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Binder: Harrington Park 2 and Mater Dei

25 November 2011

Attention: Peter Goth
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124

Mater Dei Boundary Anomalies Planning Proposal – Amendment No. 5

Dear Mr Goth,

Please find enclosed the Mater Dei Boundary Anomalies Planning Proposal – Amendment No. 5. At its meeting on 22 November 2011, Council resolved to send the Planning Proposal for Gateway Determination. The Planning Proposal forms attachment 1 to the Council report and resolution (also enclosed).

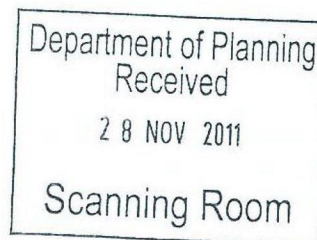
The Planning Proposal relates to minor boundary adjustments, due to further ground truthing and detailed planning, for the residential precincts and the seniors living precinct.

Given the minor nature of the proposed amendments it is considered that no public exhibition period or consultation with State and Commonwealth public authorities is warranted.

Should you require any further information, please do not hesitate to contact me on 4654 7803.

Yours faithfully,

Mary-Anne Madden
Senior Project Officer – Strategic Planning



ORDINARY COUNCIL

ORD08

SUBJECT: MATER DEI BOUNDARY ANOMALIES PLANNING PROPOSAL
FROM: Director Governance
BINDER: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to consider a Planning Proposal for the Mater Dei site for minor boundary adjustments. The Planning Proposal is **shown as Attachment 1** to this report.

BACKGROUND

Following the exhibition of the draft Camden LEP, Council resolved to incorporate numerous minor amendments to address matters raised in submissions. One of these matters related to a minor adjustment of the boundaries applying to the E4 precincts in the Mater Dei release area. These were approved by Council to go to the Department of Planning and Infrastructure as part of the Template LEP process.

Another minor adjustment of the boundaries applying to the JRPP approved R2 zoned Seniors Living precinct is also required. It is proposed that these boundary adjustments be incorporated into this Planning Proposal and be assessed as a package.

MAIN REPORT

This Planning Proposal incorporates two sets of minor boundary adjustments to the Mater Dei release area. These are as follows:

E4 Residential Precincts

Due to further ground truthing and detailed planning of the E4 Residential precincts on the Mater Dei site, minor boundary adjustments are sought to align the boundaries more correctly. This will include small areas of E2 Environmental Conservation land rezoned to E4, and small areas of E4 rezoned to E2. The Planning Proposal seeks to amend the land zoning, lot size, and height maps applying to these precincts in the Camden LEP 2010. Figure 1 below shows those areas to be rezoned to E4 in red and areas to be rezoned E2 in blue.

R2 Seniors Living Precinct

Also due to further ground truthing and detailed planning of the R2 Seniors Living precinct on the site minor boundary adjustments are sought for this precinct. These will align the boundary more correctly with the JRPP approved Seniors Living subdivision. This adjustment will include small areas of E2 Environmental Conservation land rezoned to R2, and small areas of R2 rezoned to E2. The Planning Proposal seeks to amend the land zoning, lot size and height maps applying to this precinct in the Camden LEP 2010. Figure 1 below shows those areas to be rezoned to R2 in purple, and areas to be rezoned to E2 in blue.

