



28 July 2025

2230338

Kiersten Fishburn  
Planning Secretary  
Department of Planning, Housing and Infrastructure  
12 Darcy Street  
Parramatta NSW 2150

Dear Ms Fishburn,

**REZONING REVIEW REQUEST – PLANNING PROPOSAL PP-2024-2739  
365 MARSHALL MOUNT ROAD, MARSHALL MOUNT**

This letter has been prepared on behalf of the Proponent, Cavi Property Group (Cavi), seeking a Rezoning Review in relation to Planning Proposal (PP-2024-2739) lodged with Wollongong City Council (Council) for land located at 365 Marshall Mount Road, Marshall Mount. It has been prepared to assist with a brief overview of the process to date and key elements of the Planning Proposal.

The Planning Proposal (PP-2024-2739) was originally lodged with Council on 17 December 2024. The Planning proposal seeks to amend the Wollongong Local Environmental Plan (Wollongong LEP 2009) to ensure the sites future development into a new residential neighbourhood provides diverse housing choices and aligns with the vision for the West Dapto Urban Release Area (WDURA).

Development of the site for residential development is intended to meaningfully deliver additional housing supply that aligns with the desired character of the area, while providing much needed diversity within a well-serviced area. Detailed controls seek to deliver a number of low impact residential lots and lot diversity within an identified Urban Release Area to promote growth with minimal environmental impact.

This request for a Rezoning Review is submitted on the basis that Council has resolved to not support the Planning Proposal proceeding to a Gateway Determination. At Council's Ordinary meeting on 16 June 2025, it resolved to refuse the Planning Proposal, with a summary of reasoning relating to lack of strategic and site-specific merit indicated by the proposal and recommended the submitted Planning Proposal request to reduce the minimum lot size not be supported.

To assist the Panel in its consideration of the Planning Proposal Rezoning Review request please find attached to this letter:

- A copy of the Planning Proposal, including supporting documentation as reported to the Wollongong Local Planning Panel on 12 May 2025 (**Attachment A**);
- A copy of the Council officer planning assessment report as submitted to the Wollongong Local Planning Panel (**Attachment B**);
- Response to the Planning Officer's Assessment Report prepared by Ethos Urban for the LPP meeting on 12 May 2025 (**Attachment C**)
- A copy of the Wollongong Local Planning Panel's resolution minutes (**Attachment D**)
- A copy of Council Report and Council's Ordinary Meeting Minutes, dated 16 June 2025 (**Attachment E**);
- Context Maps prepared by Maker (**Attachment F**).

## 1.0 Site Overview

The Site is located at 365 Marshall Mount Road, Marshall Mount within the Wollongong Local Government Area (LGA). The Site is within the West Dapto Urban Release Area (WDURA), towards the south of Stage 5 Yallah Marshall Mount. The Wollongong LEP 2009 was amended on 8 June 2018 to facilitate the future redevelopment of the surrounding area inclusive of the Site.

The Site currently sits within a rural context and is surrounded by low density rural subdivisions and other undeveloped land parcels. The wider region surrounding the broader Site consists of the Princes Motorway corridor and Dapto to the east, Marshall Mount Road and Calderwood Valley to the south, Albion Park to the south-east, rural land and bush land to the far west and the earlier completed Stages of the URA to the north.

The broader Site is 2km away from the future Calderwood Valley Town Centre to the south, 6.6km from Dapto Station to the north-east and 17.6km away from the Wollongong CBD. It is in close proximity to the future Marshall Mount Town Centre, to be located approximately 1.1km to the north-east of the site. The development adjoins the future Stage 9 of the Calderwood Valley residential community,

