



IRF22/2072

Gateway determination report – PP-2022-159

Increased Minimum Lot Size and Zone Boundary
Adjustment – Abercrombie Place, Harrington Park

July 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-159

Subtitle: Increased Minimum Lot Size and Zone Boundary Adjustment – Abercrombie Place, Harrington Park

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area	2
1.5	Mapping.....	4
1.6	Background	7
2	Need for the planning proposal.....	7
3	Strategic assessment.....	8
3.1	District Plan	8
3.2	Local	9
3.3	Local planning panel (LPP) recommendation.....	10
3.4	Section 9.1 Ministerial Directions	11
3.5	State environmental planning policies (SEPPs)	14
4	Site-specific assessment	14
4.1	Environmental.....	14
4.2	Social and economic	15
4.3	Infrastructure	16
5	Consultation.....	16
5.1	Community	16
5.2	Agencies.....	16
6	Timeframe.....	16
7	Local plan-making authority	16
8	Assessment summary.....	17
9	Recommendation.....	17

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	LGA name
PPA	Camden Council
NAME	Increased Minimum Lot Size and Zone Boundary Adjustment – Abercrombie Place, Harrington Park
NUMBER	PP-2022-159
LEP TO BE AMENDED	Camden Local Environmental Plan 2010
ADDRESS	Abercrombie Place, Harrington Park
DESCRIPTION	Lots 1-12 DP 280059
RECEIVED	20/06/2022
FILE NO.	IRF22/2072
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

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal seeks to facilitate the following objectives:

- Amend the Land Zoning Map (LZN_012) to rezone a portion of Lot 1 currently zoned R5 Large Lot Residential to C2 Environmental Conservation;
- Amend the Land Zoning Map (LZN_012) to rezone a portion of Lot 2 currently zoned C2 Environmental Conservation to R5 Large Lot Residential;
- Amend the Lot Size Map (LSZ_012) to increase the minimum lot size controls of Lots 2-11 (700m²) and Lot 12 (2000m²) to 6,000m² to prevent further subdivision of the existing large residential allotments in the R5 Large Lot Residential zone;
- Amend the Lot Size Map (LSZ_012) to remove the existing 700m² minimum lot size control so that it is consistent with the other C2 Environmental Conservation zoned land in the Camden LGA; and
- Maintain the existing rural character of the area and protect the amenity surrounding a State Heritage registered item.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Camden LEP 2010 as per the changes below:

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	<u>Lot 1</u> R5 Large Lot Residential (part) C2 Environmental Conservation (part)	<u>Lot 1</u> C2 Environmental Conservation
	<u>Lot 2</u> R5 Large Lot Residential (part) C2 Environmental Conservation (part)	<u>Lot 2</u> R5 Large Lot Residential
Minimum lot size	<u>Lot 1</u> 700m ² (part) No Lot Size control (part)	<u>Lot 1</u> No Lot Size control (to be consistent with the proposed rezoning to C2 Environmental Conservation)
	<u>Lots 2-11</u> 700m ²	<u>Lots 2-12</u> 6,000m ²
	<u>Lot 12</u> 2,000m ²	

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site for this planning proposal is land located at Abercrombie Place, Harrington Park (Lots 1-12 DP 280059) as illustrated by the teal outline in **Figure 1** (overleaf) and is located within The Stables Precinct of Harrington Grove, which is envisioned as a unique, equestrian themed large lot residential subdivision.

The subject site comprises approximately 14.75 hectares of land that is largely undulating with elevated areas to the north. The site is mostly cleared of vegetation and is mapped as bushfire prone. The site can be accessed from The Northern Road via Governor Drive.

The neighbouring land to the subject site includes Kirkham Meadows, a large lot residential subdivision to the west, Narellan Creek to the south, The Northern Road to the east and Orielton Homestead to the north, as shown in **Figure 2** (overleaf). Orielton Homestead and its curtilage are listed on the State Heritage Register, with the listing comprising each of the homestead, associated outbuildings and the landscape setting.

