

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 20 February 2017

**PE2 – Draft Planning Proposal – Cawdor**

**PE2**

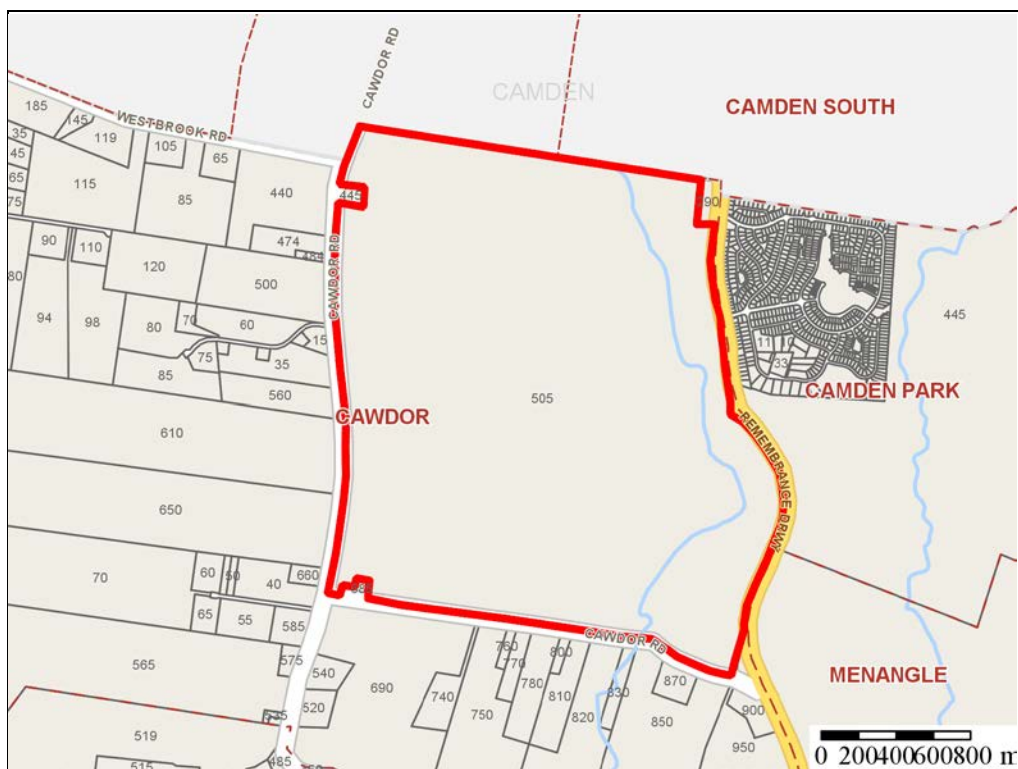
**Draft Planning Proposal – Cawdor**

259421

TRIM 7258

**Proponent (applicant):** Australand Property Group  
**Owner:** Squarcini Group of companies

Planning & Economy



LOCATION MAP N

Stage	Completed
Preliminary notification	Not yet completed
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

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**EXECUTIVE SUMMARY**

- A draft Planning Proposal was received in November 2012 for Lot 12 in DP 531898, No. 505 Remembrance Driveway, Cawdor. The subject site is 530 ha in area.
- The draft Planning Proposal proposes to amend to the Wollondilly Local Environmental Plan, 2011 to rezone the subject site from RU1 Primary Production zone to a range of urban-related uses to enable the development of a new Cawdor urban village centre with a variety of housing options that could deliver in the order of 4,000 new dwellings, a local neighbourhood centre, mixed use area and new social infrastructure such as primary school, sportsground, parks and recreation reserves.
- The draft Planning Proposal has been on hold since February 2013 as the proposed Outer Sydney Orbital Route (the M9) is anticipated to come near or potentially through the site and confirmation of the recommended route is critical to the assessment on whether to rezone the land. Any consideration of the merits of rezoning the land therefore should not occur before the route of the M9 is determined.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council refuse the draft Planning Proposal.

**REPORT**

**1.1 SITE DESCRIPTION**

The Cawdor site consists of a large site, approximately 530 hectares, in single ownership located at 505 Remembrance Driveway, Cawdor and is located west of the established Bridgewater Estate and south of Camden South (located in Camden Council area).

The land is currently zoned RU1 Primary Production and is partly being used by a paintball operator and a smaller portion of the site is used for grazing.

The northern boundary of the site forms the local government boundary between Wollondilly Shire Council and Camden Council. The site is bound by Remembrance Driveway to the East, Cawdor Road to the south and west and the alignment of Wire Lane to the north.

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**1.2 DESCRIPTION OF PROPOSAL**

The planning proposal seeks to rezone the subject site from RU1 Primary Production to a range of urban-related uses including:

- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- B2 Local Centre
- B4 Mixed Use
- E2 Environmental Conservation

This will enable the development of approximately 4,000 dwellings, a local retail centre, mixed use area, a school, parks and reserves and community facilities.

An indicative Structure Plan for the site and the location of the proposal land use zones are provided at Attachments 1 and 2.

**1.3 PROGRESS OF DRAFT PLANNING PROPOSAL TO DATE**

The Planning Proposal for Cawdor was submitted to Council on 28 November 2012 by Development Planning Strategies.

In December 2012, the NSW Government released the *NSW Long Term Transport Master Plan*. This state wide master plan for traffic included a proposal for an Outer Sydney Orbital route (the M9) which would link Wollongong and Newcastle via Penrith. Council's preliminary assessment anticipated that the Outer Orbital was likely to come near or potentially through the Cawdor planning proposal site.