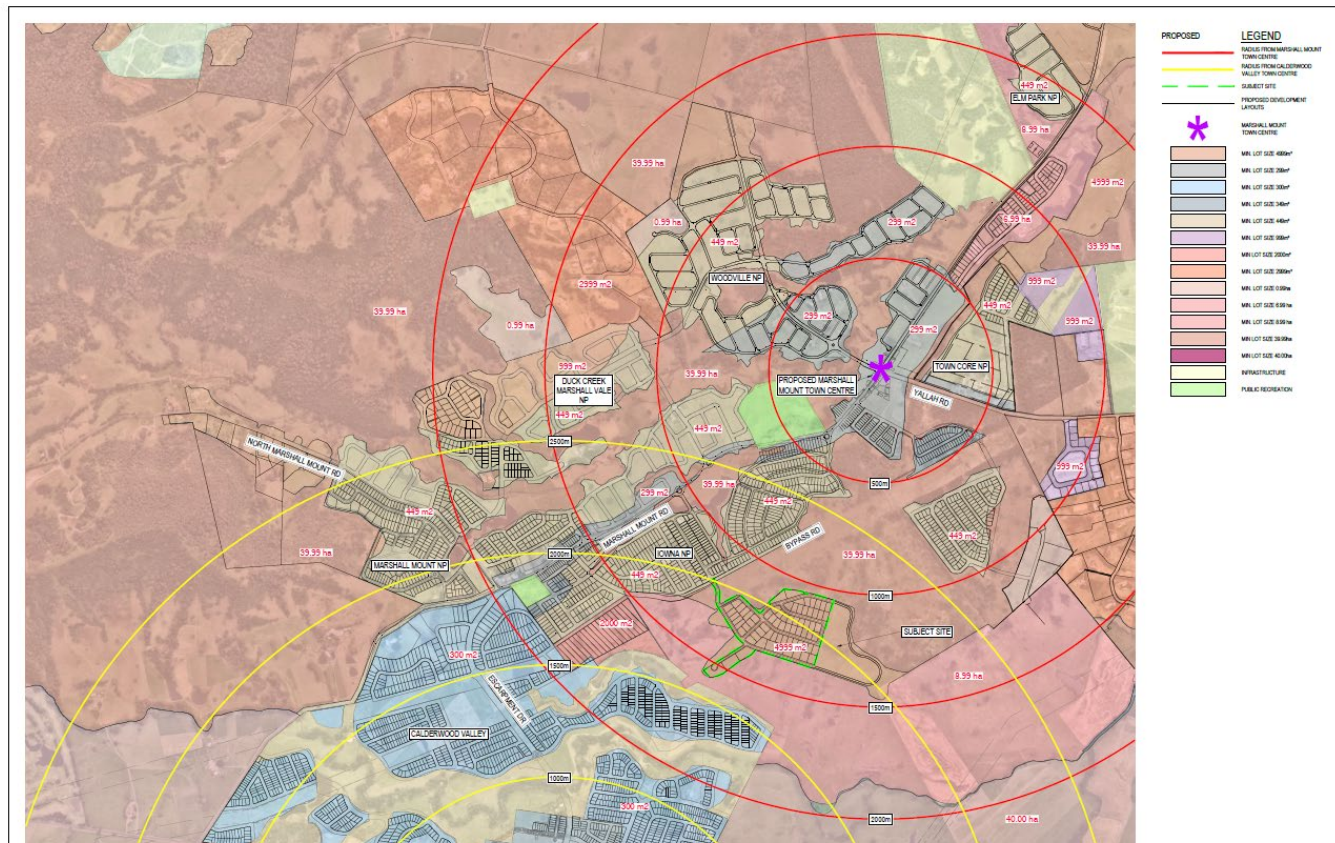
The broader Site's locational context is shown at **Figure 1**, with the subject site's minimum lot size context provided at **Attachment F** with an extract shown in **Figure 2**.



