



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 Cavi Property Group (Cavi), 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.

Yours sincerely,

**Christopher Curtis**  
Director  
ccurtis@ethosurban.com

## 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>

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	<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>

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	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>	
<p>The Planning Proposal needs to be consistent with:</p> <ul style="list-style-type: none"> <li>• Illawarra Shoalhaven Regional Plan 2041 (2021) – the site is within the West Dapto Release Area</li> </ul>	Noted. Site is within the WDURA.
<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>	<p>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.</p>
<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 WDRAV 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 WDRAV 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>

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	<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>

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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

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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.	<p>The submitted Bushfire Report (Appendix D) provides that the concept scheme has the capacity to comply with Planning for Bushfire Protection.</p> <p>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.</p>
Main Issues	
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.	<p>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.</p> <p>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 WDRAV 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.</p> <p>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.</p>
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	<p>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.</p> <p>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.</p>

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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 Iowna 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.