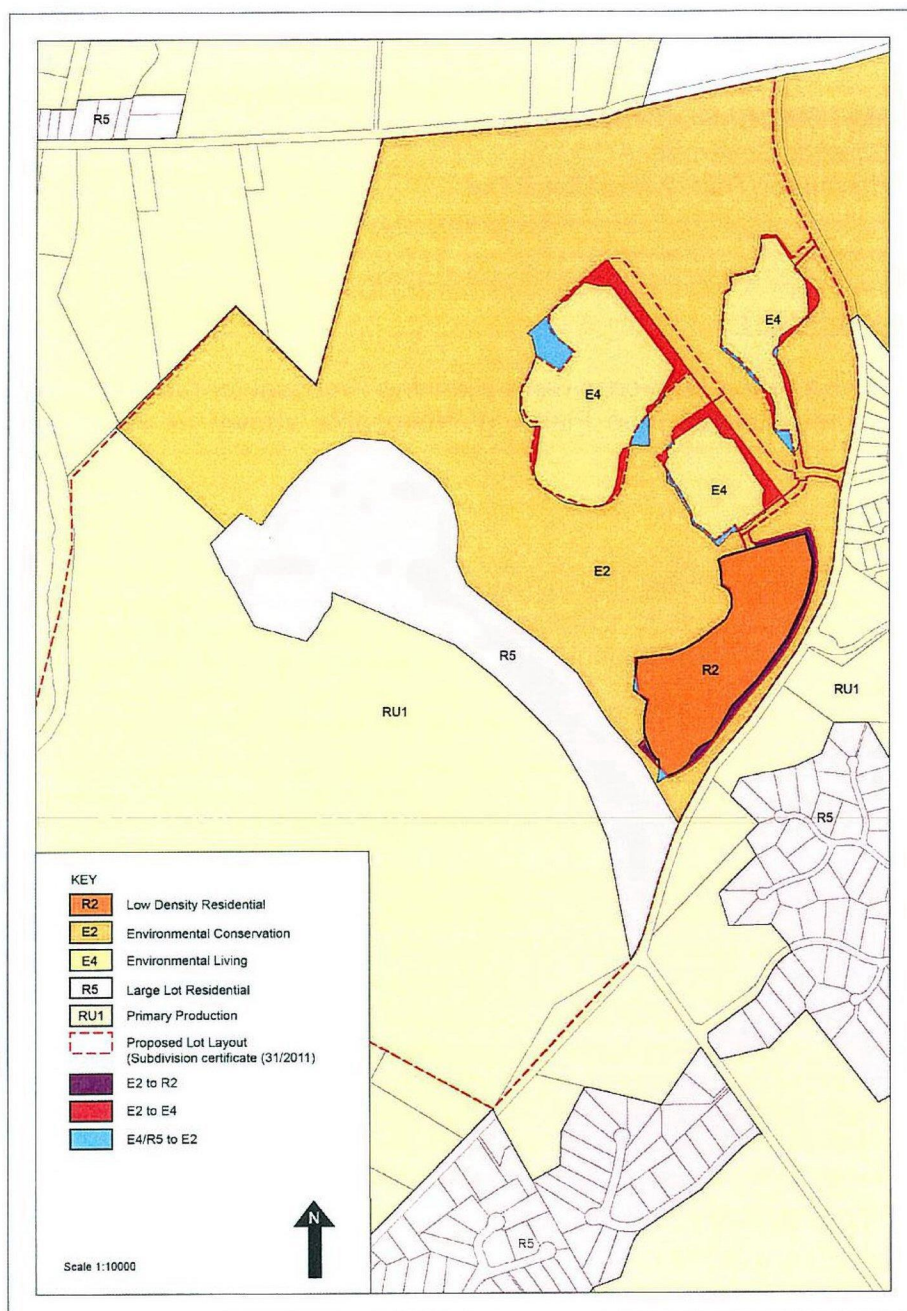


Figure 1 – Minor Boundary Adjustments

The E2 Environmental Conservation zoned areas that are proposed to be rezoned E4 and R2, have been assessed as having little conservation value. A letter from an ecological expert (the consultant that prepared the adopted Bushland Conservation Management Plan for this area) attesting to the minimal conservation value of these areas is shown in Figure 2 in the Planning Proposal.

The Process from Here

If Council determines to proceed with the Mater Dei Boundary Anomalies Planning Proposal, it will be sent to the Department of Planning and Infrastructure (DPI) for Gateway Determination.

Council has already approved the first amendment within the LEP Template process and the second boundary adjustment was previously approved by Council when the subdivision pattern was given consent. Given these previous approvals by Council and the minor nature of the changes, it is not intended to exhibit the Planning Proposal.

It is not felt that this Planning Proposal needs to be referred to any Government bodies or agencies as the boundary adjustments are minor anomalies and will not affect the viability of the conservation area.

