- Attachment 1 of the Bushfire Assessment (page 25) indicates the required APZs overlay on the indicative lot layout – this indicates there is sufficient land for future dwellings to be positioned on each allotment outside of the required APZs.</li> <li>• <i>Impacts on C4 values not being adequately considered:</i> <ul style="list-style-type: none"> <li>- The C4 Environmental Living zone objectives are considered through the Planning Proposal, noting that these zone objectives, in particular through providing low impact residential development in areas with special values, with no adverse effect. These values are addressed in the numerous supporting assessments forming part of the Planning Proposal, including the Bushfire Assessment (Appendix D), Ecological Report (Appendix E), Landscape Report (Appendix G), ACHAR (Appendix J) and the Landscape Visual Impact Assessment (Appendix L).</li> </ul> </li> <li>• <i>Traffic in terms of increasing allotments with little prospect of public or active transport, with connection to Marshall Mount Road needing resolution:</i> <ul style="list-style-type: none"> <li>- These matters have all been addressed in detail in the submitted Traffic Assessment prepared by Amber (Appendix F) in response to these comments in Table 1 (page 6 onwards). A response is provided further below.</li> </ul> </li> </ul> <p>The main Scoping Meeting comments related to:</p> <ul style="list-style-type: none"> <li>• <i>Strategic merit:</i> <ul style="list-style-type: none"> <li>- The Planning Proposal directly responds to several strategic planning objectives and priorities identified for the Site and greater area (refer Section 6.1 of the Planning Proposal report).</li> </ul> </li> <li>• <i>Character:</i> <ul style="list-style-type: none"> <li>- The proposed amendment to the minimum lot size will not result in a significantly different outcome and character as envisaged for the Site as assessed in the Landscape Visual Impact Assessment at Appendix L.</li> </ul> </li> <li>• <i>Zoning:</i> <ul style="list-style-type: none"> <li>- It is noted the proposed minimum lot size is consistent with other C4 Environmental Living zoned land with similar characteristics in the WDURA (including within the Duck Creek Neighbourhood Plan area to the north) and Wollongong LGA more broadly. The Site is strategically located near the future Marshall Mount Town Centre and satisfies the convenient access threshold of 30 minutes for jobs. With the need to deliver housing under the National Housing Accord, the Site is uniquely located to enable additional housing diversity through varying lot sizes, enabling a mix of future dwelling typologies and creating a community that will have convenient access to jobs and services, without delivering on standard low density residential, being conscious of the need to maintain a larger lot size that still enables a rural-residential character transition.</li> </ul> </li> <li>• <i>Density:</i> <ul style="list-style-type: none"> <li>- The proposed amendment to the minimum lot size does not result in a significant increase in density and remains consistent with the objectives of the C4 Environmental living zone. Importantly the proposed LEP amendment will maintain the delivery of low impact residential development in an area identified for increased housing supply.</li> </ul> </li> <li>• <i>Public Transport:</i> <ul style="list-style-type: none"> <li>- A Traffic Assessment (Appendix F) has been prepared by Amber which identifies that the proposed Marshall Mount Town Centre Bypass Road will support future bus services. Further, the provision of bus stops along the Marshall Mount Bypass road has been relied on to service a significant portion of the adjoining Iwona Neighbourhood Precinct.</li> </ul> </li> <li>• <i>Access:</i> <ul style="list-style-type: none"> <li>- Both the Traffic Assessment (Appendix F) and the Bushfire Assessment (Appendix D) provide that the road layout and access are appropriate and enable suitable access and egress to the site.</li> </ul> </li> </ul>

