

Planning Services

Gateway determination report

LGA	Camden LGA
PPA	Camden Council
NAME	Rezone land at 182 Raby Road, Gledswood Hills from RU2 to R5 (1 house, 0 jobs)
NUMBER	PP_2018_CAMDE_005_00
LEP TO BE AMENDED	Camden Local Environmental Plan 2010
ADDRESS	Part of land at 182 Raby Road, Gledswood Hills
DESCRIPTION	Part of Lot 102 DP 1193881
RECEIVED	23 October 2018
FILE NO.	IRF18/4970
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A1-A9**) seeks to amend the Camden Local Environmental Plan (LEP) 2010 by rezoning part of a large allotment located at 182 Raby Road, Gledswood Hills and described as Lot 102 DP 1193882, from RU2 Rural Landscape to R5 Large Lot Residential; and decreasing the minimum lot size from 2ha to 4,000m² in accordance with the minimum allotment size applying to the R5 zone. This large allotment has a split zone i.e. RU2 and R5.

The proposal seeks to enable part of the large allotment to be combined with adjacent land within the same allotment, which is zoned R5, to facilitate the development of a dwelling across the larger site area.

Site description

The planning proposal applies to part of land at 182 Raby Road, Gledswood Hills (the site), i.e. part of Lot 102 DP 1193881. The site subject to the planning proposal has an area of 2,332m² and is accessible from Mayfield Place (refer to Figure 1 overleaf).

Currently the subject site is cleared and adjoins an existing right-of-carriageway (refer to Figure 2 overleaf). This carriageway dissects the site and the adjacent R5 zoned land from the larger allotment (i.e. Lot 102 DP 1193881) which is east of the site.

The site is located within the El Caballo Blanco/Gledswood Hills urban release area which is currently being developed for housing. The site is also located in an area that provides a transition between existing and approved urban development and rural landscapes.

In addition, the site abuts the western boundary of the Campbelltown LGA, and the Scenic Hills, which includes ridgelines and rolling hills with visual perspectives of the Blue Mountains.