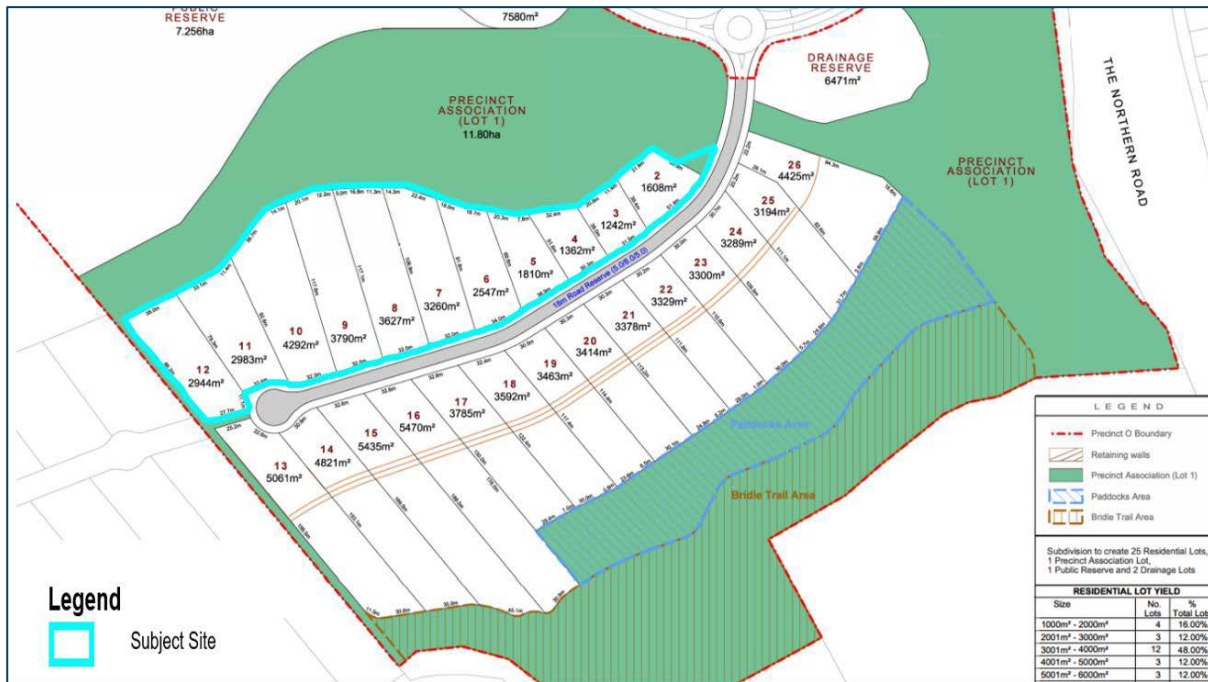


Figure 1 Subject Site (source: PP-2022-159)

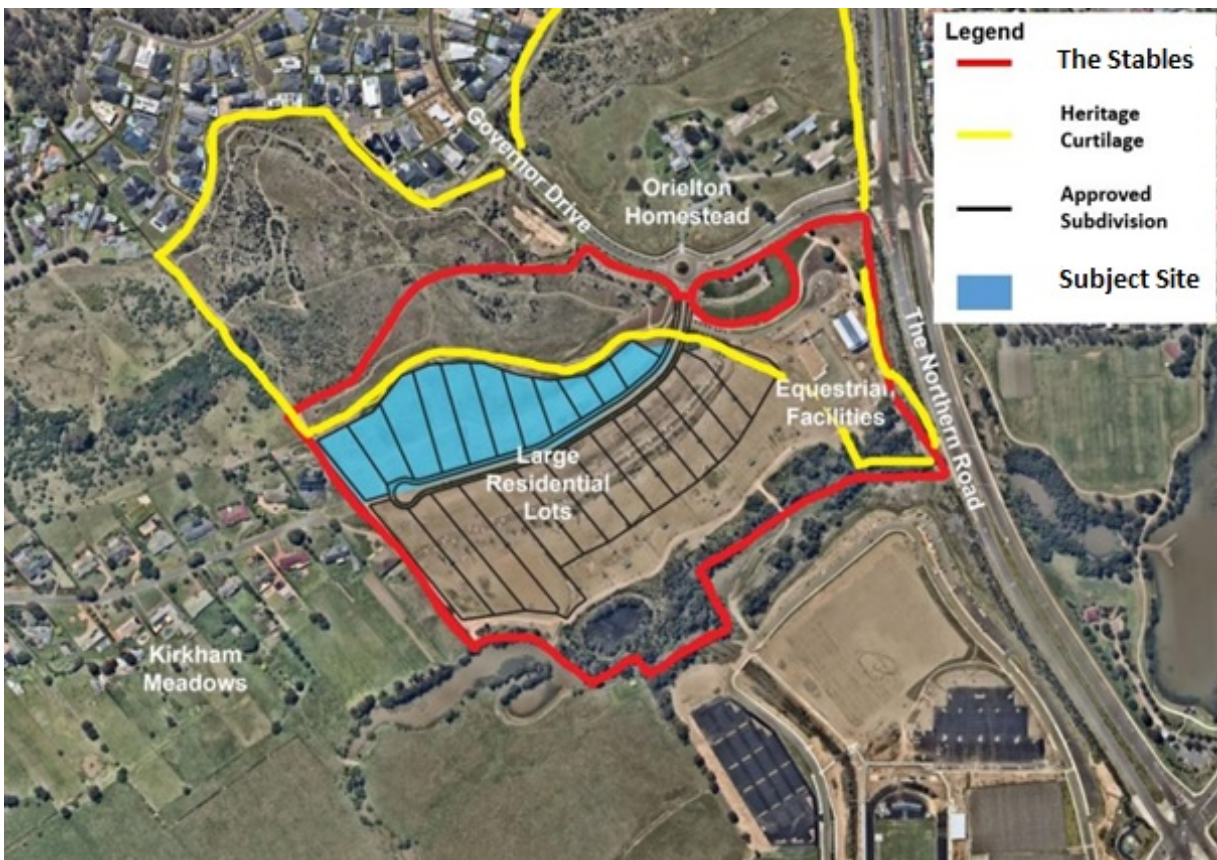


Figure 2 Site Context (source: PP-2022-159)

The Stables Precinct, denoted by the red outline in **Figure 2**, is a unique, large lot residential subdivision with communal equestrian facilities. The Stables was approved in April 2020 under DA/2018/1218 as a 30 large lot residential subdivision. The current approved layout comprises 25 residential lots that range in area from 1,242m² to 5,510m², is shown on **Figure 1**.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Camden LEP 2010 Land Zoning (LZN_012) and Lot Size (LSZ_012) Map Sheets, which are suitable for community consultation.

These maps are illustrated in **Figures 3 to 6** below and overleaf.

