

ORDINARY COUNCIL

ORD05

SUBJECT: AMENDMENT 28 - EL CABALLO BLANCO/GLEDSDOOD MINIMUM LOT SIZE

FROM: Director Governance

TRIM #: 13/39928

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition and government agency consultation of Amendment 28 El Caballo Blanco/Gledswood (ECGB) minimum lot size Planning Proposal and seek resolution to send the Planning Proposal to the DP&I for the plan to be made.

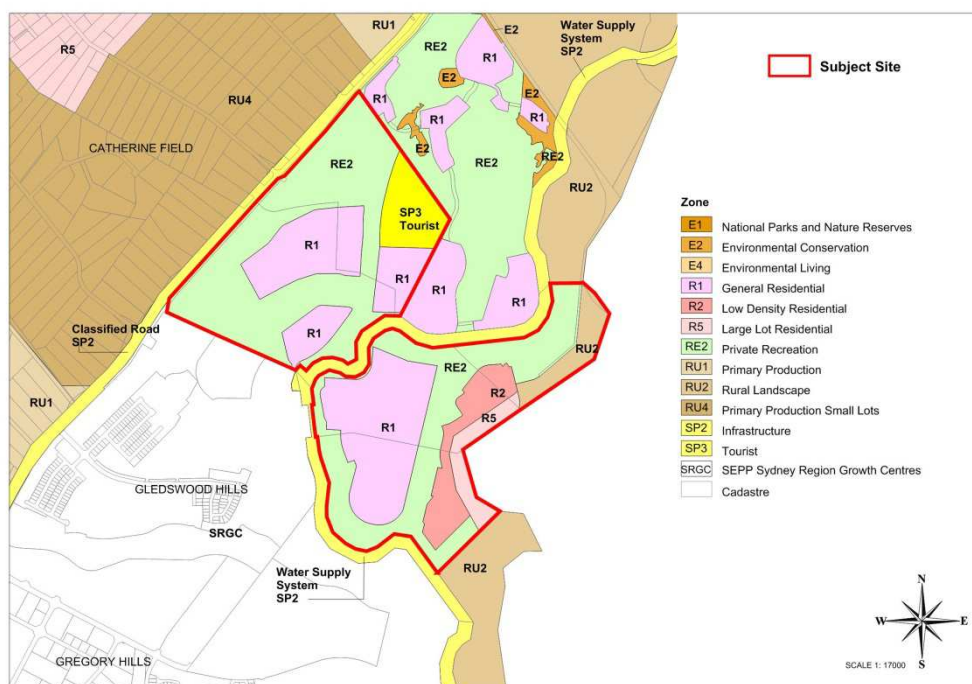
BACKGROUND

At its meeting of 23 July 2013, Council resolved to place Amendment 28 on public exhibition if Gateway Determination to proceed was received. Gateway Determination was received on 22 August 2013. The determination required Council to consult with the Office of Environment and Heritage (OEH) and Sydney Catchment Authority (SCA) during the public exhibition period and to publicly exhibit the proposal for a minimum of 14 days. Subsequently, the proposal was exhibited from 4 September 2013 to 18 September 2013 and the OEH and SCA were advised of the proposal.

MAIN REPORT

Planning Proposal

The ECGB site was rezoned in early 2013. A copy of the zoning map is shown below.



The minimum lot sizes for the RE2 Private Recreation and SP3 Tourist zones are 40ha respectively. A component of the development is the establishment of a golf course comprising 2 x 9 holes. This is also a requirement of the ECGB Voluntary Planning Agreement. When the golf course is completed it will have an area of approximately 166ha. This land is currently held in a number of fragmented ownership, which will result in a staged release of the development.

The difficulty is that when each of these subdivisions takes place, it results in a parcel of the golf course being under the minimum lot size, i.e. 40ha, thereby requiring the use of "Clause 4.6 of Camden LEP 2010 'Exception to Development Standards' and the need for a Council resolution.

To assist in dealing with these applications in a more efficient manner the Planning Proposal proposes to insert a clause in the LEP which will enable development consent to be granted for subdivision, notwithstanding the minimum lot size area of the RE2 and SP3 zones, subject to full compliance with the remaining zones and the DCP

Public Exhibition

The public exhibition of the Planning Proposal was from 4 September 2013 to 18 September 2013. Exhibition material consisted of the Planning Proposal, Council's previous report and resolution and Gateway Determination.