**Figure 1** Aerial Context Map

Source: Nearmap, Ethos Urban





**Figure 2** Minimum Lot Size Context Plan (site outlined in green)

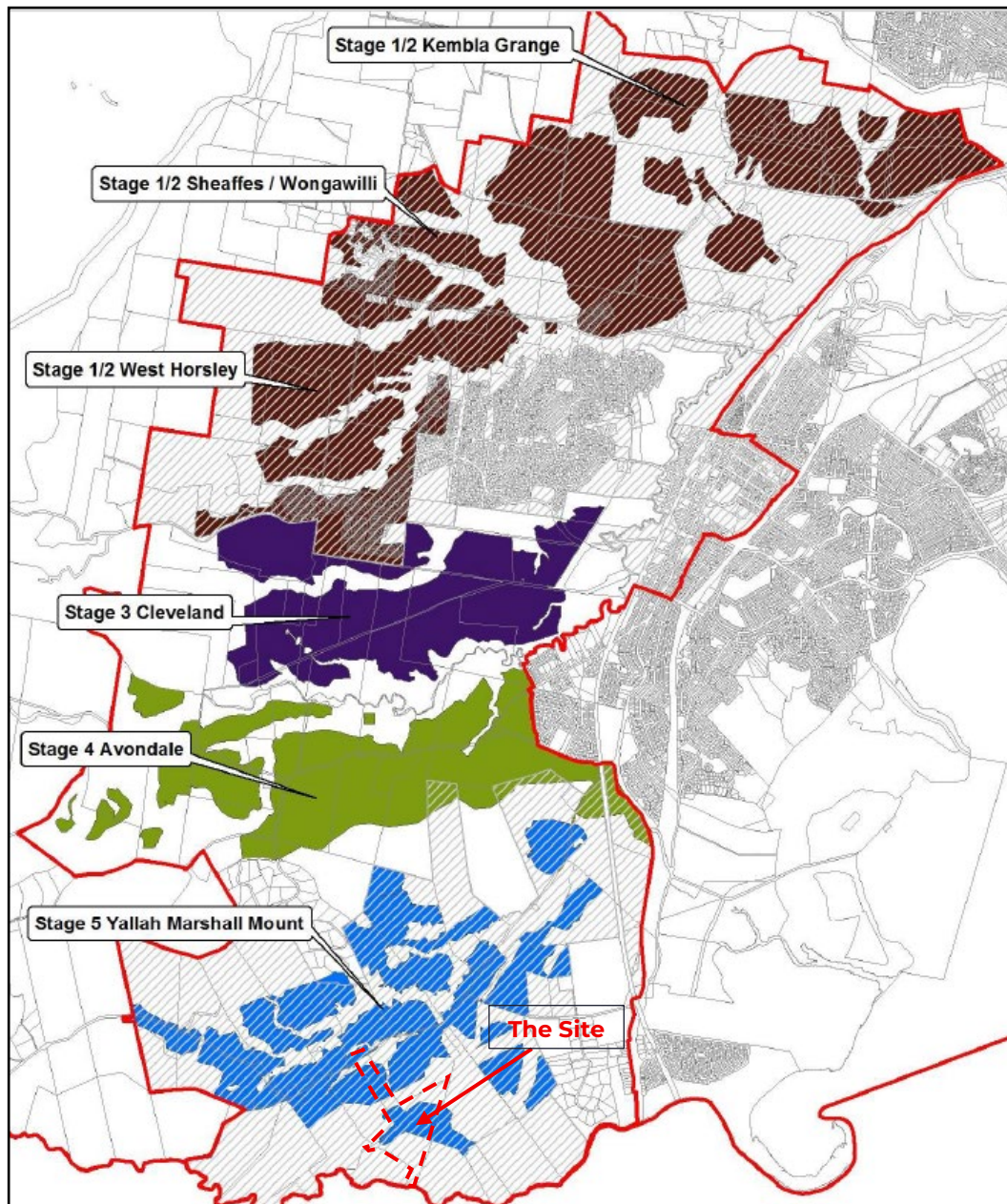
Source: Maker

## 2.0 Background and History

### 2.1 West Dapto Urban Release Area

The West Dapto Urban Release Area (WDURA) was first identified as an area for future development in the 1980 Regional Urban Development Program. In 2004, detailed strategic planning of the WDURA was undertaken in response to development progressing in Horsley between the 1980s and 2000s. The initial Structure Plan for the WDURA was prepared in 2008 and Stages 1 and 2 were rezoned for urban development in 2010. The Illawarra-Shoalhaven Regional Plan 2015 confirmed that the WDURA would continue to be a long-term focus for new housing in the region, with the WDURA estimated to provide up to 19,500 dwellings once fully developed. The focus on WDURA (also referred to as West Lake Illawarra) as a regionally significant growth area has been reinforced as part of the Illawarra Shoalhaven Regional Plan 2041.

The WDURA is envisaged to be developed as a series of integrated communities that are healthy, sustainable and resilient that provide a diversity of housing choices. The Site is identified within the Stage 5 Yallah/Marshall Mount precinct of the WDURA (**Figure 3**) and the zoning to facilitate the development of the Site was introduced via an amendment to the Wollongong LEP 2009 on 8 June 2018.