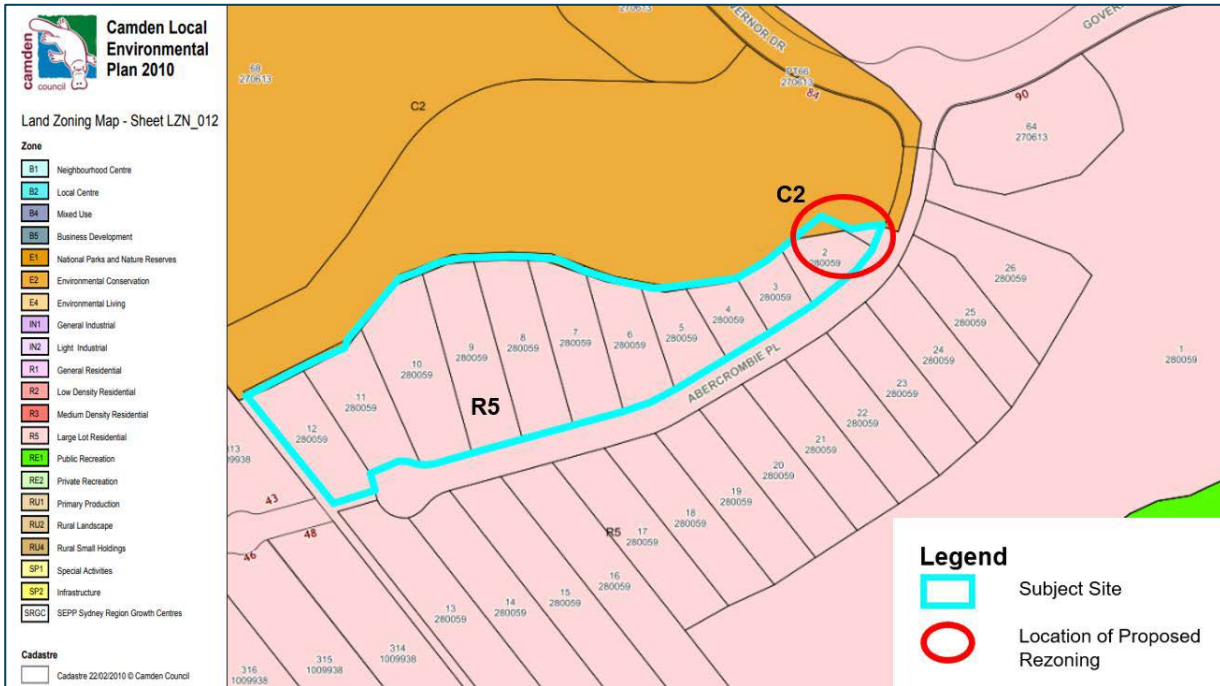


Figure 3 Current Land Zoning Map

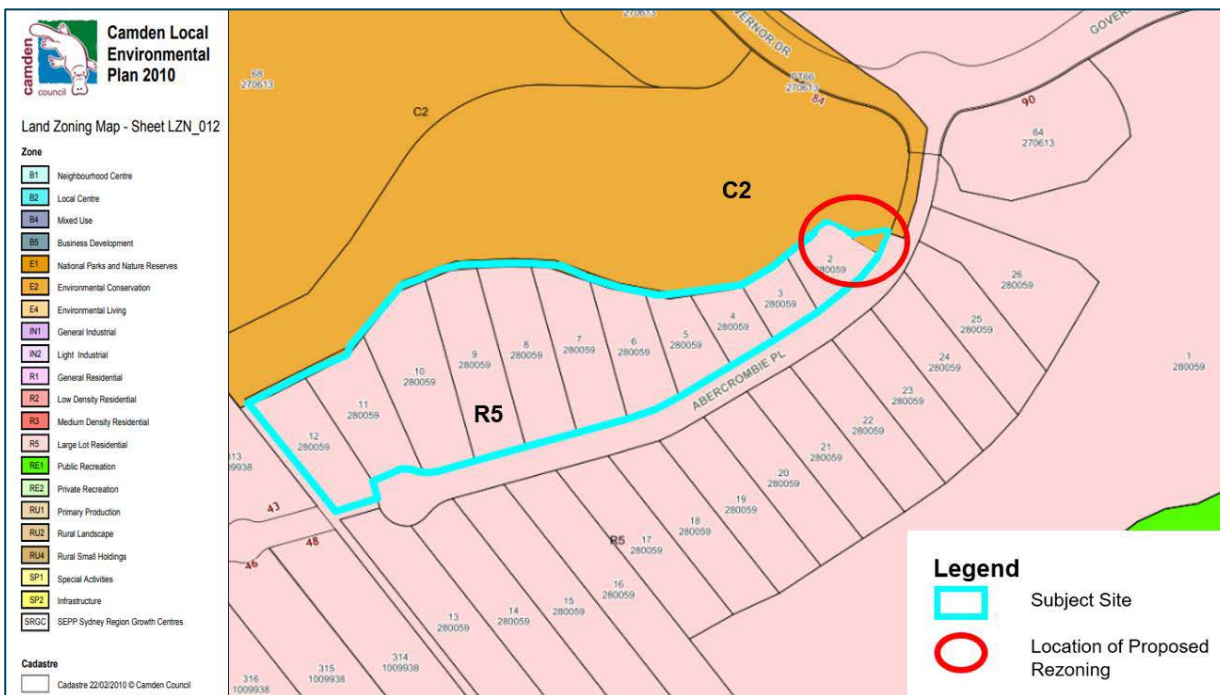


Figure 4 Proposed Land Zoning Map

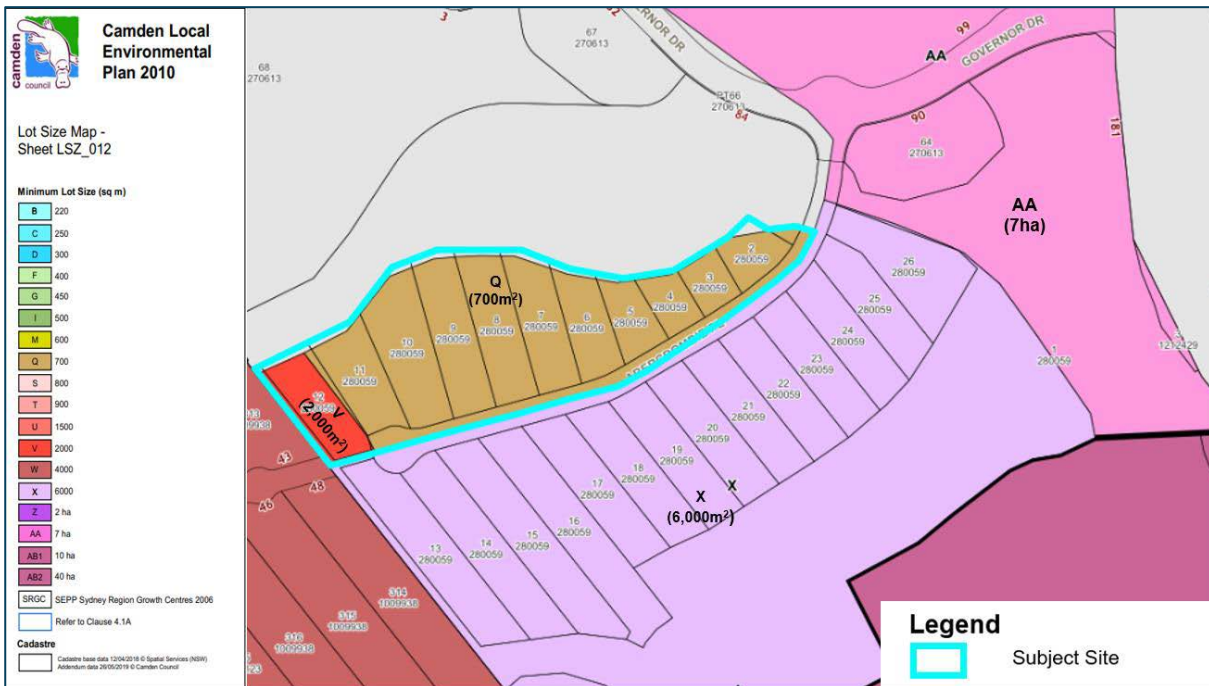


Figure 5 Current Lot Size Map

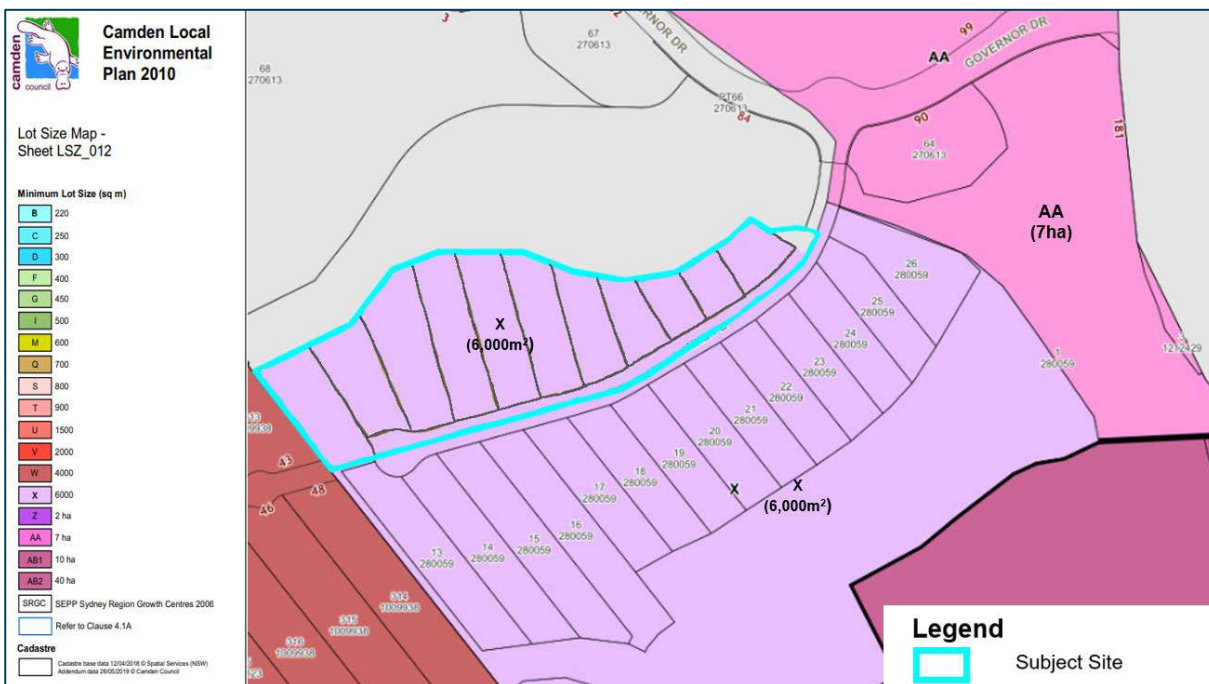


Figure 6 Proposed Lot Size Map

The Department notes that the planning proposal does not include an amendment to the height of building (HOB) map. A maximum building height currently applies to the R5 zone. By amending the boundary between the R5 and C2 zones, it should be necessary to amend the HOB map. A

Determination condition is recommended for Council to investigate this apparent mismatch and, if necessary, rectify this anomaly.

Following submission of the planning proposal for a Gateway determination, Council officers have subsequently advised that registered lots (Lots 2-12) within the subject site all have split zoning and other anomalies that require attention. These anomalies are illustrated in **Figures 7 to 8** below.

While the split zoning anomaly is small for Lots 3-12 the quantum requires consideration. Therefore, two Gateway conditions are recommended to allow Council to address the matter, including consultation with the Environment and Heritage Group (EHG) of DPE.