Council wrote to the proponent in February 2013 to advise that the potential for the M9 to come near to the proposal site was considered critical to the preliminary assessment of the proposal and needed to be addressed prior to any further assessment or progression of the proposal.

In particular it was noted that "The presence of the M9 would greatly alter the road hierarchy in the locality and may also change the appropriate balance of further land use in terms of the balance between housing and employment generating uses".

Council's assessment was that the potential for the Outer Orbital to pass through or nearby the Cawdor site would have a significant bearing on the strategic planning for both the site and the wider area such that an early decision should not be made which could result in inappropriate development.

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Notwithstanding, Council asked the proponent to prepare a study in consultation with Transport for NSW to assess the likely location of the M9 in relation to the proposal site. The draft Planning Proposal was placed on hold pending the outcome of this study and has been on hold since that time.

In June 2015, Transport for NSW announced funding to continue strategic planning investigations for the motorway and identified the Corridor Study Area, which includes the Cawdor site. The announcement was followed by consultation to identify a preferred corridor. No further announcements have been made by Transport for NSW since this time and it is not known when an announcement will happen except that such an announcement has been imminent since approximately July last year. The subject site's location in relation to the M9 Corridor Study Area is shown at Attachment 3.

According to the Transport for NSW's timetable the land required for the preferred M9 corridor was intended to be preserved by late 2016 through legislation to provide certainty. This is yet to occur.

**Pre-Gateway review**

In August 2015, Australand Property Group (Australand) as the new proponent submitted a Pre-Gateway review with the NSW Government Department of Planning & Environment (Department).

The Pre-Gateway review provides a mechanism for proponents to request an independent review on the merits of a planning proposal and effectively means that the authority to make a decision on whether the planning proposal will proceed now lies with the Department and not Council. The proponent requested a Pre-Gateway review as Council had not made a decision on whether the draft planning proposal should proceed within 90 days of the proposal being lodged.

The Pre-Gateway review was lodged by Australand and not the original proponent. Their submission included a supplementary report along with the original planning proposal which had been prepared by Development Planning Strategies.

In order to establish Council's position on the draft Planning Proposal and make a submission to the Department a report on the proposal was considered by Council at its Ordinary Meeting on 16 November 2015.

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At this meeting Council resolved:

- that Council advise the Department of Planning & Environment that a decision on the Cawdor Planning Proposal would be premature and should wait until the Review of the Wollondilly Growth Management Strategy has been completed.
- that if the Pre-Gateway review cannot be put on hold that Council does not support the draft Cawdor Planning Proposal,
- that if the outcome of the pre-Gateway Review is that the planning proposal should proceed then a condition of the Gateway Determination should prevent the amendments to the WLEP being finalised until the preferred corridor for the Outer Sydney Orbital (M9) is known and can be planned for as part of the planning proposal where necessary (this includes preserving a road corridor if necessary or ensuring the most appropriate land zones once the location is known),
- that if it is not put on hold Council request the Department also consults with Camden Council and the community of Bridgewater and Cawdor on the pre-Gateway Review.
- that Camden Council be advised of this resolution. (*Camden Council advised in writing by way of a letter sent 7 December 2015*)

The proponent has subsequently withdrawn their Pre-Gateway review (approximately April 2016). It is understood that this was because the planning proposal could not be supported until there is more certainty around the planning for the M9 Outer Sydney Orbital.

Given the original proponent is no longer involved in the project a letter was sent to the landowner and copied to Australand seeking clarification on whether they also intended to withdraw the draft planning proposal submitted to Council.

No formal response has been received; however Council staff have met with representatives from Australand and understand their intention is to submit a new draft planning proposal to Council at some point in the future.

In any case, a new planning proposal would be necessary given the lapse in time since the original submission and an amended approach to the site is inevitable once the recommended route and implications of the M9 are known. It is also understood that Australand's intentions for the site are not the same as that proposed in the original draft planning proposal.

Ideally a new draft planning proposal should wait until the recommended route of the M9 has been announced.

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**CONSULTATION**

**2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT**

Given the threshold issue with the Outer Sydney Orbital Route and the potential need for a complete redesign of the draft planning proposal no consultation with internal staff has been undertaken to date with the exception of seeking updates on the status of information relating to the orbital.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

Consultation would be undertaken with public agencies when and if a Gateway Determination has been issued.

**2.3 COMMUNITY CONSULTATION**

Given the threshold issue with the Outer Sydney Orbital Route and the potential need for a complete redesign of the draft planning proposal no community consultation has been undertaken to date.

**2.4 PREPARATION OF A PLANNING PROPOSAL**

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Greater Sydney Commission for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 2.13 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site.

Option **3** is the recommendation of this report.

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**2.13 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Following a preliminary assessment of the draft planning proposal, it is considered inappropriate to amend the existing provisions of WLEP, 2011 as they apply to this site.

**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Draft Indicative Structure Plan taken from Cawdor Draft Planning Proposal (November 2012)
2. Proposed Zoning Map taken from Cawdor Draft Planning Proposal (November 2012)
3. Outer Sydney Orbital Corridor Preservation Study Area showing approximate location of Cawdor Draft Planning Proposal site.

**RECOMMENDATION**

1. That Council refuse the draft planning proposal for the rezoning of Lot 12 in DP 531898 (No. 505 Remembrance Driveway, Cawdor) to a range of urban-related uses.
2. That the landowner and Australand Property Group be notified of Council's Resolution.