



CAMDEN COUNCIL PLANNING PROPOSAL

**Amendment No. 28 – El Caballo Blanco/Gledswood,
Minimum Lot Size**

July 2013

Date (Version)

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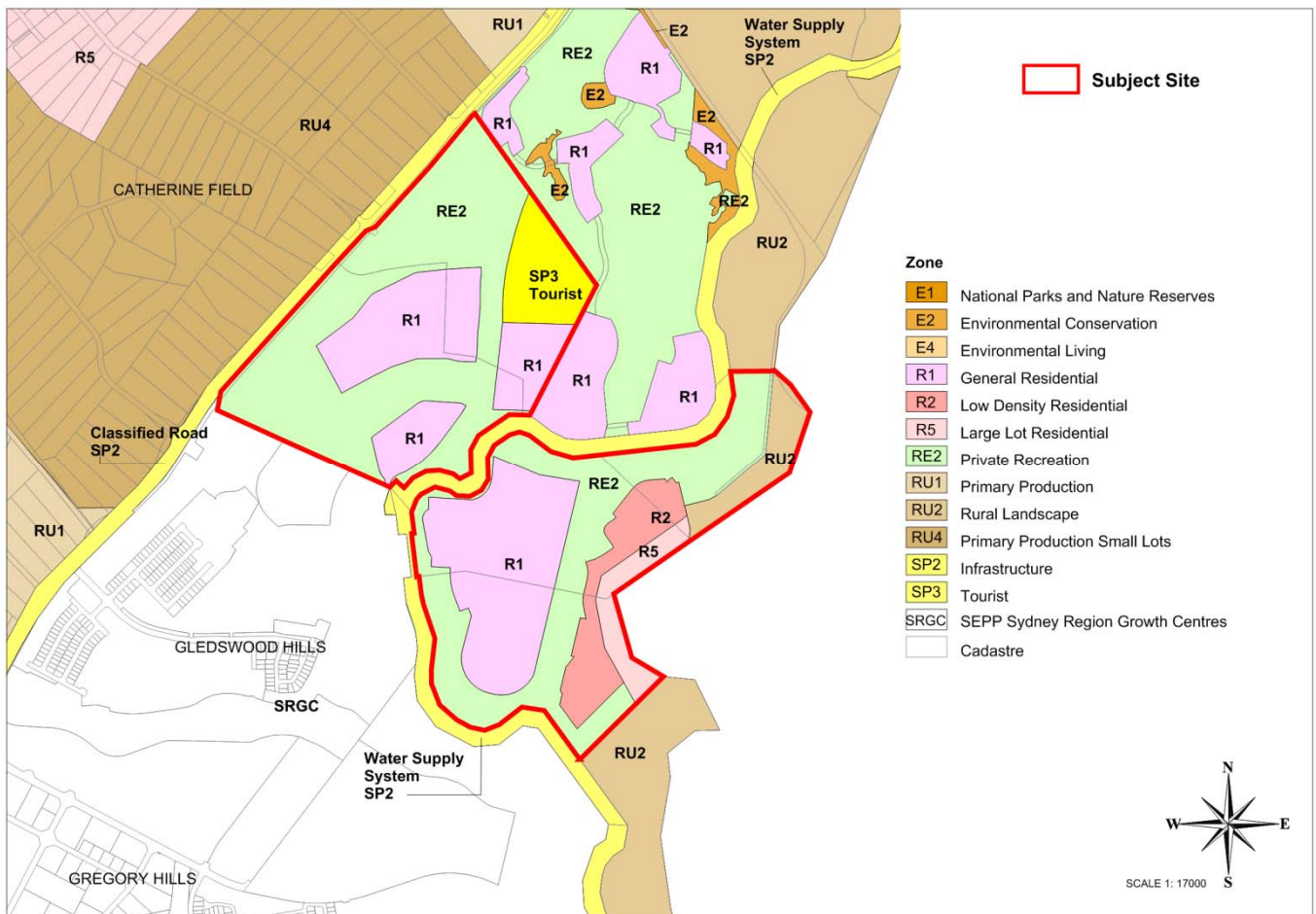
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BACKGROUND

The land subject to this planning proposal is identified as El Caballo Blanco/Gledswood (ECBG) and is located north of the Turner Road Precinct and south of Lakeside. A site map is shown below.