Figure 7 Camden LEP Land Zoning Map with subject site overlay

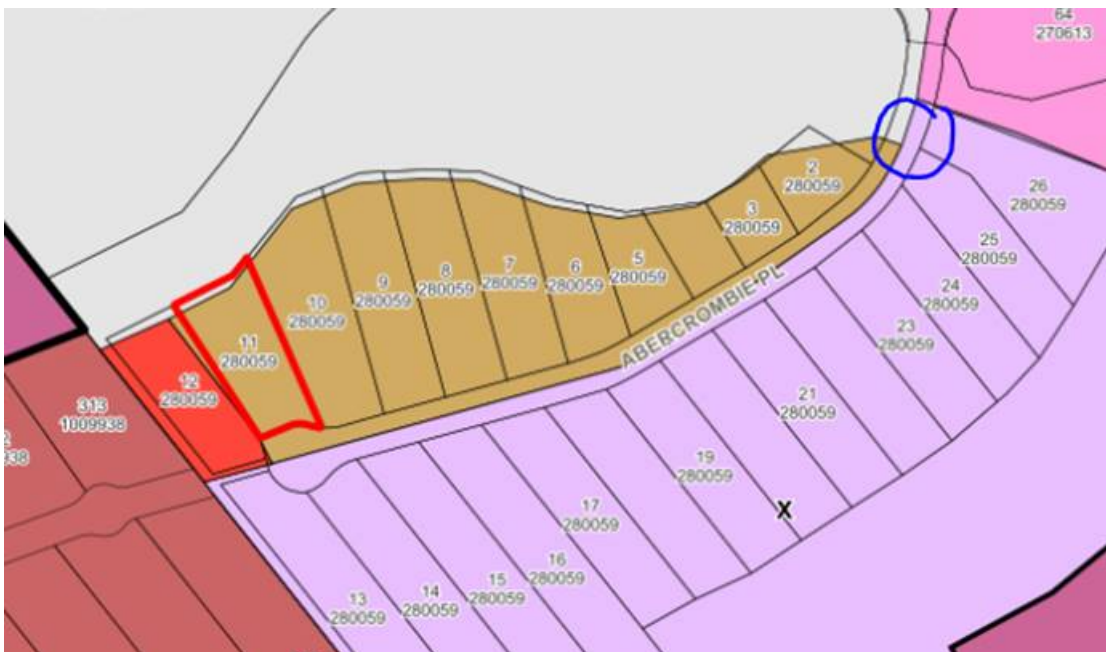


Figure 8 Camden LEP Lot Size Map with subject site overlay

1.6 Background

The background of this planning proposal is as follows:

- In October 2018, DA/2018/1218 was lodged with Camden Council for a proposed integrated equestrian park and large lot residential development on the site (The Stables Precinct).
- In July 2019, the approval of a planning proposal (PP_2019_CAMDE_001) resulted in the southern portion of The Stables Precinct being rezoned from E2 Environmental Conservation (now C2 Environmental Conservation) to R5 Large Lot Residential to facilitate an additional residential lot. The minimum lot size for the southern portion was also decreased to 6,000m² and a maximum building height of 9.5m was applied.
- In April 2020, DA/2018/1218 was approved as a 30 large lot residential subdivision and has since had several modifications under section 4.55 of the *Environmental Planning and Assessment Act 1979*. The DA required the approval of PP_2019_CAMDE_001 to enable its determination and a modified consent was granted on 1 April 2020.
- This planning proposal (PP-2022-159) aims to protect the outcomes of the approved DA/2018/1218.
- On 10 May 2022, Council unanimously resolved to endorse the draft planning proposal and forward to DPE for a Gateway determination.

2 Need for the planning proposal

The planning proposal is not the result of any strategic study or report. The need for the planning proposal is the result of a proponent-led request to protect the existing development outcomes and amenity of the approved subdivision of the subject site.

The planning proposal is seeking to amend the Camden LEP 2010 Land Zoning (LZN_012) and Lot Size (LSZ_012) Map Sheets. A planning proposal is considered to be the best means to achieve the intended objectives and outcomes with regard to the following:

- The current minimum lot size of 700m² and 2,000m² could permit further subdivision of large residential lots. This may have a negative impact on the character and amenity of The Stables Precinct, which was designed with equestrian facilities and large residential lots to create a rural character and amenity sympathetic to the lower-lying areas of the State Heritage listed Orielton Homestead. The proposed minimum lot size of 6,000m² is larger than the size of the existing lots, which will assist in preventing further subdivision of the subject site and will be consistent with the minimum lot size control for the other lots in the southern portion of The Stables Precinct (Refer to **Figures 5 to 6**).
- Lot 2 is currently subject to a split zoning (part C2 Environmental Conservation and part R5 Large Lot Residential). By rezoning the small portion of Lot 2 currently zoned C2 Environmental Conservation to R5 Large Lot Residential, the proposal will rectify this split zoning and provide more certainty for future owners around the development controls applying to the lot. This will be offset by the rezoning a small portion of Lot 1 (currently zoned R5 Large Lot Residential) to C2 Environmental Conservation. The proposal indicates that the proposed amendment will not change the approved use of Lots 1 and 2 and is considered to have minimal impact on land zoned C2 Environmental Conservation. **Figure 9** (overleaf) illustrates the proposed split zone rectification of Lot 2.

While this is the case, the Department notes that the planning proposal does not provide any supporting information that the proposed alteration of the conservation zone boundary will have minimal impact. To allow this matter to be further considered, it is recommended

that Council be requested to provide supporting advice demonstrating that this part of the proposal will entail environmental minimal impact.