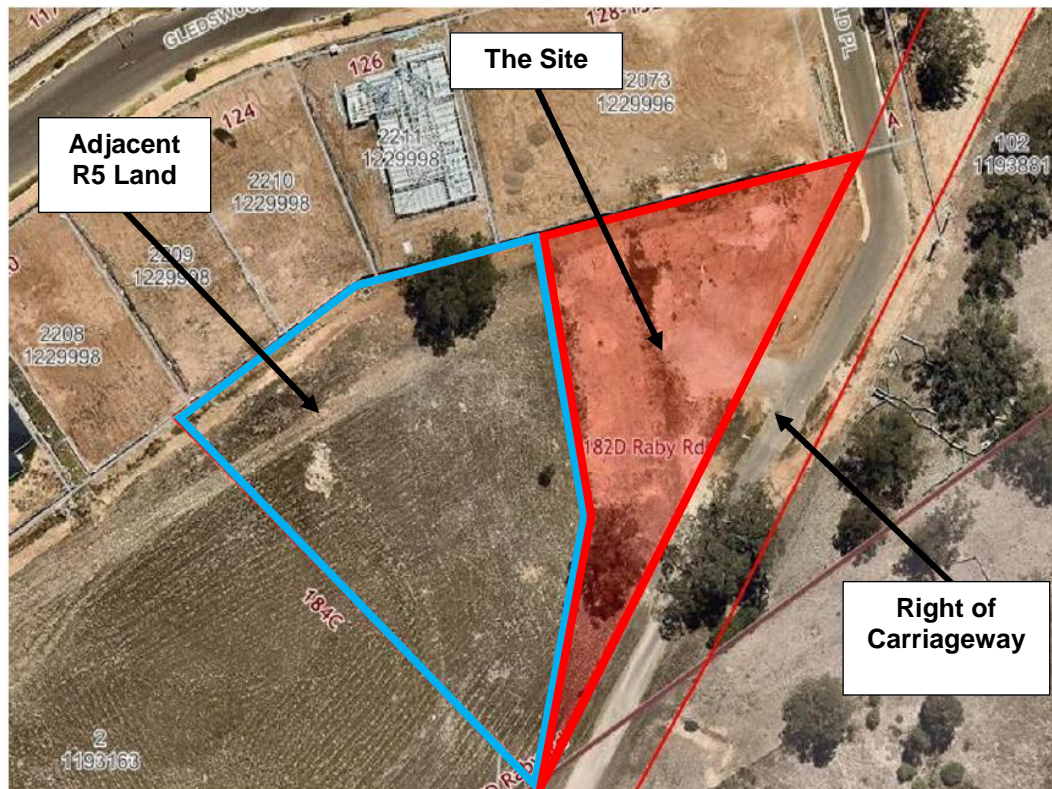


Figure 1 – Aerial photo of the site

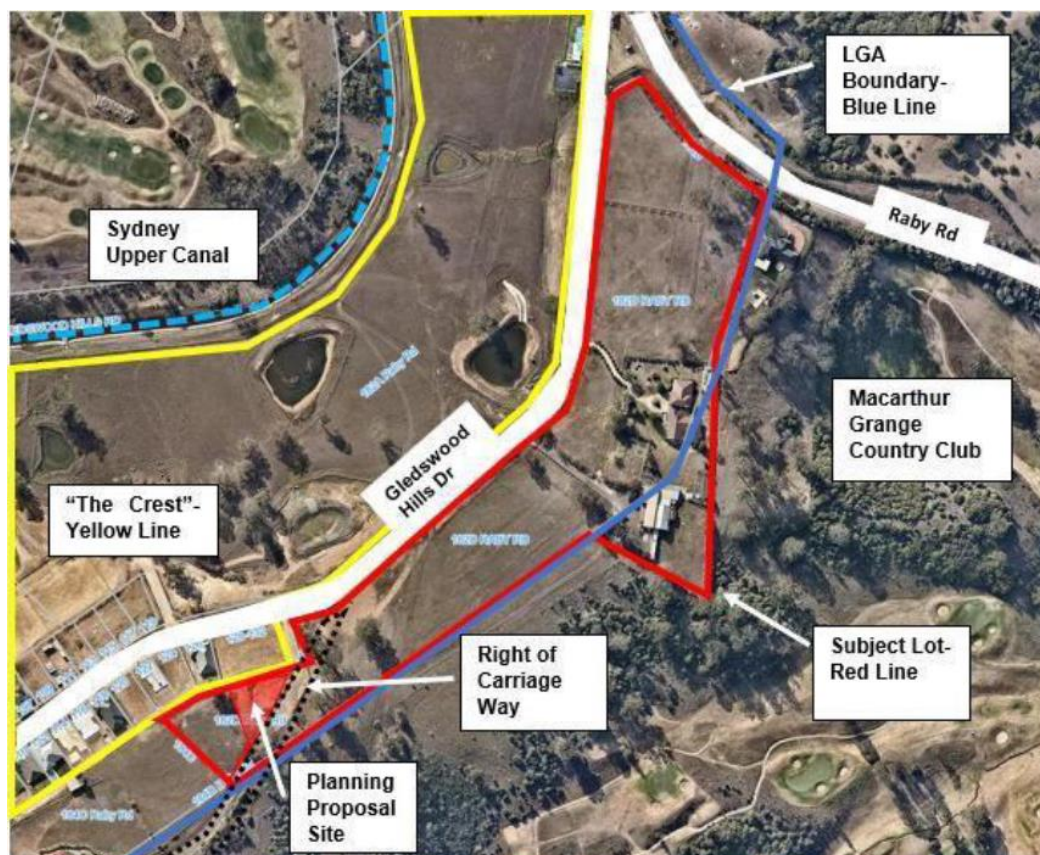


Figure 2 – Aerial photo of the larger lot

Existing planning controls

Under Camden Local Environmental Plan (LEP) 2010, the following development controls apply to the site (refer to Figure 3 below, with the site outlined in thin red border and the adjacent land in blue outline):

- RU2 Rural Landscape Zone;
- a minimum lot size of 2ha;
- a maximum building height of 9.5m; and
- the site is located within the El Caballo Blanco / Gledswood Hills Urban Release Area.