Item	Comment
	Detailed responses to each of these are provided in the Planning Proposal Table 3 (page 5) and were addressed throughout the assessments completed for the submitted Planning Proposal package.
<b>Strategic Context</b>	
The Planning Proposal needs to be consistent with:	Noted. Site is within the WDURA.
<ul style="list-style-type: none"> <li>Illawarra Shoalhaven Regional Plan 2041 (2021) – the site is within the West Dapto Release Area</li> </ul>	
<ul style="list-style-type: none"> <li>Wollongong Local Strategic Planning Statement 2020 - the site is within the West Dapto Release Area</li> </ul>	Noted. Site is within the WDURA.
<ul style="list-style-type: none"> <li>Council's Planning Proposal Policy (2022) – inconsistent as the proposal is a spot rezoning, does not consider neighbouring sites in the precinct.</li> </ul>	Numerous discussions were held with adjoining landowners however they indicated no interest in being involved. This PP does not seek a rezoning and we are happy to discuss the scope of the PP further with Council should there be a desire for amendments to the minimum lot sizes to be considered over adjoining lots.
<ul style="list-style-type: none"> <li>Council's West Dapto Release Area Vision 2018 – inconsistent as the site is identified as a transition zone, not a development zone.</li> </ul>	<p>The WDRV provides per Principle 5 (Housing Transition to the Illawarra Escarpment) of Housing Principles:</p> <p><i>Reduce housing density on the fringe of the urban release area to provide delineation to the housed urban areas and a buffer to the Escarpment and important environmental features.</i></p> <p>It is noted that the site does not sit near to the Escarpment.</p> <p>The Planning Proposal contributes to enabling a larger scale transition from Calderwood to the south west (albeit not directly adjoining) towards the Yallah town centre.</p> <ul style="list-style-type: none"> <li>The site sits only on the C4 land – this land use zoning allows for large lot residential (1,000sqm like the proposal) interspersed with rural style lots surrounding (5,000sqm)</li> <li>Larger lot sizes (1,000sqm) as proposed will enable the use of land to supplement housing supplier in the area, and provides for a transition from the smaller 450sqm lots found elsewhere to the south-west, through larger rural style lots (5,000sqm) before shifting again into smaller lot sizes to the north of the bypass road corridor– and this is consistent with the framing of a Transition Area in the West Dapto Vision.</li> <li>The existing C4 zoning is acknowledged and in itself acts as a transition – and the larger lot sizes proposed in the Planning Proposal, still provides this transition area – it creates opportunities for additional yield in areas suitable, and does not impact on, or affect, the buffer to the Escarpment (unlike other areas further north with larger lot sizes as they sit closer to the Escarpment).</li> </ul> <p>In addition, Principle 1 (Encourage Housing Diversity) and Principle 2 (Promote Housing Affordability) of the WDRV are also relevant:</p> <ul style="list-style-type: none"> <li>The subject proposal would deliver additional diversity in the precinct - 'Diversity can be delivered through different products at different stages of planning by promoting and providing a range of density and lot size and shapes to offer a range of choice to better meet changing community needs.'</li> </ul>