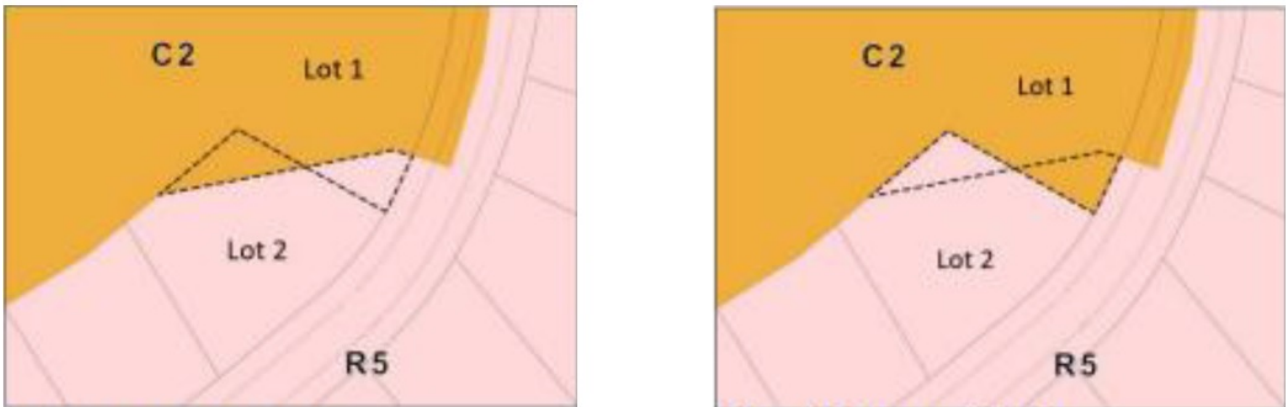


Figure 9 Existing (left image) and Proposed (right image) Zoning to Rectify the Split Zone Anomaly of Lot 2

Section 1.5 of this report noted that Council officers contacted the Department advising that registered lots (Lots 2-12) within the subject site all have split zoning and split lot size anomalies (refer to **Figures 7 to 8**). Gateway conditions have been recommended to address these issues.

The subject site is adjacent to Orielton Homestead's curtilage and was designed to be sympathetic to the heritage significance of Orielton Homestead. In seeking to prevent further subdivision of the subject site, the proposal will protect the amenity surrounding this State Heritage item.

3 Strategic assessment

3.1 District Plan

The subject site is within the Western District. The then 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 district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan, as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 3** (over leaf) includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.	<p>The proposal seeks to amend Camden LEP 2010 to permit additional housing (approximately 11 homes) that aim to be diverse in design, lot size and character. The proposal also aims to protect the local character of the subject site through preventing further unplanned subdivision, which would negatively impact upon the Stables Precinct and the neighbouring Orielton Homestead curtilage.</p> <p>The subject site is located in close proximity to Harrington Park and Oran Park, both of which provide existing social and utilities infrastructure, as well as, community services to support the proposal's outcomes.</p> <p>The proposal aligns with Objectives 10 and 11 under Planning Priority W5, making it not inconsistent with this Priority.</p>
Planning Priority W6: Creating and renewing great places and local centres and respecting the District's heritage.	<p>The proposal seeks to increase the Minimum Lot Size of the subject site. This will assist in preventing unplanned subdivision and help preserve the neighbouring Orielton Homestead curtilage and the unique equestrian-themed character of The Stables Precinct.</p> <p>The subject site is part of an existing approved subdivision that provides opportunities for community life through the inclusion of equestrian facilities under a community title management model. The subject site provides the prospect of a unique neighbourhood opportunity within the Camden LGA, that has been designed to be sympathetic to the neighbouring curtilage of the State Heritage listed Orielton Homestead.</p> <p>The proposal aligns with Objectives 12 and 13 under Planning Priority W6, making it not inconsistent with this Priority.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 4** below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Camden Community Strategic Plan	<p>The proposal gives effect to the Camden Community Strategic Plan by addressing:</p> <p><i>(a) Key Direction 1: Actively Managing Camden LGA's Growth</i></p> <p>The proposal seeks to retain the future character and amenity of the subject site by increasing the Minimum Lot Size standard, which will prevent further unplanned subdivision. The existing subdivision approved under DA/2018/1218 supports this Key Direction as it will provide additional housing, support population growth and has been designed to reflect the rural characteristics of</p>

	<p>the Camden LGA, as well as being sympathetic to the neighbouring Orielton Homestead curtilage.</p> <p><i>(b) Key Direction 2: Healthy Urban and Natural Environment</i></p> <p>The proposal seeks to ensure that the subject site is assigned planning controls that are appropriate and sympathetic to the neighbouring Orielton Homestead curtilage by restricting the potential for unplanned subdivision. The proposal's objectives therefore specifically support Objective 2.1: Caring for urban and natural environment, including heritage sites, associated with this Key Direction.</p>
Local Strategic Planning Statement (LSPS)	<p>The proposal gives effect to the Camden LSPS by addressing:</p> <p><i>(a) Local Priority L1: Providing housing choice and affordability for Camden's growing and changing population</i></p> <p>The proposal seeks to promote housing diversity in Camden LGA by supporting the existing large lot residential subdivision layout of the subject site. The subject site also provides an opportunity for a unique sense of place within the LGA, that is supported by existing infrastructure from the neighbouring suburbs of Harrington Park and Oran Park.</p> <p><i>(b) Local Priority L2: Celebrating and respecting Camden's proud heritage</i></p> <p>The proposal seeks to ensure that the subject site is assigned planning controls that are appropriate and sympathetic to the neighbouring Orielton Homestead curtilage by restricting the potential for unplanned subdivision. Additionally, the subject site is located within an equestrian-themed precinct, that is reflective of Camden's rural history.</p>
Camden Local Housing Strategy (LHS)	<p>The proposal gives effect to the Camden LHS by addressing:</p> <p><i>(a) Priority 3: Delivering the right housing in the right location</i></p> <p>The proposal seeks to preserve the heritage significance of Orielton Homestead, and its curtilage, through supporting the existing large lot subdivision layout and seeking to increase the subject site's Minimum Lot Size to prevent unplanned subdivision. This will allow all development, neighbouring the Orielton Homestead, to be carefully and effectively managed in the future. Therefore, the proposal seeks to provide appropriately sized lots for housing forms that will complement the large lot residential vision of The Stables Precinct.</p> <p><i>(b) Priority 4: Increasing housing choice and diversity</i></p> <p>The proposal seeks to increase housing choice and diversity in Camden LGA through supporting the existing large lot residential subdivision layout of the subject site. The equestrian-themed design and vision of The Stables Precinct contributes to promoting housing diversity within the Camden LGA and represents a unique opportunity compared to other housing forms and neighbourhoods in the local area.</p>

3.3 Local planning panel (LPP) recommendation

On 19 April 2021, the Camden Local Planning Panel (CLPP) considered the draft planning proposal and supported the Council officer's report.