CONCLUSION

The Mater Dei Boundary Anomalies Planning Proposal has merit and will assist in facilitating minor boundary adjustments for the residential precincts zoned E4 and R2. These boundary adjustments do not impact on any high or moderate value bushland but will help in the creation of a range of housing for Camden and its residents.



Click to open CRM
Action Record

RECOMMENDED

That Council:

- i. forward the Mater Dei Boundary Anomalies Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;
- ii. Place the Planning Proposal on public exhibition, without a further Council resolution, only if it is required to do so as a result of the Gateway Determination; and
- iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the public exhibition period; or
- iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.

ATTACHMENTS

1. Planning Proposal

Ordinary Council Resolution

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that Council:

- i. forward the Mater Dei Boundary Anomalies Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;
- ii. Place the Planning Proposal on public exhibition, without a further Council resolution, only if it is required to do so as a result of the Gateway Determination; and
- iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the public exhibition period; or

-
- iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.

ORD283/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors against the Motion.)

Attachment 1 to Council Report - Planning Proposal



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 5 – Mater Dei Boundary Anomalies

November 2011

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Background

The Mater Dei release area is located at Kirkham and is bounded by Macquarie Grove Road to the west and Cobbitty Road to the north.

The portion of the land intended for residential development is zoned E4 Environmental Living and R2 General Residential, an area of heritage significance is zoned R5, whilst the remainder of the land which is intended to be conserved is zoned E2 Environmental Conservation.

A diagram showing the location of the subject land, and existing zones is **shown in Figure 1** at the end of this Planning Proposal.

Camden LEP 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden LGA.

Following the exhibition of the then-draft Camden LEP, at the meeting of 24 November 2009 Council resolved to incorporate numerous minor amendments to address matters raised in submissions. One of these matters related to a minor adjustment of the boundaries on the maps applying to the Mater Dei release area. Since then further additional minor adjustments of the boundaries applying to the Mater Dei release area have been identified. It is proposed that these boundary adjustments be incorporated into a joint Planning Proposal and assessed as a package. The following section will outline the changes proposed in the Planning Proposal.

Part 1 – Objectives or Intended Outcomes

Council is seeking a range of minor boundary adjustments to the Mater Dei release area.. These changes are as follows:

1. Minor adjustments to the LEP boundaries for the residential precincts, currently zoned E4 Environmental Living, this will also require minor adjustments to the E2 zoned area;
2. Minor adjustment to the LEP boundary for the precinct currently zoned R2 Low Density Residential. This will also require minor adjustments to the E2 zoned area;

Part 2 – Explanation of provisions

The objectives of this Planning Proposal are to be achieved by amending selected Camden LEP 2010 maps. The following maps will require amendment under this proposal and should be in accordance with the new boundaries **shown in Figure 2** at the end of this Planning Proposal:

1. Zoning Maps

-
- Sheet LZN_007
 - Sheet LZN_008
2. Height of Building Maps
- Sheet HOB_007
 - Sheet HOB_008
3. Minimum Lot Size Maps
- Sheet LSZ_007
 - Sheet LSZ_008

The specific amendments are outlined below:

E4 Residential Precincts

Due to further ground truthing of the E4 Residential precincts on the Mater Dei site minor boundary adjustments are sought to align the boundaries more correctly. This will include small areas of E2 Environmental Conservation land rezoned to E4, and small areas of E4 rezoned to E2. This planning proposal seeks to amend the land zoning, lot size and height maps applying to these precincts in the Camden LEP 2010. **Figure 2** shows the area proposed to be rezoned to E4 for these precincts in red and area proposed to become E2 in blue.

R2 Seniors Living Precinct

Also due to further ground truthing and detailed planning of the R2 Seniors Living precinct on the site minor boundary adjustments are sought for this precinct. These will align the boundary more correctly with the JRPP approved Seniors Living Subdivision. This will include small areas of E2 Environmental Conservation land rezoned to R2 and small areas of R2 rezoned to E2. This Planning Proposal seeks to amend the land zoning, lot size and height maps applying to these precincts in the Camden LEP 2010. **Figure 2** shows the area proposed to be rezoned to R2 in purple, and area proposed to be rezoned to E2 in blue.