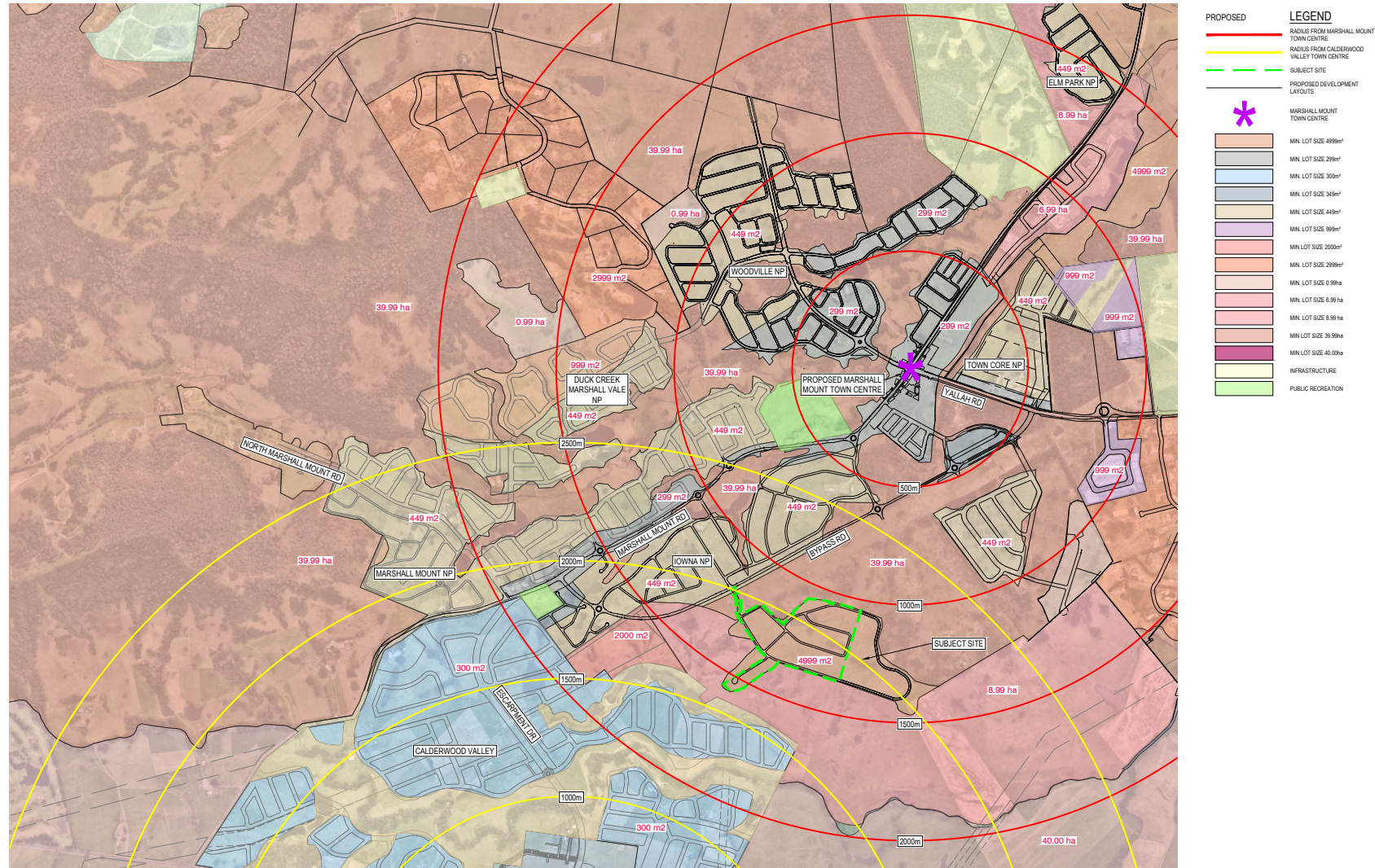
Item	Comment
	<ul style="list-style-type: none"> <li>While it is acknowledged that the resultant lots would not contribute traditional affordable housing options, as is noted in the vision, 'Promoting housing mixture is one tool that provides opportunity for more affordable housing options and reduces housing stress.' Larger lots contribute to the diversity of housing that can be provided in the URA.</li> </ul> <p>The site is mapped as a transition zone, the same as the C4 land within the Duck Creek precinct which has the 999sqm minimum lot size. It is unclear why there is such a difference in the minimum lot size of the subject site and the C4 land within the Duck Creek precinct. The site will be well serviced by the Marshall Mount bypass road, water and sewer, as well as the amenities being delivered in the adjoining Iowna Neighbourhood Plan.</p> <p>It must be noted that notwithstanding the proposed 999sqm minimum lot size proposed, allotments shown on the indicative concept plan range from 1,000sqm and up – to ensure a range is provided. We are happy to work with Council on refining the PP maps.</p>
<ul style="list-style-type: none"> <li>Yallah-Marshall Mount Vision 2015 – inconsistent as the site is identified in the vision as having large areas of significant bushland with potential for limited rural residential development. =</li> </ul>	<p>The site the subject of the PP does not contain large areas of significant bushland, as confirmed in the supplied Ecological Constraints and Opportunities Assessment which outlines that the site contains 0.67ha of PCT3327 Illawarra Lowland Red Gum Grassy Forest in scattered trees across the site. The amount of bushland that would be disturbed for the development would be the same as for the development of the land under the existing min lot sizes as the only vegetation removal expected is due to the grading required to provide for the roads. No unnecessary earthworks are proposed. The lots will be undulating and will contain remnant vegetation where possible. It is noted that a detailed assessment would form part of any future DA submitted for the site.</p>
<ul style="list-style-type: none"> <li>Wollongong Housing Strategy (2023) – the proposal does seek to increase housing supply, however it is not in a preferred location, as nominated by the West Dapto Release Area vision and Yallah-Marshall Mount Vision.</li> </ul>	<p>Noted, however the Housing Accord requires substantial numbers of new housing, and this proposal would contribute to this while also enabling more affordable lot opportunities. The proposal, as outlined above, is also consistent with the West Dapto Vision. There are no references to 'preferred locations' within either vision document. The site is identified as being within a 'transition' area in the WDRAV and 'rural residential' in the Yallah-Marshall Mount Vision document.</p>
<b>Preliminary Feedback</b>	
<p>Preliminary notification was undertaken from 10 February to 10 March 2025.</p> <p>Community comments – two comments were received raising no objections.</p>	<p>These two submissions indicate support for the Proposal, on the basis of additional housing, diversity in lots and affordability.</p>
<b>Agency Comments</b>	
<p>Shellharbour Council notes potential implications on riparian areas to the south of the site and changes from neighbourhood plans and the 80% design for the bypass road.</p>	<p>There will be no adverse impacts to riparian corridors to the south, noting that only indicative lots 14-16 (3 lots) drain to the south and the associated Road 04 would be required under the current minimum lot size.</p> <p>The Water Cycle Management Strategy at Appendix N demonstrates that the intent is for no adverse water quantity or quality impacts beyond the site in the post development scenario, while during construction this would be covered by an erosion and sediment control plan that would be prepared at DA stage.</p> <p>There is currently no Neighbourhood Plan prepared for Timber Glades, and the layout has been designed to reflect the Bypass Road design.</p>