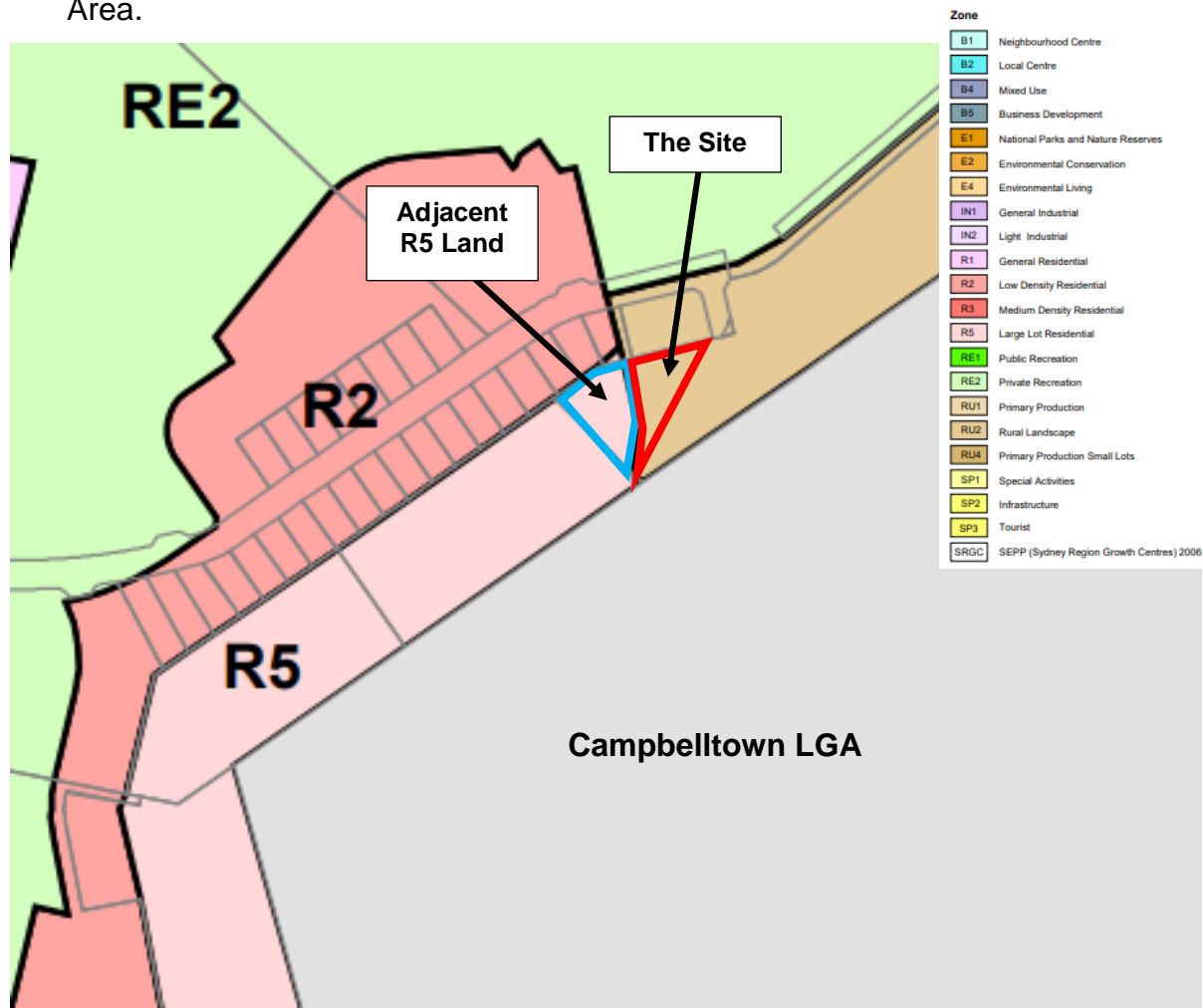


Figure 3 – Land zoning map

Surrounding area

As noted previously, the site is located within the El Caballo Blanco/Gledswood Hills urban release area (URA), which was rezoned to provide approximately 860 dwellings, a golf course, and the restoration of the State Heritage listed Gledswood House.