**Figure 3** West Dapto Urban Release Area – Staging – Site outlined in red dotted line

Source: Wollongong City Council

## 2.2 Pre-Lodgement Consultation

Pre-Lodgement consultation was undertaken with Council on the 28 November 2023; Council was unsupportive of the project as presented to Council, with Council considering the Proposal lacked strategic merit. The proponent reviewed Council's comments provided and provided a response to each concern in the Table 3 of the Planning Proposal Report provided at **Attachment A**.

## 2.3 Planning Proposal Assessment

The Planning Proposal (PP-2024-2739) was originally lodged with Council on 17 December 2024. Council undertook a review and did not request further information or seek amendments to the Proposal, rather indicating to the Proponent that it was being reported to the Wollongong Local Planning Panel in May.

## 2.4 Wollongong Local Planning Panel

The Planning Proposal was reported to the Wollongong Local Planning Panel (LLP) for their review at the LPP meeting on the 12 May 2025. The proponent reviewed the Wollongong Local Planning Panel Assessment Report (**Attachment B**) provided prior to the panel meeting and provided a response to each of the main issues raised



by Council (with this response being provided to the LPP for its consideration, as available at **Attachment C**). The LPP ultimately agreed with Wollongong City Council, recommending that the Planning Proposal should be refused, outlining the following advice:

*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.*

*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).*

## 2.5 Council's Ordinary Meeting

The Planning Proposal was then reported to and considered at Council's Ordinary Meeting on 16 June 2025 (refer to **Attachment D**). Council reviewed the proposal and Council Officers Assessment Report, which supported the recommendations of the LPP and ultimately resolved:

*79. that 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. That 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.*

Council concluded that the proposal in its current form to not progress or be approved.

## 2.6 Request for Rezoning Review

In accordance with the *Local Environmental Plan Making Guideline*, this Rezoning Review Request is submitted on the basis that Council has resolved to not support the Planning Proposal to proceed to Gateway Determination.

The Rezoning Review process was introduced by the then Department of Planning and Environment with the following objectives:

- To provide a mechanism for applicants to have Council rezoning decisions reviewed.
- To ensure decisions on planning proposals that are well located, planned, and assist housing and job supply can be independently reviewed.
- To increase transparency and provide greater certainty in plan making.

This request is consistent with these objectives as:

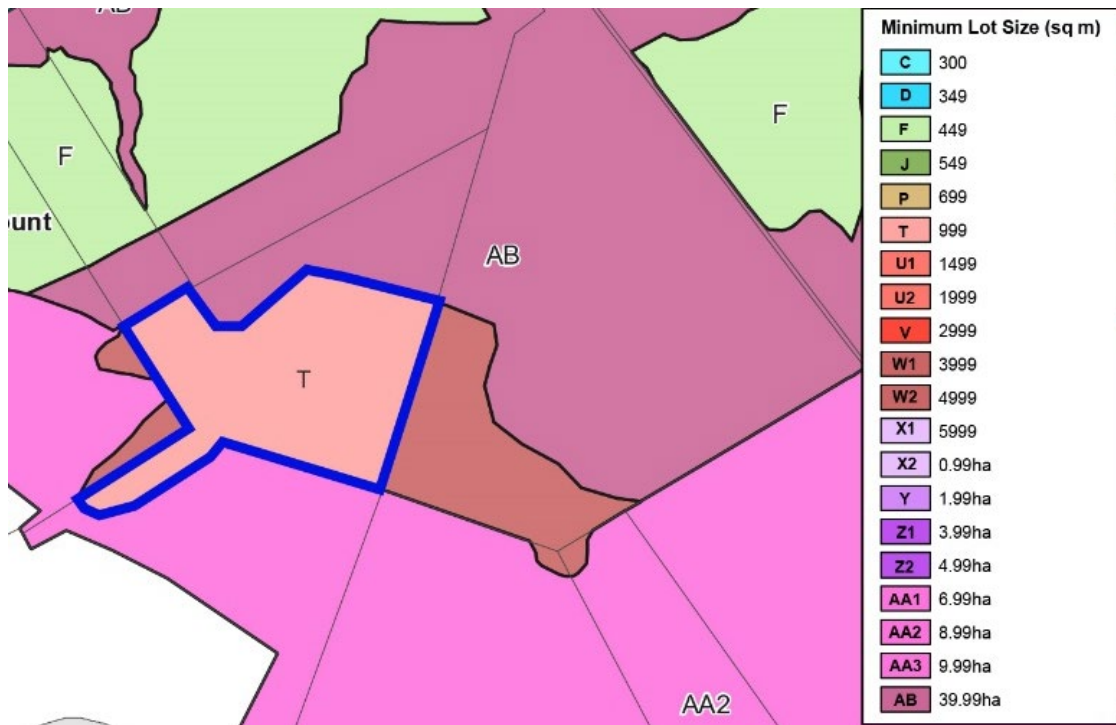
- The Planning Proposal delivers on the objectives of the strategic planning framework, including the *Illawarra Shoalhaven Regional Plan 2041*, *NSW Housing Strategy 2041* and the *Wollongong Local Strategic Planning Statement (LSPS)*.
- The Planning Proposal documentation submitted to Council and discussed further in this letter, clearly demonstrates the site has both strategic and site-specific merit.