Item	Comment
NSW State Emergency Service recommend flood resilient infrastructure is provided before development, note that the site has only a single point of access which could be isolated.	Noted. This is addressed below under bushfire and flooding comments.
Transport for NSW (TfNSW) note that bus services (such as school buses) would not be possible through roads that are not bus capable. The Transport Impact Assessment (TIA) refers to a bus route that is not proposed and is not guaranteed along the bypass road. Active transport connectivity should be considered. TfNSW also note that the TIA refers to traffic signals at the site access for the proposal which are not planned for in the contributions plan. TfNSW note that traffic signals would require TfNSW approval.	The bus route along Marshall Mount bypass road is required to service the adjoining Iowna development. The Iowna Neighbourhood Plan TIA indicates that only 50% of that site will be within 400m of a bus route should the Bypass Road not be utilised. No traffic signals are proposed. The plans show a left in, left out design. It should also be noted that the 80% design for Marshall Mount bypass road does not provide any intersection to the subject lands, which would need to be resolved regardless of whether this PP was pursued.
Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Heritage – note that the Aboriginal Cultural Heritage Assessment Report (ACHAR) needs to be updated and consultation with registered Aboriginal parties needs to be included.	Updated consultation was provided to the registered Aboriginal parties in March 2025 with consultation current until September. This will continue to be updated through subsequent approval pathways.
Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity, Science and Environment recommends the proposal identify impacts on high environmental value lands, and how the E2 zoned conservation lands would be conserved/managed. DCCEEW also notes that the proposal would need to meet Direction 4.1 - Flooding. DCCEEW note the area is isolated and a Flood Impact and Risk Assessment needs to be completed.	<p>All land on site will remain in private ownership. A VMP would be prepared at the DA stage and relevant restrictions on title would be imposed to ensure ongoing management in accordance with that VMP, noting the proposed minimum lot size change will not impact the conservation or management of the C2 land.</p> <p>The submitted Water Cycle Management Strategy (Appendix N) provides a flood assessment that determines that the Site is generally removed from the floodplain with very little interaction proposed. The Site is located at the top of the catchment and proposes the removal of the upper most extents of some small 1st order watercourses, with minimal interaction with any flood prone areas. Flood modelling results at the Site further re-affirm this, with no impact to the wider floodplain as a result of the proposed works and generally results in a reduction in hazard and depth in the areas immediately downstream of the Site.</p> <p>Additionally, the proposed development will provide flood free connection to the flood reliable road network as the subject Site will remain flood free in all events up to Probable Maximum Flood (PMF). The proposed development has been designed with consideration to the 80% Bypass Road design. If the 80% Bypass Road is not delivered before the proposed development, an interim arrangement will be provided through the Northern Iowna road network. This will alleviate any concerns regarding inability to access the subject Site during flood.</p> <p>The submitted Watercycle Cycle Management Strategy demonstrates the flood conformance of the proposal, nonetheless, specific scenarios or methods of assessment can be discussed with DCCEEW.</p>
Sydney Water note that the proponent needs to register their development intent. Sydney Water	The proponent has been actively working with Sydney Water to ensure the serviceability of the subject site and consequently Sydney Water have confirmed that the proposal been considered as part of their trunk system delivery (which is currently under