Further north is the Lakeside URA which will comprise of a mix of housing set amongst a golf course. To the north of the Lakeside URA is the Emerald Hills URA, which was rezoned in 2014 and is proposed to delivery approximately 1,200 dwellings.

Catherine Field Precinct is located to the west of the El Caballo Blanco/Gledswood Hills in the South West Growth Area and remains zoned rural.

Summary of recommendation

It is recommended that the planning proposal proceed with conditions as it will enable the feasible construction of a new dwelling on the site and the proposed land zone is considered to be compatible with the surrounding urban release areas.

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to rezone the site to R5 Large Lot Residential and decrease the minimum lot size to 4,000m². The intended outcome of the planning proposal is to enable the construction of an additional residential dwelling.

Council also note that the proposed amendment would enable the feasible development of the land which is complementary to the surrounding land.

The Department notes that the intention of the proposal is to amend the development controls of the site to be consistent with the existing controls for the adjacent R5 zoned land to combine the two land areas. The combined area of the site (i.e. 2,322m²) and adjoining R5 zoned land (i.e. 2,797m²) is 5,112m² which would meet the minimum lot size requirement for the R5 zone (i.e. 4,000m²) to develop a single residential dwelling across the land.

Explanation of provisions

The planning proposal seeks to amend the Camden LEP 2010 by:

- rezoning the site from RU2 Rural Landscape to R5 Large Lot Residential; and
- decreasing the minimum lot size for the site from 2ha to 4,000m².

The proposal will not amend the current maximum building height control for the site.

A comparison of the current and proposed development controls for the site in relation to the current controls for the adjoining R5 zoned land is provided in Table 1 (below).

Table 1: Development Control Comparison

Development Control	Current controls for the Site	Proposed controls for the Site	Current controls for Adjoining R5 zoned land
Land Zoning	RU2 Rural Landscape	R5 Large Lot Residential	R5 Large Lot Residential
Minimum Lot Size	2ha	4,000m ²	4,000m ²
Maximum Building Height	9.5m	9.5m	9.5m

Council also propose to amend the Camden Development Control Plan (DCP) 2011 to include an additional condition for the site in relation to mitigating the additional visual impacts of the proposed development in accordance with the Visual Impact Assessment (**Attachment A7**).

Mapping

The current and proposed maps are provided in Section 4.2 and 4.5 of the planning proposal. The planning proposal will amend the following maps:

- Land Zoning map (LZN_016) (refer to Figure 4 below); and
- Lot Size Map (LSZ_016) (refer to Figure 5 below).