The CLPP voted 4-0 in favour of the recommendation.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 5**:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.3 Approval and Referral Requirements	Consistent	<p>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The proposal is consistent with this Direction as it seeks to make an amendment to the Camden LEP that is considered minor in nature. The proposal is not likely to require the concurrence, consultation or referral of development applications to a Minister or public authority and is not considered to have significant environmental impact.</p>
Direction 1.4 Site Specific Provisions	Consistent	<p>The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The proposal is consistent with this Direction as it does not seek to introduce any site-specific provisions.</p>
Direction 3.1 Conservation Zones	Inconsistent	<p>The objective of this Direction is to protect and conserve environmentally sensitive areas.</p> <p>The Direction is relevant as the proposal seeks to rezone a small portion of land from C2 Environmental Conservation to R5 Large Lot Residential. Council has also brought to the Department's attention that an adjustment of zoning and other boundaries is necessary. The justification for the rezoning of C2 Environmental Conservation zoned land is to correct several existing split zoning anomalies. Further, Council officers have recently and separately advised that further adjustment of the R5/C2 boundary is necessary.</p> <p>The environmental significance of the land has not been provided by Council.</p> <p>In this circumstance, it is recommended that Council be required to demonstrate that there will be no significant environmental impact prior to finalisation to satisfy the terms of the Direction.</p>
Direction 3.2 Heritage Conservation	Consistent	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The subject site is adjacent to the curtilage of the State Heritage registered Orielton Homestead. The proposal seeks to protect the current subdivision layout that is sympathetic to the Orielton Homestead curtilage and increase the Minimum Lot Size of the subject site, which will prevent further unplanned subdivision. Therefore, the draft planning proposal is viewed as being consistent with this Direction.</p>

Direction 4.3 Planning for Bushfire Protection	To be determined	<p>The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.</p> <p>The planning proposal seeks to introduce a larger Minimum Lot Size standard and correct a split zoning anomaly on land identified and mapped as bushfire prone. The associated DA/2018/1218 was approved in accordance with 'Planning for Bush Fire Protection 2006', which has now been superseded by 'Planning for Bush Fire Protection 2019'. Therefore, this proposal should be delivered in accordance with the current 2019 guidelines and any advice from the NSW RFS.</p> <p>Consequently, to satisfy the Direction, consultation is required with the NSW RFS prior to exhibition. A Gateway condition is recommended.</p>
Direction 4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The subject site was assessed against the provisions of remediation of contaminated land as part of the development consent for DA/2018/1218 and so is viewed as being consistent with this Direction.</p>
Direction 4.5 Acid Sulphate Soils	Consistent	<p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p> <p>The planning proposal does not seek a land use intensification of the subject site and Camden LGA has not been mapped as being at risk for Acid Sulphate on NSW Government mapping. Therefore, the proposal is not inconsistent with this Direction.</p>
Direction 5.1 Integrating Land Use and Transport	Consistent	<p>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve several objectives related to access, reducing travel demand, increasing transport choice, reducing car dependency and supporting viable public transport options.</p> <p>Transport (including the construction of roads) and access to the subject site was previously considered during the assessment of DA/2018/1218. The subject site has been connected to key transport corridors through The Northern Road. Therefore, the planning proposal is considered consistent with this Direction.</p>

Direction 5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. <p>The subject site is within the Wind Turbine Buffer of the Western Sydney Airport and within the Camden Airport Obstacle Limitation Surface (OLS) (inner Horizontal Surface) and the 115 AHD and is impacted by aircraft noise. The proposal, however, will not result in additional land uses, permissible building height issues or increased density on the subject site, and therefore, the proposal is considered consistent with this Direction.</p>
Direction 6.1 Residential Zones	Inconsistent	<p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. <p>The subject site is zoned R5 Large Lot Residential and forms a portion of an equestrian-themed residential subdivision. The planning proposal seeks to maintain the unique character of the subdivision and promote housing diversity in the Camden LGA. The proposal indicates that it is therefore considered consistent with this Direction.</p> <p>The Department notes, however, that the Direction specifies that a planning proposal must, in relation to land to which this direction applies, not contain provisions which will reduce the permissible residential density of land.</p> <p>Consequently, the Department is of the view that the proposal is inconsistent with the Direction. The proposal, however, may be inconsistent provided (amongst other things) that the inconsistency is of minor significance.</p> <p>Given that the proposal would result in the loss of a few permissible allotments, and therefore dwellings, the proposal is considered to be justifiably inconsistent on the basis of minor significance.</p> <p>Recommended to the Secretary's delegate, accordingly.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 6**.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The policy aims to preserve, conserve and manage NSW's natural environment and heritage.	Yes	<i>Chapter 9 Hawkesbury-Nepean River</i> of the SEPP is applicable to the planning proposal as the subject site is within the Hawkesbury-Nepean River Catchment. The proposal seeks to increase the Minimum Lot Size standard of an approved residential subdivision that will be serviced with reticulated wastewater. Therefore, the proposal is not expected to have any additional impact on the Hawkesbury-Nepean River Catchment.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application.	Yes	The proposal seeks to correct a split zoning anomaly on Lot 2 DP 280059 of the subject site. The removal of the split zoning and wholly applying a residential zone (R5 Large Lot Residential) to Lot 2 will assist in the application of this SEPP. Additionally, the proposal will not impede the function of provisions of this SEPP.