Item	Comment
note that water servicing and wastewater servicing is currently not provided. The proposed mains would not be provided until late 2026. The developer would need to provide a lead-in mains from Marshall Mount Road (which would need to cross the route of the proposed bypass road).	construction). Concept sewer and water lead-in designs have been prepared and show that the infrastructure can be located under the future Bypass Road bridge (therefore not constraining the future road construction) prior to linking up with the Iowna NP trunk infrastructure to the north, which is also owned by the proponent.
NSW Rural Fire Service (RFS) note that the proposal is generally consistent, dependent on the surrounding properties providing loop roads and approval of any subsequent subdivision would be reliant on provision of through roads. RFS also note the proposal relies on one point of access, which would need to be justified.	The submitted Bushfire Report (Appendix D) provides that the concept scheme has the capacity to comply with Planning for Bushfire Protection.  The subject Site has connection to Marshall Mount Road to the northwest. The Indicative Concept Scheme provides a connection to the proposed Marshall Mount Bypass Road to the northwest. The Indicative Concept Scheme also includes a perimeter road adjacent to the identified bushfire hazard and utilises through roads throughout the design, therefore satisfying the preferred design option. It has been identified that the one-way in and out does not travel through any Forest or Woodland hazards and will therefore not be compromised in the times of a bushfire.
<b>Main Issues</b>	
The site has been considered in a strategic context and the proposed change to the minimum lot size clause does not have merit in achieving the intended development outcomes of the Yallah-Marshall Mount Vision 2015. It would increase residential densities on the periphery, isolated from the rest of the Yallah-Marshall Mount Precinct by the future bypass road. The Yallah-Marshall Mount Vision seeks to have densities concentrated around the town centre and public transport routes. The proposal would increase lot densities in an isolated area with little prospect of public transport or active transport connectivity. This site is not the target for density and yield.	Providing a range of lot sizes throughout the broader release area will contribute to a diverse and attractive urban character. The site is well located with clear access to either the future bypass, or the existing Marshall Mount Road (via the land to the north, owned by the proponent). The proposed lot size does not imply that each lot within the site will be 1,000sqm, rather it enables the ability for a varied lot mix to be provided to meet diversity and affordability measures.  Further comments are provided above with regard to the consistency of the PP with the West Dapto or the Yallah-Marshall Mount Vision documents. The site is identified as being within a 'transition' area in the WDRAP and 'rural residential' in the Yallah-Marshall Mount Vision document. The PP is consistent with both identified precincts as discussed throughout the Planning Proposal report and this letter, and with other areas of C4 land within the same precinct. The proposal provides a footpath network within all proposed roads which will link up with the Bypass Road shared path and broader Iowna network.  Public transport would be a matter for a future DA stage and as the broader surrounding area develops, noting population requirements would trigger higher frequency services.
The site is isolated and has only one access point. This is to the proposed bypass road and will be limited to being a left-in left-out only intersection. NSW State Emergency Service has raised concerns with the single access point. Transport for NSW notes that public transport along the bypass road is not planned for (public transport routes are proposed to be focused on Marshall Mount Road). The timing and staging of access is reliant on the Iowna neighborhood precinct being developed	See comments above. The site is consistent with the vision, is not adjoining the escarpment or resulting in any additional impacts on important ecological features than the development of the site at the existing minimum lot size would. What is being sought is also consistent with other, similarly zoned and located precincts, arguably with greater affectation by ecological constraints.  In reference to the staging of access, the proponent owns the subject Iowna NP land to the north, as such irrespective of the timing of both Iowna and the Bypass Road, an access road can be provided from the subject site to Marshall Mount Rd – again noting this is the case for the currently permissible site.