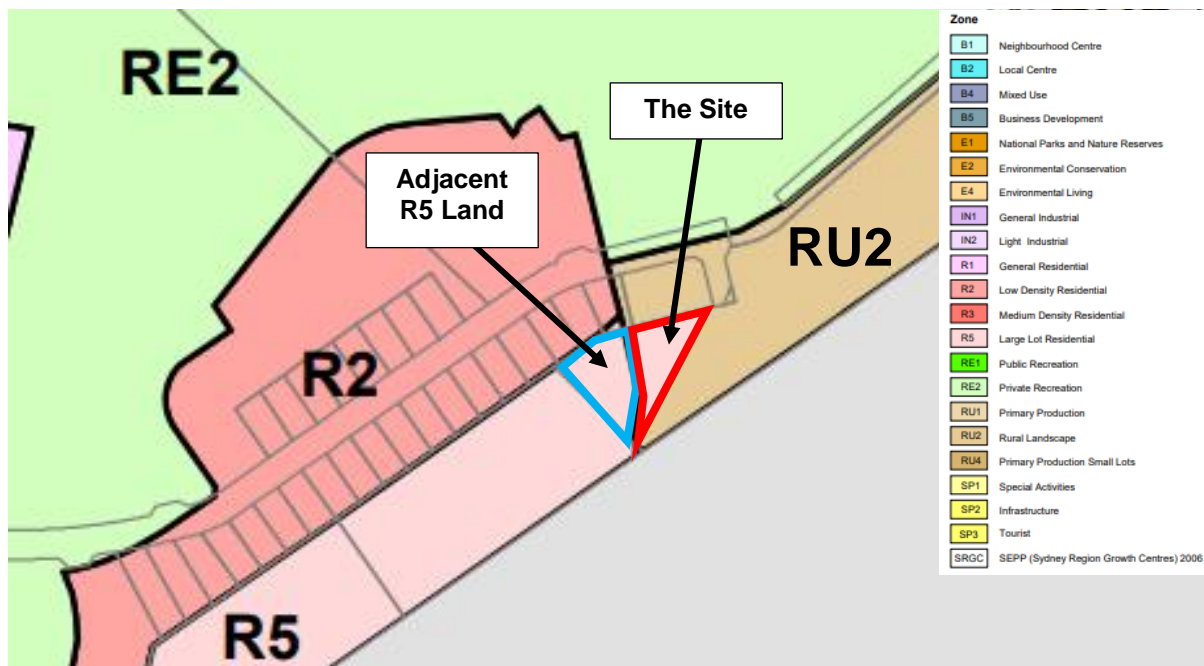


Figure 4 – Proposed Land Zoning Map

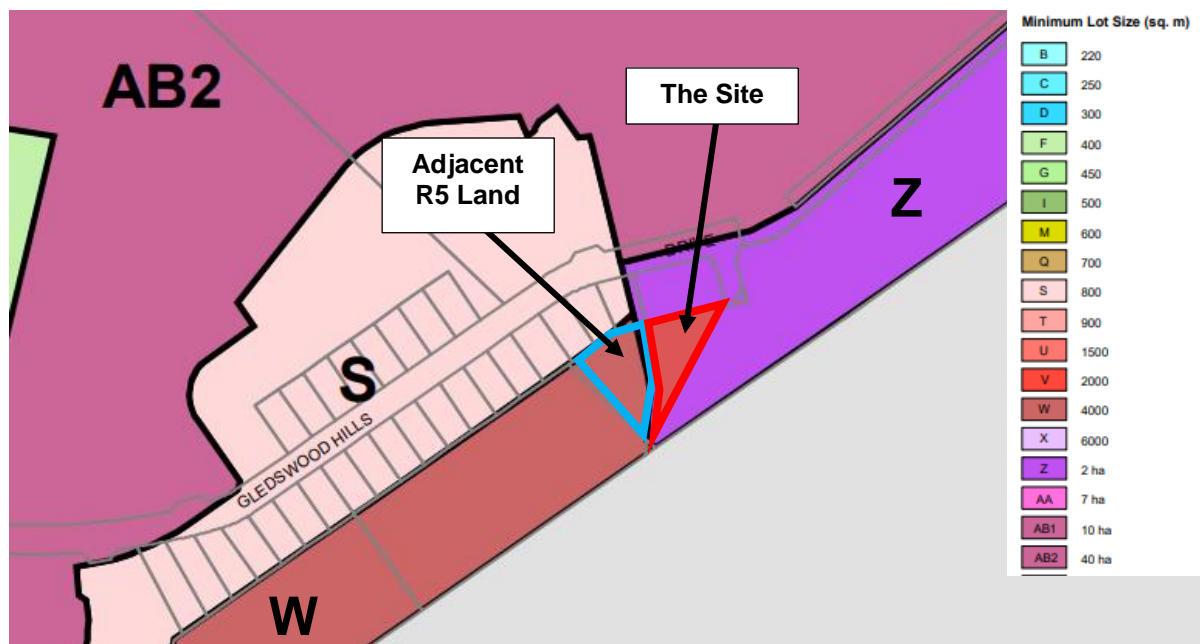


Figure 5 – Proposed Height of Building Map

Department Comment

It is recommended prior to public exhibition Council amends the current and proposed maps in Part 4.2 of the proposal to clearly outline the site and the adjoining R5 zoned land to provide clarity for the community.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, Council advised that the proposed amendment is the best and most appropriate means of achieving Council's intended outcome i.e. rezone the site. A planning proposal is the only means available to achieve amendments to the relevant provisions under the Camden LEP 2010.