The exhibition material was made available at Narellan and Camden Customer Service Centres and Libraries and Council's Website. Adjoining landowners were notified of the exhibition by letter and a notice of public exhibition was placed in the local paper on 4 September 2013.

Two submissions were received from adjoining landowners and have been provided as **Supporting Documents to this report**. The issues raised in the submissions, and Council Officer comment are outlined in the table below. It is noted that both letters raised the same matters.

Submission Issue	Council Officer Comment
Council and the developers are to have the section 94 contribution plan completed prior to the Gateway Determination being approved.	The subject land has an adopted Voluntary Planning Agreement on title which addresses the developers obligations. There will be no extra development as a result of this proposal as it is only a proposal to enable subdivision for the approved masterplan.
Proposed intent of the subdivision?	The proposal seeks to add an 'Exemption to minimum lot size' clause in the Camden LEP 2010 for the subject site to facilitate the development outcome intended when the site was rezoned from rural land to its current zones.
Council are to determine the effects of the subdivision and notify all residents to the west of the development.	This is a planning proposal not a subdivision application. Adjoining residents to the west of the subject site were notified at the original rezoning proposal and for this current proposal. Notification for any future subdivisions will be notified under Council's current notification requirements.
What is the proposed future development of the subdivision i.e.: further residential or golf	This is not a subdivision application. Any future subdivision applications will be assessed against the

course or commercial or retail?	permissible uses in the zone.
What impacts will the subdivision will have on the residents to the west of the development?	Any impacts of the rezoning were assessed at the time the subject site was rezoned from a rural zone to the current zones. This proposal will result in no impacts to the residents to the west of the development. Further assessment will be undertaken as subdivision applications are received.
The additional storm water modelling needs to be completed to ensure that residents to the west are not affected	Storm water management assessment was undertaken at the time the land was rezoned from rural to the current zones. Further assessment will be undertaken as subdivision applications are received.
The proposed draft plans designed to fit within the lots need to be given to all residents for review and comment	Adjoining residents are consulted as a result of any planning proposals and development applications. Any future applications would be notified in accordance with Council's notification policy.
Services plans and road network plans are required for review and comment	A Structure Plan for the subject site forms part of the Camden Development Control Plan (DCP). The DCP formed part of the exhibition for the original rezoning. This proposal does not propose any change to the structure plan.

Given that this Planning Proposal is of a procedural nature and that the issues raised in the submission largely relate to subdivision matters, it is not considered any amendment to the exhibited draft Planning Proposal is required.

Public Agency Consultation

As part of the consultation process and as a requirement of the Gateway Determination, the OEH and SCA were advised of the proposal during the public exhibition. No comments were received.

Where to from here?

The exhibited Planning Proposal has been amended to reflect the community consultation process which has been undertaken. A copy of the revised Planning Proposal is **included as Attachment 1 to this report**.

As Council has received delegation for this matter, should Council endorse the recommendations of this report, a recommendation for drafting of the plan will be forwarded directly to Parliamentary Counsel.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council

CONCLUSION

The Planning Proposal to insert an 'Exception to minimum lot size' clause in Camden LEP 2010 for the ECGB land will ensure a more timely progression of subdivision to facilitate the intended development outcome, without the need to use the LEP variation clause and seek a Council resolution. This proposal will not facilitate any further

development than that intended at the rezoning of the land from RU2 Rural Landscape to its current zones.

The proposal was exhibited for 14 days and consultation with the required public agencies was undertaken. Two submissions were received and have been addressed within the report.

As this is a delegated matter should Council endorse the recommendation, a recommendation to draft the plan will be sent directly to Parliamentary Counsel

RECOMMENDED

That Council:

- i. **adopt the amended Planning Proposal;**
- ii. **submit the amended Planning Proposal directly to Parliamentary Counsel for the plan to be made; and**
- iii. **notify interested parties of its determination**

ATTACHMENTS

1. Planning Proposal Amendment 28 post exhibition
2. Submissions ECB Amendment 28 - *Supporting Document*

Ordinary Council Resolution

Resolution: Moved Councillor Dewbery, Seconded Councillor Sidgreaves that Council:

- i. adopt the amended Planning Proposal;
- ii. submit the amended Planning Proposal directly to Parliamentary Counsel for the plan to be made; and
- iii. notify interested parties of its determination

ORD267/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Copeland, Warren, Symkowiak, Dewbery, Fedeli and Bligh voted in favour of the Motion. Councillor Campbell voted against the Motion.)