Site Map



ECBG was rezoned from RU2 Rural Landscape to R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, SP3 Tourist and RE2 Private Recreation in early 2013.

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 the fragmented ownership and staged release of the development there needs to be a number of subdivisions that need to be undertaken until the final golf course layout is achieved.

The difficulty is that when each of these subdivisions takes place it results in the golf course component 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.

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 for Lakeside, 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 40has, subject to full compliance with the residential density requirements.

To address this issue for ECBG it is proposed to insert a similar 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 zoned land, subject to full compliance with the remaining zones.

Following a resolution from Council, this Planning Proposal will be sent to the Department of Planning and Infrastructure so that the matter may proceed to Gateway Determination.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to enable residential subdivision to proceed despite the non compliance with the minimum lot size of 40ha for land zoned RE2 Private Recreation and SP3 Tourist. This will enable the orderly and timely subdivision of the residential zones of the subject site.

PART 2 – EXPLANATION OF PROVISIONS

The objective of this Planning Proposal is to amend Camden LEP 2010 by inserting a similar clause to 4.1B as follows:

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

(1) This Clause 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 urban release area show as ‘El Caballo Blanco/Gledswood on Urban Release Area Map.

This will ensure a mechanism to timely execute residential subdivision development applications without resorting to the continual use of the 4.6 Variation clause and the need for a Council resolution.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not the result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Currently the ECBG land does not have a clause that allows an exception to minimum lot size for land zoned RE2 Private Recreation and SP3 Tourist. As a result any subdivision application which results in having a area of less than 40ha for land zoned RE2 and SP3 needs to use LEP 'Clause 4.6 Exception to Development Standards' and requires a Council resolution. This is time consuming and not the intention of the clause to be used for the same purpose continually. Therefore it is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to allow residential subdivision in a timely manner.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with the objectives and actions of the Sydney Metropolitan Strategy and Draft west sub regional Strategy.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with Camden Council's Strategic Plan Camden 2040. However, the Planning Proposal is not connected to a particular action area of the Camden Council Strategic Plan 2040.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	☐	The Planning Proposal intends to amend Council's LEP by inserting a new clause so that the minimum lot size for the land zoned RE2 Private Recreation and SP3 Tourist on the El Caballo Blanco/Gledswood land can be disregarded.	✓

Standard Instrument—Principal Local Environmental Plan	☐	The Planning Proposal intends to amend Council's LEP by inserting a new clause so that the minimum lot size for the land zoned RE2 Private Recreation and SP3 Tourist on the El Caballo Blanco/Gledswood land can be disregarded.	✓
State Environmental Planning Policy No 1—Development Standards	N/A		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	N/A		
State Environmental Planning Policy No 6—Number of Storeys in a Building	N/A		
State Environmental Planning Policy No 14—Coastal Wetlands	N/A		
State Environmental Planning Policy No 15—Rural Land sharing Communities	N/A		
State Environmental Planning Policy No 19—Bushland in Urban Areas	N/A		
State Environmental Planning Policy No 21—Caravan Parks	N/A		
State Environmental Planning Policy No 22—Shops and Commercial Premises	N/A		
State Environmental Planning Policy No 26—Littoral Rainforests	N/A		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	N/A		
State Environmental Planning Policy No 30—Intensive Agriculture	N/A		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	N/A		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N/A		
State Environmental Planning Policy No 36—Manufactured Home Estates	N/A		

State Environmental Planning Policy No 39—Spit Island Bird Habitat	N/A		
State Environmental Planning Policy No 44—Koala Habitat Protection	N/A		
State Environmental Planning Policy No 47—Moore Park Showground	N/A		
State Environmental Planning Policy No 50—Canal Estate Development	N/A		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	N/A		
State Environmental Planning Policy No 55—Remediation of Land	N/A		
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	N/A		
State Environmental Planning Policy No 60—Exempt and Complying Development	N/A		
State Environmental Planning Policy No 62—Sustainable Aquaculture	N/A		
State Environmental Planning Policy No 64—Advertising and Signage	N/A		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	N/A		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N/A		
State Environmental Planning Policy No 71—Coastal Protection	N/A		
State Environmental Planning Policy (Affordable Rental Housing) 2009	N/A		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A		