The proposal notes that the adjacent R5 zoned land is approximately 2,797m² and is below the minimum lot size requirement for this zone (i.e. 4,000m²). Council advised that the proposed lot size requirement cannot be varied under a Clause 4.6 Exception to Development Controls of the Camden LEP 2010.

Therefore, a planning proposal is required to facilitate an extension of the R5 zone from the adjacent land across the site. The proposed amendment to the current land zoning and lot size controls for the site is necessary to enable the development of a residential dwelling across the land.

Council advised that the proposal is seen as a logical extension of existing and approved adjoining residential development. Furthermore, the proposal has acceptable visual impacts and is not inconsistent with region, district and local strategic plans and their relevant objectives.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018. It provides a 40-year vision for Greater Sydney and is designed to inform district and local plans and the assessment of planning proposals.

The planning proposal is consistent with the objectives for infrastructure and collaboration, liveability, productivity and sustainability in the plan, as it would contribute to the housing supply in the Camden LGA (Objective 10) and have a minimal visual impact on the surrounding area, including the Scenic Hills (Objective 28).

Western City District Plan

The Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

The planning proposal is consistent with the priorities of the Plan as follows:

- it would provide an additional dwelling across the site which is in close proximity to existing and proposed infrastructure, jobs and services (Planning Priority W5);
- it would not visually detract from the significance of the surrounding heritage items (Planning Priority W6);
- it would have an acceptable level of visual impact including minimal visual impact on the Scenic Hills (Planning Priority W16); and
- it is no longer used for a rural purpose and is separated from the majority of the allotment by a right-of-carriageway and fencing (Planning Priority W17).

Local

Community Strategic Plan

The Community Strategic Plan (June 2017) identifies the community's main priorities and aspirations for the future (at least 10 years), and the plans and strategies for achieving these goals. The Plan seeks to ensure the provision of appropriate urban development for sustainable growth in the Camden LGA and to manage and plan for a balance between population growth, urban development and environmental protection. Council advise that the planning proposal is consistent with these objectives of the Plan.

Rural Lands Strategy

The Rural Lands Strategy (September 2017) applies to land zoned rural within the Camden LGA (excluding the South West Growth Area) and provides key planning principles to guide the management of these rural lands.

Council has assessed the planning proposal against the criteria of the Strategy (**Attachment A5**) and concluded it is consistent with the Strategy, as follows:

- it is consistent with the objectives of the Greater Sydney Region Plan, Western City District Plan, and Community Strategic Plan;
- it would not adversely impact on the operation of existing rural enterprises as the site is separated from the majority of the larger RU2 allotment and is adjacent to existing and approved residential development;
- it is a logical extension to existing urban areas as it is located within the El Caballo Blanco/Gledswood Hills urban release area; and
- it would have an acceptable level of visual impact on the quality of scenic landscapes, vistas, ridgelines and heritage values.

Section 9.1 Ministerial Directions

Inconsistent: The inconsistency of the planning proposal with the following Section 9.1 Direction is outlined below.

Direction 1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land. The planning proposal is inconsistent with this Direction as it will rezone the site from a rural zone (i.e. RU2 Rural Landscape) to a residential zone (i.e. R5 Large Lot Residential).

Council advised that the inconsistency is considered to be acceptable as the site is located within an urban release area and adjoins existing and approved residential development. In addition, the site is separated from the rest of the RU2 zoned portion of the lot by an existing right-of-carriageway and fencing which has limited its agricultural potential. Council also note that the visual impacts of the proposed amendment would not be adverse.

Therefore, the inconsistency of the planning proposal with the Direction 1.2 Rural Zones is considered to be justified as of a minor significance as the site is no longer required for agricultural purposes.

Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety and choice of housing, to make efficient use of existing infrastructure and services, and to minimise the impact on the environment and resource lands.

The planning proposal is inconsistent with this Direction as it will consume rural land on the urban fringe for additional housing. However, this inconsistency is considered to be justified as the site is located within an urban release area and the proposed development would make more efficient use of existing and approved infrastructure and services.