Item	Comment
and the timing of the proposed bypass road. Council's bushfire assessment raises concerns with the single point of access and dead-end roads longer than 200m.	
The proposal does not demonstrate walkable routes to the proposed town centre, recreation spaces or facilities. The proposal would result in a car-dependent community.	The road design would provide for footpaths around the estate and connecting to lowna including through the bypass road. The future town centre is also only approximately 1km from the site along future road corridors, just outside the 800m distance which is generally accepted as being walkable.
Smaller lot sizes will mean that the Asset protection Zones (APZ) requirements will reduce the building envelopes for lots adjoining the C2 zoned land.	The submitted Bushfire Assessment provided for APZ requirements that largely sit within road corridors. The few lots that do not benefit from a perimeter road have been made large enough and provided with building envelopes that consider the APZs.
The rural residential lots within the precinct are intended to provide stewardship for the C2 zoned lands. The proposal does not indicate how the reduced lots (which would change the area to be more large-lot residential) would provide for the stewardship of environmental lands. DCCEEW have noted that the proposal needs to be amended to include how the C2 zoned lands would be protected and managed as part of the proposal.	VMPs will confirm ongoing management requirements which would be included on title of relevant properties. This can be a DA stage matter to address, noting the Planning Proposal provides only an indicative concept scheme at this time.
The proposal is a site specific "spot" rezoning and does not consider the precinct holistically.	As above, adjoining landowners were approached through the preparation of this proposal. Adjustment of lot sizing on the balance of the C4 land may be supported by other landowners.
<b>Recommendation</b>	
It is recommended that the WLPP provide advice to Council that the Planning Proposal request does not have strategic merit or site-specific and should not be progressed. The Planning Proposal request does not consider other properties in the Timber Glades precinct, is inconsistent with Council's adopted Yallah-Marshall Mount vision.	Refer responses above. We would appreciate the Panel considering the above matters and encouraging Council to work with the proponent to resolve any outstanding issues. Following the resolution of any matters, recommending that the Planning Proposal be forwarded to the NSW Department of Planning, Housing and Infrastructure for Gateway determination.





- PROPOSED**
- RADIUS FROM MARSHALL MOUNT TOWN CENTRE
  - RADIUS FROM CALDERWOOD VALLEY TOWN CENTRE
  - SUBJECT SITE
  - PROPOSED DEVELOPMENT LAYOUTS
- LEGEND**
- MARSHALL MOUNT TOWN CENTRE
  - MIN. LOT SIZE 4999m²
  - MIN. LOT SIZE 2999m²
  - MIN. LOT SIZE 300m²
  - MIN. LOT SIZE 349m²
  - MIN. LOT SIZE 449m²
  - MIN. LOT SIZE 999m²
  - MIN. LOT SIZE 2000m²
  - MIN. LOT SIZE 2999m²
  - MIN. LOT SIZE 0.99ha
  - MIN. LOT SIZE 6.99ha
  - MIN. LOT SIZE 8.99ha
  - MIN. LOT SIZE 39.99ha
  - MIN. LOT SIZE 40.00ha
  - INFRASTRUCTURE
  - PUBLIC RECREATION