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A		
State Environmental Planning Policy (Infrastructure) 2007	N/A		
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A		
State Environmental Planning Policy (Major Development) 2005	N/A		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A		
State Environmental Planning Policy (Rural Lands) 2008	N/A		
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A		
State Environmental Planning Policy (State and Regional Development) 2011	N/A		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A		
State Environmental Planning Policy (Temporary Structures) 2007	N/A		
State Environmental Planning Policy (Urban Renewal) 2010	N/A		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A		
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A		
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A		
Sydney Regional Environmental Plan No 16—Walsh Bay	N/A		

Sydney Regional Environmental Plan No 18—Public Transport Corridors	N/A		
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	N/A		
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A		
Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A		
Sydney Regional Environmental Plan No 25—Orchard Hills	N/A		
Sydney Regional Environmental Plan No 26—City West	N/A		
Sydney Regional Environmental Plan No 28—Parramatta	N/A		
Sydney Regional Environmental Plan No 30—St Marys	N/A		
Sydney Regional Environmental Plan No 33—Cooks Cove	N/A		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides an assessment of the planning proposal with the relevant S117 Directions:

s.117 Direction	Objective	Response
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The draft Planning Proposal is generally consistent with this direction. The previous Planning Proposal which rezoned RU2 land to a range of residential zones, RE2, and SP3 Tourist zones respected the environmentally sensitive areas within Camden Scenic Hills area. The Planning Proposal is not seeking to change this outcome and is only enabling subdivision for residential purpose in an

		orderly manner.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The draft Planning Proposal is generally consistent with this direction. The previous Planning Proposal which rezoned RU2 land to a range of residential zones, RE2, and SP3 Tourist zones respected the environmentally sensitive areas within Camden Scenic Hills area. The Planning Proposal is not seeking to change this outcome and is only enabling subdivision for the residential zones.
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The draft Planning Proposal will insert a new clause into the LEP to allow the subdivision for residential purpose without the need to consistently apply Clause 4.6 when residue lots zoned RE2 or SP3 are below 40ha.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure the LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal will allow the timely subdivision for residential purposes.

Section C – Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal. The previous Planning Proposal that rezoned the subject land from RU2 Rural Landscape to a range of residential zones, SP3 Tourist and RE2 Private Recreation included consultation with OEH and the development of a Conservation Management Strategy. These measures ensure the protection of the environmental values of the site. This draft Planning Proposal only seeks to render the minimum lot size for land zoned RE2 Private Recreation and SP3 Tourist to enable the subdivision for land zoned for residential purposes.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There will not be any other likely environmental effects as a result of the Planning Proposal.

9. How has the planning proposal adequately addressed any social and economic affects?

The purpose of this Planning Proposal is to allow timely residential subdivision by inserting a new clause into Camden LEP 2010 for El Caballo Blanco/Gledswood land. This will improve the operation of Camden LEP 2010 and provide social and economic outcomes for the future residents of the El Caballo Blanco/Gledswood land by allowing timely provision of residential lots..

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

N/A

11. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

At the time of the rezoning of the subject land from RU2 Rural Landscape to a range of residential zones, SP3 Tourist and RE2 Private Recreation zones the Office of Environment and Heritage (OEH) were consulted and comments incorporated into the proposal. This draft Planning Proposal seeks to allow subdivision to proceed, notwithstanding the non compliance with the 40ha minimum lot size of land zoned RE2 or SP3, to enable residential subdivision. However, given that Gledswood Homestead on the subject site (but outside the RE2 zoned land) is State Heritage Listed it is proposed to refer the draft proposal to OEH (Heritage Branch) for comment.

PART 4 – MAPS

This draft Planning Proposal only seeks to insert a new clause and not amend any LEP maps.

PART 5 – COMMUNITY CONSULTATION

Given the minor nature of the Planning Proposal it is proposed to only publicly exhibit the draft Planning Proposal for 14 days.

PART 6 – PROJECT TIMELINE

The Planning Proposal is yet to receive a Gateway Determination and as a result project timelines and expected completed dates cannot be determined. Given that the Planning Proposal is of a minor nature the benchmark timeframe for the finalisation of the Planning Proposal is 6 months from when Gateway Determination is issued.