4 Site-specific assessment

4.1 Environmental

No impacts on critical habitat or threatened species, populations or ecological communities or their habitats have been identified by this proposal.

The subject site has been approved under DA/2018/1218 for residential use.

The proposal was not submitted with supporting specialist studies as it was considered that these studies were not required to justify achieving the objectives of this proposal. Specialist studies associated with The Stables Precinct were previously considered as part of the assessment and determination of DA/2018/1218.

As previously indicated in this report, however, to ensure that there are no significant environmental impacts, it is recommended that Council be required to demonstrate that this is not the case prior to finalisation of the proposal.

Bushfire Prone Land

Section 1.4 of this report states that the subject site is located on bushfire prone land. It is noted that bushfire constraints were considered as part of the assessment of DA/2018/1218, which was referred to the NSW RFS, who provided their consent based on the application of the following:

- The proposed residential lots shall be managed as an Inner Protection Area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW RFS's document 'Standards for asset protection zones', (excluding any riparian buffer setback) until each lot is redeveloped;
- Ensure safe access is provided to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. The proposed road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'; and
- Ensure the provision of adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the provision of water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Despite the proposal not seeking to made amendments to the approved lot layout, road design or access routes to the subject site; it is recommended that the NSW RFS be consulted as a requirement of the Gateway Determination. This recommendation is based on:

- the passage of time since the determination of DA/2018/1218;
- 'Planning for Bush Fire Protection 2006' used in the assessment of DA/2018/1218 being superseded by 'Planning for Bush Fire Protection 2019'; and
- the subject site still being identified as bushfire prone land.

4.2 Social and economic

As stated in section 4.1 of this report, the proposal was not submitted with any specialist studies as these were provided as part of the assessment and determination of DA/2018/1218.

Social Effects

The subject site is part of a new large lot residential subdivision and the proposal seeks to protect and retain the approved subdivision pattern. As Lots 13-25 of The Stables Precinct (to the immediate south of the subject site) are currently subject to a minimum lot size standard of 6,000m², the proposal seeks to provide certainty for all residents that consistent standards will apply across all residential lots.

The proposed increase to the subject site's minimum lot size standard will also assist in preserving the semi-rural character and amenity of the local area, which is sympathetic to the neighbouring curtilage of the Orielton Homestead.

The proposal is therefore considered to result in any negative social effects.

Economic Effects

The main economic effect of this proposal is the certainty it will provide to adjoining landowners within the Community Title subdivision (The Stables Precinct) that the subject site will remain in its existing configuration and not increase in density or create increased demands on the shared community infrastructure.

4.3 Infrastructure

The planning proposal does not seek to create additional density and no population growth will occur as a result of the proposal's objectives. Therefore, no additional demand on public infrastructure will be created.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days, in accordance with Council's Community Participation Plan. Council has outlined the following community engagement methods to be undertaken in the event of a favourable Gateway determination:

- Notification letters to landowners (approximately 37 letters). Whilst ownership of the subject site currently remains vested with the proponent, a change of ownership is expected shortly. Council officers will consult with the proponent to ensure that purchasers, along with other stakeholders, are consulted at the public exhibition stage. Notification letters to landowners will include those of the subject lots and adjacent properties.
- Signage will be provided at the subject site advising that the proposal is on exhibition.
- Social media posts directing the community to Council's website for further information on the proposal.

The exhibition period proposed is considered appropriate and is consistent with the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Rural Fire Service;
- Environment and Heritage Group (EHG) of DPE; and
- Heritage NSW.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure the proposal complies with Gateway Determination procedures.

It is recommended that, should a favourable determination be issued, it includes conditions requiring Council to exhibit and complete the proposal by specified milestone dates.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal seeks to amend the Camden LEP 2010 in a minor manner, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is not inconsistent with regional, district and local plans and their relevant objectives;
- there are no adverse social, economic or environmental impacts (subject to consultation with EHG);
- the proposal seeks to preserve the unique residential character of The Stables Precinct, which contributes to local housing diversity and respects the heritage and history of the Camden LGA;
- the proposal seeks to prevent further unplanned subdivision of the subject site, which has been approved for large lot residential development and designed to be sympathetic to the neighbouring curtilage of the State heritage registered Orielton Homestead; and
- the proposal will rectify several split zoning anomalies, which will ensure consistent planning and development controls are applied across the subject site.

9 Recommendation

It is recommended the delegate of the Secretary:

- agree that any inconsistency with section 9.1 Direction 6.1 Residential Zones is justified on the basis of minor significance.
- note that consistency with Section 9.1 Directions: 3.1 Conservation Zones and 4.4 Planning for Bushfire Protection remain unresolved and are subject to further consideration.

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

1. Prior to public exhibition, Council is to review the boundaries in the relevant Land Zoning, Lot Size and Height of Buildings maps and determine whether an amendment is necessary to accommodate the proposal. Should an amendment be necessary, Council is to amend the planning proposal accordingly prior to exhibition and consultation, including the inclusion of relevant existing and proposed mapping within the proposal.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service;
 - Environment and Heritage Group of DPE; and
 - Heritage NSW
3. Council is to consult with the NSW Rural Fire Service prior to exhibition in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments made by that agency.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.

5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



14/7/22

Terry Doran
Manager, Western

Noted:



15 July 2022

Naomi Moss
A/Director, Western

Assessment officer

Murray Jay
Senior Planning Officer, Metro West
9860 1512