The E2 zoned areas that are proposed to be zoned E4 and R2 have been assessed as having little conservation value. A letter from an ecological specialist (the company that prepared the adopted Conservation Management Plan for this area) attesting to the minimal conservation value of these areas is **shown in Figure 2**.

Part 3 – Justification**Section A – Need for the planning proposal.****1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not a result of any strategic study or report. The planning proposal seeks minor boundary adjustments of the land zoning map, height of buildings map and lot size map. These minor adjustments are a result of further ground truthing of the residential precincts, a boundary inadvertently changed and carried over to Camden LEP 2010, and an inclusion of a heritage item into the same zone as the other heritage items on the site.

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

It is considered that the planning proposal provides the best way of achieving the intended outcome via a minor amendment to the land zoning map, height of buildings map and lot size map.

3. Is there a net community benefit?

Given the minor and administrative nature of the amendment to the land zoning map, height of buildings map and lot size map, it is not considered that a Net Community Benefit Test needs to be undertaken in this instance. However, given that the proposed amendments will refine Camden LEP 2010 and ensure that it is accurate and robust, it may be considered that there is a positive net community benefit gained by proceeding with this planning proposal.

Section B – Relationship to strategic planning framework.**4. 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 both the draft South Western Regional strategy and the Sydney Metro Strategy.

5. 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.

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

The planning proposal is consistent with applicable state planning policies.

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

The planning proposal is consistent with applicable Ministerial Directions.

Section C – Environmental, social and economic impact.

8. 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?

The proposal involves minor amendments to the boundaries between the E2 Environmental Conservation and E4 Environmental Living zones. These amendments are the result of detailed investigations which ground-truthed the location of the zone boundaries and informed the final subdivision layout. 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.

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

There are no likely environmental effects as a result of this planning proposal.

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

Not applicable.

Section D – State and Commonwealth interests.

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

Not applicable.

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

Given the minor nature of the issues listed in this planning proposal no state or Commonwealth public authorities have been consulted.