On the basis of the above, we respectfully request that the Planning Proposal be forwarded to the Southern Regional Planning Panel for consideration with regards to the merits of the Planning Proposal to proceed to Gateway Determination.

## 3.0 The Planning Proposal

The Planning Proposal PP-2024-2739, as reported to Council sought to amend the Wollongong LEP 2009 to amend the Minimum Lot Size Map. Further detail of the Proposal is provided at **Attachment A**.

It is proposed to amend the minimum lot size control for the C4 Environmental Living zone area of the Site from 4,999m<sup>2</sup> to 999m<sup>2</sup> as shown in **Figure 4**.



**Figure 4 Minimum Lot Size Map – Sheet LSZ\_014 Proposed**

Source: Wollongong LEP 2009 & Ethos Urban

The intent behind the proposed reduction to the minimum lot size is to facilitate a greater provision of housing and lot diversity within the Timber Glades Precinct. The decrease in minimum lot size is generally consistent with other C4 Environmental Living zoned land with similar characteristics in both the WDURA (such as the Duck Creek and Marshall Vale Precincts to the north) and Wollongong LGA more broadly.

### 3.1.1 Primary reasons for seeking the Planning Proposal

#### Sewer Connection:

The primary reason for the pursuit of the Planning Proposal is the availability of a sewer connection to the subject Site. At the time of the rezoning of Stage 5 of the West Dapto URA it was understood that the subject area would not be able to be serviced by sewer, and therefore the main reason why the 4,999m<sup>2</sup> minimum lot size was selected was to allow for a dwelling house and any required on site sewerage management system on the resultant lots.

Since this time, and as part of the progression of the adjoining Iowna Neighbourhood, it has become apparent that sewer connection will be available to the subject Site. Therefore, the main rationale for the current MLS no longer exists and a smaller lot size can be considered.

Capacity considerations of other infrastructure to service the Site will occur during detailed design.

#### Duck Creek Comparison:

The intent behind the proposed reduction to the minimum lot size is to facilitate a greater provision of housing and lot diversity within the Timber Glades Precinct. The decrease in minimum lot size is generally consistent with other C4 Environmental Living zoned land with similar characteristics in both the WDURA (such as the Duck Creek and Marshall Vale Precincts to the north) and Wollongong LGA more broadly.