Therefore, the inconsistency with Direction 3.1 Residential Zones is considered to be justified as of a minor significance.

Consistent: The consistency of the planning proposal with the following Section 9.1 Directions are outlined below.

Direction 3.4 Integrating Land Use and Transport

This Direction aims to improving access to housing, jobs and services and increase the choice of available public transport. The planning proposal is considered to be consistent with this Direction as the site is located in an area which currently contains existing public transport options and is currently being development for additional residential purposes which will increase the level of public transport services.

State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all State Policies however further commentary is provided below.

State Environmental Planning Policy No 55—Remediation of Land

The objective of this SEPP is to provide for a State-wide planning approach to the remediation of contaminated land. Council considers that the site is unlikely to be affected by contamination and future investigations would occur at the development application stage. In addition, the Contamination Assessment (**Attachment A9**) concluded that the site is suitable for residential use.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The planning proposal notes that it is unlikely to alter or impact adversely upon the water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment.

SITE-SPECIFIC ASSESSMENT

Social and Economic

Council note that the planning proposal is unlikely to have an adverse social or economic impact as the proposed amendment would provide an additional dwelling within an urban release area which include planned services and facilities.

Environmental

The Ecological Assessment (**Attachment A6**) concludes that the ecological values of the site are poor, as the land has either been cleared or dominated by exotic grasses. However, the site contains Cumberland Plain Woodland species which the

proponent proposes to retain following the rezoning. Therefore, Council considers that the proposal would not impact the ecological values of the site.

Visual Impact

The Visual Impact Assessment (**Attachment A7**) concludes that the proposed development would have minor visual impacts without unacceptable changes to the perception of the site as viewed from major viewing points in the public domain.

In addition, the impacts would be manageable with the implementation of the recommended mitigation measures which include the following:

- exterior materials and finishes of the proposed development are to be chosen from a colour palette to minimise visual impact when viewed from the public domain; and
- screen planting is to be provided along the Gledswood Hills Drive boundary.

Council note that the mitigation measure which relates to the exterior materials and finishes which be incorporated into the Camden DCP 2011. However, the recommendation for additional screen planting would not be included as there are existing street trees along Gledswood Hills Drive which are considered to be adequate and would provide sufficient screening as they mature.

Heritage Impact

The site is located within proximity of two State listed heritage items bring the Sydney Water Upper Canal (I122) which is approximately 270m north of the site and Gledswood Estate (I81) which is 860m north-west. Council advised that the proposed development would not visually detract from the significance of these items.

Infrastructure

The site is currently serviced with adequate public infrastructure and the surrounding area is currently being developed for residential purposes which includes additional public transports, roads, utilities and essential services. Council state that the proposed development does not require aby additional upgrades to the existing and approved infrastructure.

CONSULTATION

Community

Council proposes to undertake a public exhibition period of 28 days. A public exhibition period of 28 days is considered an appropriate amount of time to gage the response by the community.

Agencies

As the planning proposal is of a minor nature, it is not recommended that Council consult agencies, with the exception of Campbelltown Council. The site is adjacent to the Campbelltown LGA and it is accordingly recommended that Camden Council consult with Campbelltown Council during the public exhibition period.

TIME FRAME

Council proposes a timeframe of 6-months to finalise this planning proposal. Given the routine nature of the planning proposal, a 6-month timeframe is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation of the plan making function be issued to it in relation to this planning proposal. Given the minor nature of the planning proposal, authorisation to exercise delegation should be issued to Council.

CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it would enable the feasible construction of a new dwelling on the site and the proposed land zone is considered to be compatible with the surrounding urban release areas.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 3.1 Residential Zones, and 3.4 Integrating Land Use and Transport are minor or justified.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Agency consultation is only required with Campbelltown City Council.
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to public exhibition, Council is to amend the planning proposal by amending the current and proposed maps in Part 4.2 of the proposal to clearly outline the site and the adjoining R5 zoned land in the manner indicated at page 9 of the Department's guide to preparing planning proposals.



31/10/18

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6.11.18

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