Part 4 – Community Consultation

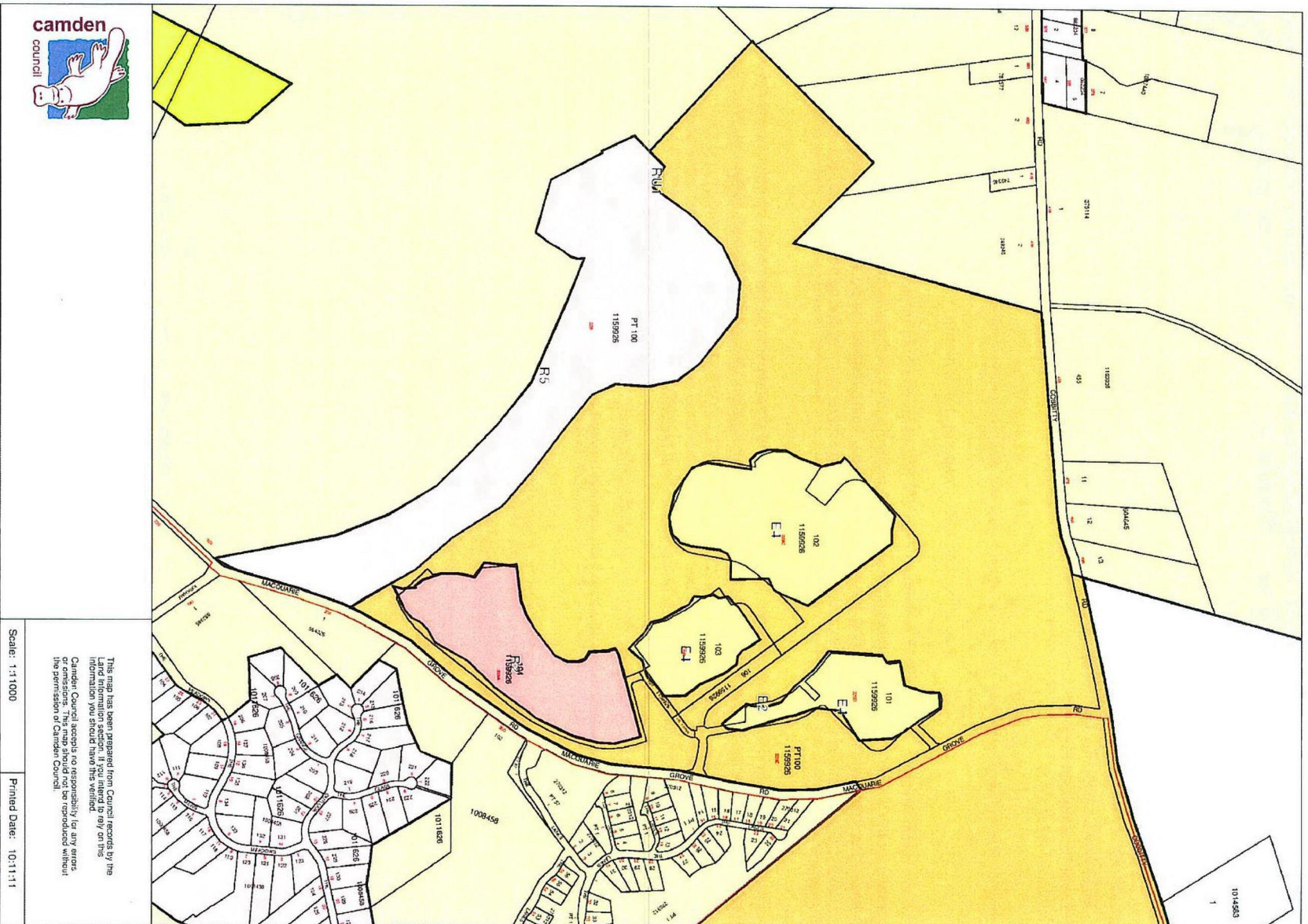
Background and Strategy

Given the minor nature of the proposed amendments to the maps for the Mater Dei release area, it is considered that no public exhibition period or consultation with state and Commonwealth public authorities is warranted.

Appendix A – Applicable section 117 directions

Direction	Objective	Response
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The planning proposal includes minor adjustments to the zone boundary between the E2 Environmental Conservation and E4 Environmental Living zones. These amendments ensure these boundaries correspond with the actual location of environmentally sensitive areas on the site, as ground-truthed via the post-rezoning development process.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) 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 (b) to encourage sound management of bush fire prone areas.	The amendments to the zone boundaries are minor and do not impact upon the provision and maintenance of appropriate asset protection zones for future residential lots.
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposal is compatible with the Metropolitan Strategy in that it assists in the delivery of residential greenfield development.

FIGURE1 - Mater Dei Location and Zoning Map



This map has been prepared from Council records by the Land Information section. If you intend to rely on this information you should have the verified.
Camden Council accepts no responsibility for any errors the permission of Camden Council.

Figure 2 - letter from ecology specialist

Your reference:
Our reference: 10SUTECO-0007

9 November 2011

Wivenhoe Camden Pty Ltd
Level 15, 2 Bulletin Pl
Sydney NSW 2000



ECO LOGICAL AUSTRALIA PTY LTD
ABN 87 096 512 088
www.ecoaus.com.au

Re: Wivenhoe LEP - mapping refinements

Eco Logical Australia is aware that a planning proposal has been prepared to facilitate the amendment of the maps for the zoning of the Mater Dei release area. ELA understands that the amendments are a result of macro level map boundaries, created during the rezoning process, being refined during the micro level subdivision layout preparation and this follows extensive ground-truthing and refinement during the development application process.

From the map provided (see attachment 1) it appears that the amendments to the zoning boundaries will have no implications for the intention and management of the Conservation Management Plan for Mater Dei. We note the application of R5 zoning over the heritage curtilage lands (shown in attachment 1), and your confirmation from Council that this is a result of the best fit transfer process, as the school use is not permitted in the environmental zones which would usually be applied to such heritage lands.

From the information provided the mapping amendments will see no adverse impacts on the conservation lands, as the changes reflect mapping refinement through further ground truthing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Julie Holden'.

Julie Holden
Manager – NSW South Coast

Attachments:

1. LEP Map (Taylor Brammer)

