

# ORDINARY COUNCIL

ORD02

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

**FROM:** Director Governance

**BINDER:** 13/505

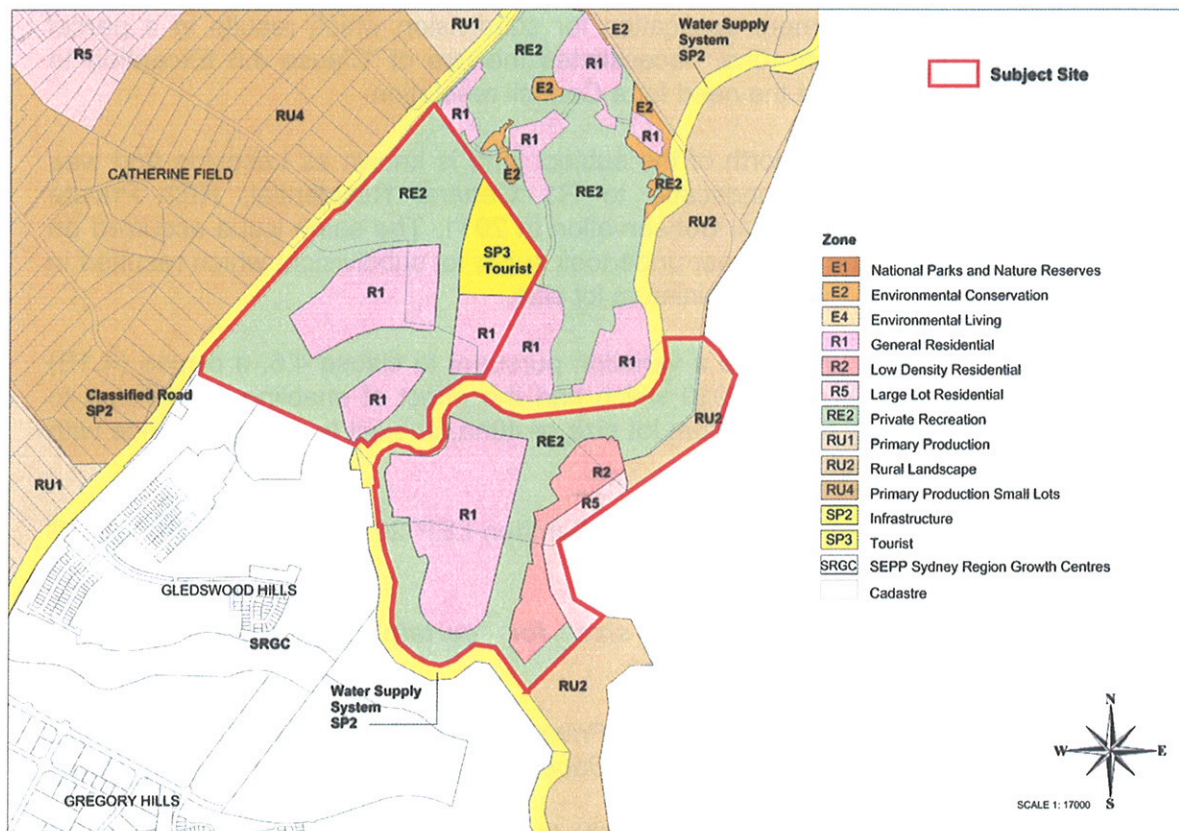
## PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal to insert an 'Exception to minimum lot size' clause in Camden LEP 2010 for the El Caballo Blanco/Gledswood (ECBG) Land.

## BACKGROUND

ECBG, as shown in the zoning map below, was rezoned from RU2 Rural Landscape to a combination of R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, SP3 Tourist and RE2 Private Recreation in early 2013.

### *Zoning Map*



The purpose of the rezoning was to enable the site to be developed for a golf course with a number of connecting residential precincts. The future golf course land is zoned RE2 Private Recreation. This land has a minimum lot size of 40ha. While the overall area of the golf course is approximately 166ha, the land is held in a number of separate

ownerships. Given this fragmented ownership and the proposed staged release of the development, there needs to be a number of subdivisions undertaken before the final golf course layout is achieved.

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, ie 40ha, thereby requiring the use of "Clause 4.6 Exception to Development Standards" and the need for a Council resolution.

To address this issue it is proposed 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 Tourist land, subject to full compliance with the remaining zones.

Council at its meeting held on 9 July 2013 approved a development application, at Gledswood Homestead, for a 3 lot subdivision, which is located within the site which is the subject of this Planning Proposal. As two of the lots were below the minimum subdivision area of 40ha, clause 4.6 was required to be applied requiring the matter to be reported to Council.

## **MAIN REPORT**

The subject site is located north of the Turner Road Precinct and south of Lakeside and has a mix of residential zones and an SP3 Tourist zone, both surrounded by an RE2 Private Recreation zone. As the RE2 and SP3 Tourist zoned land have a minimum lot size of 40ha, any development application for subdivision which results in a parcel having an area of less than 40ha, necessitates the use of 'Clause 4.6 Exception to Development Standards' and the need for a Council resolution.

The land immediately to the north of the subject land is known as Lakeside and was rezoned from RU2 Rural Landscape to R1 General Residential, RE2 Private Recreation and E2 Environmental Conservation in 2011. The same issue occurred on the Lakeside site when the developer undertook super lot subdivision, which resulted in lots being created below the 40ha minimum lot size.