PI	22.05.25	ISSUED FOR INFORMATION	TC	TH
REV	DATE	DESCRIPTION	AND BY APP BY	

0 75 150 225 300 375  
SCALE 1:7500 AT ORIGINAL SIZE

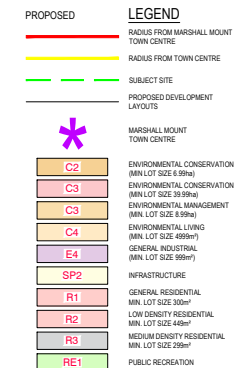


DRAWN: T. GAYZER	DESIGNED: M. DAVIS
DRAFT CHECK: T. HOWE	DESIGN CHECK: T. HOWE
APPROVED: T. HOWE	

PROPOSED SUBDIVISION OF LOT 8 IN DP626078  
365 MARSHALL MOUNT ROAD  
MINIMUM LOT SIZE  
CONTEXT PLAN

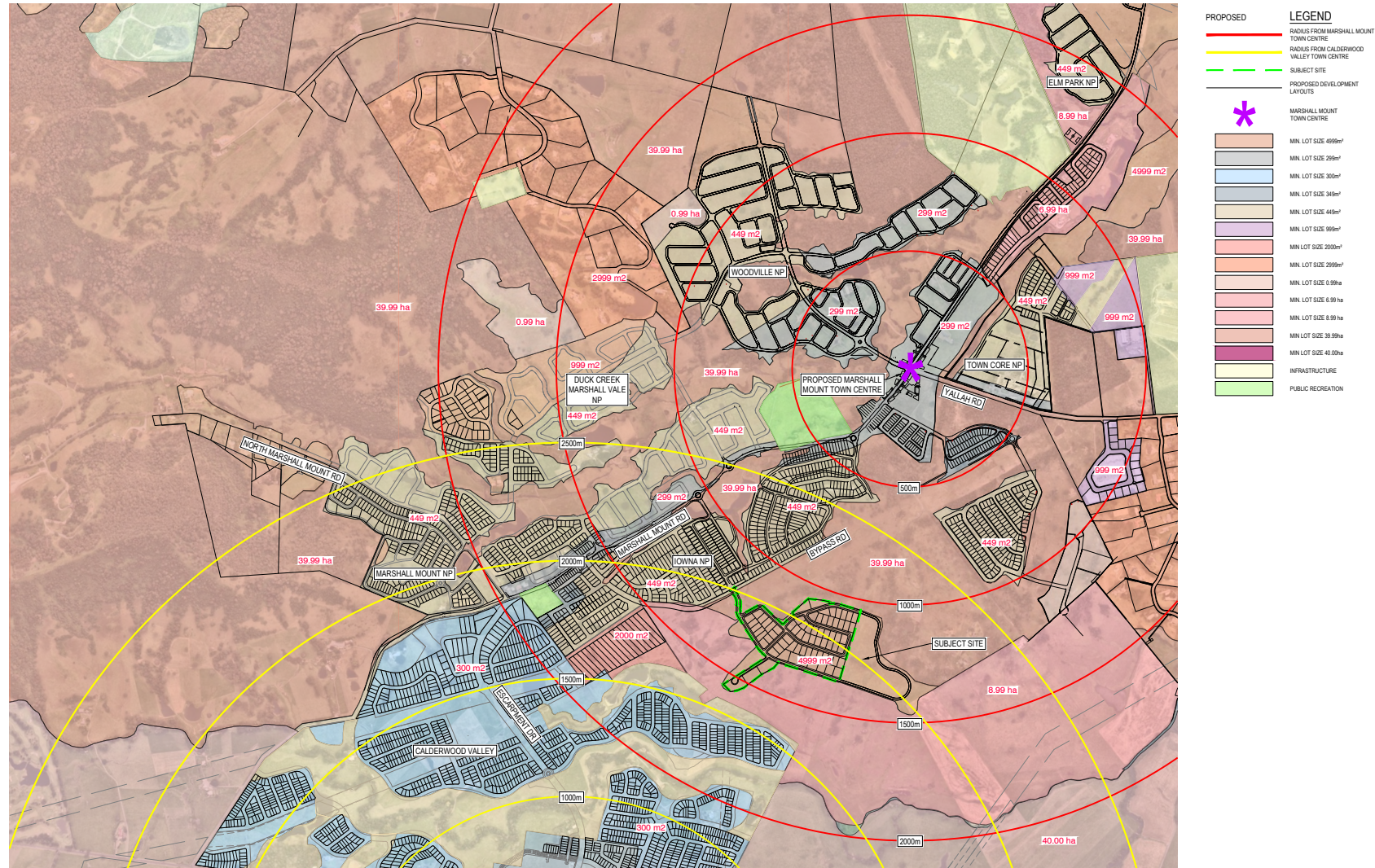
FOR INFORMATION	DRAWING NUMBER MKR00156-00-SK022	SHEET NO.	ORIG. SIZE A1	REVISION P1
-----------------	-------------------------------------	-----------	------------------	----------------