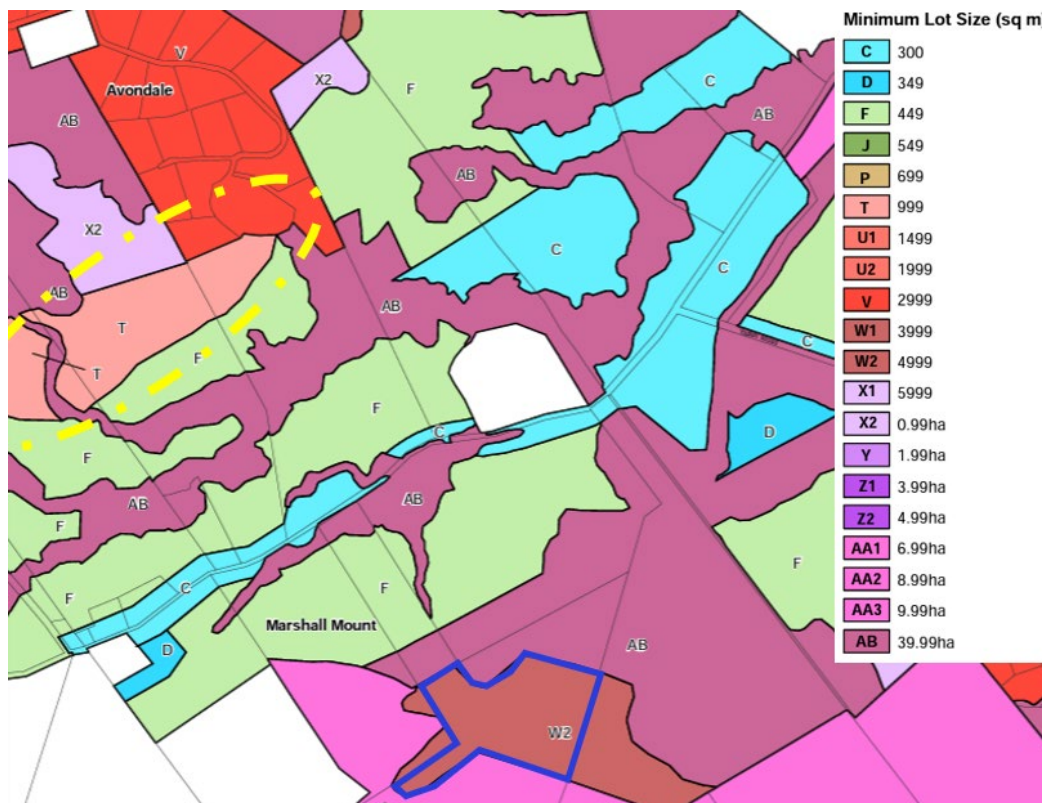
**Figure 5** below demonstrates that the C4 Environmental Living zoned portion of the Duck Creek and Marshall Vale Precincts, located to the north of the broader Site at 346, 386 and 410 Marshall Mount Road, has an existing minimum lot size of 999m<sup>2</sup>. This land has very similar characteristics and environmental constraints to the subject Site, in that:

- It has a frontage to an identified collector road;
- Facilitates an appropriate transition from surrounding land zoned R2 low Density Residential to rural residential;
- Is of similar distance from the proposed Marshall Mount Town Centre; and

- Similar visibility and low visual impact from the surrounding key road network and adjoining C2 Environmental Conservation and C3 Environmental Management land

The West Dapto Structure Plan envisages Stage 5 (Yallah-Marshall Mount Precinct) of the WDURA to be a vibrant, compact, environmentally sustainable village atmosphere. Stage 5 of the WDURA will have a diverse range of housing types and densities. Higher density housing is intended to be focussed on proposed village centres, with fringe areas to contain rural and rural-residential development. The subject Site is located within an area of the Site labelled as 'transition', being land where environmental constraints exist but where sympathetic development may be appropriate. This is similar to land zoned C4 Environmental Living with a minimum lot size of 999sqm in the Duck Creek and Marshall Vale Precinct, which is also all identified as a 'transition' area. It is noted there has been no response or explanation provided by Council as to why a 999sqm minimum lot size was considered appropriate in the C4 area of the Duck Creek neighborhood, but not the subject site.

The Planning Proposal is consistent with the Structure Plan vision for Stage 5 of the WDURA as it seeks to increase the supply of low impact rural-residential housing typologies which will contribute to the offering of a diverse range of housing options that cater to the changing needs of the future community.



**Figure 5 Minimum Lot Size Map extract – Subject Site outlined in Blue, other C4 land in yellow dotted line**

Source: Department of Planning and Environment & Ethos Urban

### Proximity to centres and other sites

As shown in the Context Maps at **Attachment F**, the subject site is within close proximity to the future Marshall Mount Town Centre (approximately 1.1km north-east), and future Town Centre Core in Calderwood Valley (6.6km south of the site). Both of these centres will contain services, job opportunities and recreational areas. Access to the Site is proposed via a connection with the future Marshall Mount Town Centre Bypass located at the north-western corner of the Site. The Wollongong DCP – West Dapto Urban Release Area (WDURA DCP) identifies the Marshall Mount Town Centre Bypass Road is to be designed and constructed as a Major Collector Road to provide for future bus services.