To alleviate the need to undertake a variation pursuant to clause 4.6, a clause (4.1B) was inserted into Camden LEP 2010 which had the effect of enabling subdivision to proceed, notwithstanding the minimum lot size of 40ha, subject to full compliance with the residential density requirements.

It is proposed to insert a similar clause into Camden LEP 2010 to address the ECBG issue. The clause is shown below:

### ***4.1C Exception to minimum lot size for certain land at El Caballo Blanco/Gledswood Urban Release Area***

- (1) This applies to land in zones RE2 Private Recreation and SP3 Tourist in the urban release area shown as "El Caballo Blanco/Gledswood" on the Urban Release Area Map.*
- (2) Clause 4.1 does not apply in relation to the subdivision of any land to which this clause applies.*
- (3) Development consent must not be granted for the subdivision of land to which this clause applies unless Council is satisfied that the proposed subdivision facilitates the development of land in Zones RU2 Rural Landscape, R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential in the*

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*urban release area shown as “El Caballo Blanco/Gledswood” on the Urban Release Area Map.*

It should be noted that Clause 4.1 in Camden LEP 2010 relates to minimum subdivision lot size.

This amendment only facilitates subdivision of designated and zoned residential areas and does not impact on any environmental and heritage outcomes. It enables the development of ECBG to be delivered in a more orderly manner. The draft Planning Proposal is **provided as Attachment 1 to this report**.

#### Studies

Given the minor nature of this Planning Proposal it is recommended that no studies are required for this change to the LEP. It is noted that the subject land has a state heritage item listing (Gledswood) and critically endangered vegetation species and communities. During the rezoning process a Local Environmental Study was prepared, together with a Heritage Agreement, Voluntary Planning Agreement and a Conservation Management Plan. As these documents have already been prepared for the site previously and it is not considered that any further studies are necessary given the nature of the Planning Proposal and that it is consistent with these documents.

#### Public Agency Consultation and Public Exhibition

It is recommended that the Office of Environment and Heritage be consulted because the state heritage item ‘Gledswood’ is on the site and adjoins RE2 Private Recreation land. Due to the extensive consultation undertaken during the previous rezoning and the fact that this amendment will only facilitate the timely subdivision of residential land, it is recommended that no other public agencies be consulted.

Given the minor nature of this Planning Proposal it is recommended that it be only exhibited for 14 days in the following manner:

- letter to surrounding residents and landowners advising of the details of the exhibition;
- an advertisement be placed in the Camden Advertiser advising of the exhibition period;
- exhibition material displayed at Narellan and Camden Customer Service Centres and Libraries; and
- exhibition material will be available on Council’s website.

At the conclusion of the exhibition period, a report will be submitted back to Council detailing any submissions received to the draft Planning Proposal.

#### LEP Delegation

Council intends to use its delegation pursuant to Section 23 Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will enable Council to streamline the processing of the amendment to the Camden LEP. The request for delegation will be made as part of the Gateway submission. The General Manager is Council’s nominated officer.

#### Where to from here

If Council resolves to support the draft Planning Proposal it will be forwarded to the DPI for Gateway Determination. If Gateway Determination to proceed is received the draft Planning Proposal will be placed on exhibition for 14 days. At the conclusion of the exhibition period the matter will be reported back to Council for consideration of any submissions received and for final determination of the Planning Proposal.

Given this Planning Proposal is minor in nature it is anticipated that the rezoning process will take approximately 6 months from the time of Gateway Determination.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications to Council as a result of this Planning Proposal.

### **CONCLUSION**

The draft Planning Proposal, to insert a new clause in the Camden LEP 2010 to enable subdivision of residential zoned land to proceed, notwithstanding the minimum lot size applying to land zoned RE2 and SP3, facilitates the development outcome intended. It provides a mechanism to timely execute subdivision development applications without resorting to the continual use of 'Clause 4.6 Exception to development standards' and requiring the need for a Council resolution.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to Gateway for determination. Following the public exhibition period the draft Planning Proposal and any submissions will be reported back to Council.

### **RECOMMENDED**

**That Council:**

- i. endorse the draft Planning Proposal to insert a new clause "4.1C Exception to minimum lot size for certain land at El Caballo Blanco/Gledswood Urban Release Area", and forward to the Department of Planning and Infrastructure for Gateway Determination;**
- ii. upon favourable Gateway Determination place the draft Planning Proposal on public exhibition for 14 days; and**
- iii. require a report be brought back to Council following the completion of the public exhibition.**

### **ATTACHMENTS**

1. Draft Planning Proposal

### **Ordinary Council Resolution**

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

- i. endorse the draft Planning Proposal to insert a new clause "4.1C Exception to minimum lot size for certain land at El Caballo Blanco/Gledswood Urban Release

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Area", and forward to the Department of Planning and Infrastructure for Gateway Determination;

- ii. upon favourable Gateway Determination place the draft Planning Proposal on public exhibition for 14 days; and
- iii. require a report be brought back to Council following the completion of the public exhibition.

ORD182/13      THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Copeland, Warren, Symkowiak, Fischer, Dewbery, Campbell, Fedeli and Bligh voted in favour of the Motion. No Councillors against for the Motion. )