DRAWING NUMBER	SHEET No.	ORIG. SIZE	REVISION
MKR00156-00-SK023		A1	





PI	22.05.25	ISSUED FOR INFORMATION	TC	TH
REV	DATE	DESCRIPTION	AMD BY	APP BY

C:\1500\State\1225\ENERGY PARK\00156 365 Marshall Mt Rd Concept DA CAVI\_411.D-DRIVE\001 Drawings\001 C:\4000 Drawings\001\00156-00-04\002.dwg

0 75 150 225 300 375  
SCALE 1:7500 AT ORIGINAL SIZE



DRAWN: T. GAYZER  
DESIGNED: M. DAVID  
DRAFT CHECK: T. HOWE  
DESIGN CHECK: T. HOWE  
APPROVED: T. HOWE

PROPOSED SUBDIVISION OF LOT 8 IN DP626078  
365 MARSHALL MOUNT ROAD  
MINIMUM LOT SIZE  
CONTEXT PLAN

FOR INFORMATION

DRAWING NUMBER: MKR00156-00-SK022  
SHEET NO.:  
CADD SIZE: A1  
REVISION: P1

## ADVICE AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF MEETING</b>	12/5/25
<b>PANEL MEMBERS</b>	Julie Savet Ward (Chair), Tony Tribe (Expert Panel Member), Marjorie Ferguson (Expert Panel Member)

Meeting held at Wollongong City Council, 41 Burelli Street, Wollongong on 12/5/25 opened at 12.45pm and closed at 4pm.

#### MATTER DETERMINED

Item 1 - Planning Proposal – 365 Marshall Mount Road, Marshall Mount

#### PUBLIC SUBMISSIONS

The Panel heard from:

- Ed Karim – Cavi (owner)
- Christopher Curtis - Ethos Urban
- Jessica Saunders – Maker Engineering
- Kelly McDonald – Maker Engineering
- Council officers



#### PANEL CONSIDERATION

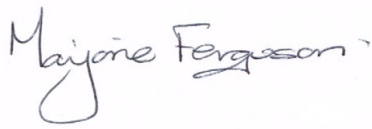
The Panel considered the Council officers' report, the site inspection, the planning proposal request and associated information, and the discussion with the Applicant at the meeting.

#### PANEL ADVICE

1. The Panel advises that the Planning Proposal request does not have sufficient strategic or site-specific merit to be progressed as submitted and assessed. The Panel considers that the Planning Proposal request does not appropriately respond to the relationship and transition between the site and other properties in the Timber Glades Precinct. The Panel broadly agrees with the main issues presented in the Council officers' report.
2. The Panel considers that an alternate Planning Proposal request for the Timber Glades Precinct may include a marginally higher density than that currently allowed, subject to a demonstrable response to the environmental capacity of the land which includes, but is not limited to, contextual constraints and opportunities, topography and minimising cut and fill, the landscape setting, visual catchments, ecological constraints and associated infrastructure provision (including public transport).

The advice was unanimous.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Tony Tribe

 Marjorie Ferguson	
--	--