Further the R2 Low Density Residential zoned land at 283-287 Marshall Mount Road is similarly constrained in terms of access and environmental constraints. The land at 283-287 Marshall Mount Road, also rules on the bypass road and a planned single access road, as per Council's 80% Concept Design.

### Additional control

Following the release of the Council report prior to the Council meeting on 16 June 2025, the proponent suggested an additional control for the Councillors to consider. In the correspondence to Council, the proponent

noted the intent of the reduction of the minimum lot size from 4999sqm to 999sqm was sought for simplicity and understanding that in West Dapto a further process is required before a DA can be prepared. The proponent acknowledged the draft concept plan demonstrates there are a number of lots in the precinct that may require lots larger than the proposed minimum lots size. As such the proponent suggested to Councilors the inclusion of an additional provision within Clause 6.2A of the Wollongong Local Environmental Plan 2009 restricting the maximum density to be 6 lots per hectare.

## 4.0 Strategic and Site-Specific Merit

The objective of this Planning Proposal is to seek amendments to the Wollongong LEP to enable the site's future development as an integrated residential development which supports the following strategic and site specific merits:

- It will deliver a number of low density and low-impact residential lots and lot diversity within an identified Urban Release Area (URA) for growth, with minimal environmental impact;
- The proposal provides new dwellings in close proximity to services, job opportunities and infrastructure, notably the future Marshall Mount Town Centre;
- It will protect environmental lands including bushfire prone and riparian corridors;
- The proposal promotes greater housing choice in the Timber Glades Precinct and broader WDURA, specifically with proposed allotment sizes ranging from 1000m<sup>2</sup>-3000m<sup>2</sup> providing a more affordable alternative and a middle ground between residential housing and traditional large lot subdivision;
- It will not preclude opportunities to increase urban tree canopy for the Site through the provision of street tree and verge planting;
- The proposal will not compromise the amenity of nearby existing and future residential areas;
- There are no outstanding environmental or ecological impacts that would preclude its delivery; and
- The Site is capable of being serviced by planned utilities and infrastructure which will have the capacity to support the proposed density, specifically access to sewer infrastructure which as a key consideration in the decision to seek increased density, given the majority of the site no longer requires additional area for onsite effluent disposal.

## 5.0 Conclusion

This request for a Rezoning Review is submitted on the basis that Council has resolved not to support the Planning Proposal proceeding to Gateway determination. It is considered that the proposal is consistent with the relevant strategic planning framework, including the Wollongong Local Strategic Planning Statement 2020 as it will provide additional housing and employment opportunities within the West Dapto Urban Release Area.

We, therefore, respectfully recommend that in considering this review request, a full review of the Planning Proposal (PP-2024-2739) is undertaken by DPHI.

As required under Section 3.33 of the EP&A Act, the strategic and site-specific merit of the Planning Proposal is demonstrated as follows:

- The Planning Proposal is consistent with the strategic planning framework, including the Illawarra Shoalhaven Regional Plan 2041 and Wollongong LSPS.
- The Planning Proposal will deliver several low density and low-impact residential lots and lot diversity within an identified Urban Release Area, proposing residential growth and minimal environmental impact.
- The Planning Proposal demonstrates that the site can suitably accommodate the proponent's vision for the site to provide an integrated residential development which will increase housing in an area already part of an URA.
- The Planning Proposal demonstrates that the site can suitably accommodate the lot sizes and lot mixes proposed, providing greater housing choice in the Timber Glades Precinct and broader West Dapto URA. The proposed changes to the Wollongong LEP provide a scheme which does not compromise the amenity of nearby existing and future residential areas.

In this regard, the proponent respectfully requests that the Southern Regional Planning Panel concurs with these views and recommend that the Planning Proposal progress. The full package as lodged with and assessed by Council is provided as an attachment to this covering letter.



We trust this information is what you require at this stage to progress this request, however, should you have any queries about this matter or require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alysha Tse'.

**Alysha Tse**  
Senior Planner  
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A handwritten signature in black ink, appearing to read 'Christopher Curtis'.

**Christopher Curtis**  
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