

SUBJECT: REZONING OF PRECINCT D ON THE MATER DEI
RESIDENTIAL DEVELOPMENT SITE
FROM: Director Governance
FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to consider a Planning Proposal to rezone Precinct D on the Mater Dei residential site, by way of an amendment to the Draft Camden LEP 2009 Schedule 1 to include seniors housing (and associated community and recreational facilities) as an additional permitted use within the approved Mater Dei residential area.

A Planning Proposal to support this rezoning is **shown in Attachment 1 to this report**. Precinct D is the land identified on the map on page 3 of the document.

BACKGROUND

The Mater Dei site was rezoned for conservation and eco-residential dwellings on the 9 February 2007. Rezoning was based on achieving restoration of Wivenhoe homestead and conservation of 122 hectares of Cumberland Plain Woodland. These outcomes have been enshrined in a Voluntary Planning Agreement (VPA) negotiated for the site. At its meeting on the 24 February 2009 Council gave consent for a residential subdivision for 210 residential lots across four precincts.

The changes now proposed include:

- Permit a Seniors Living Village of 140 retirement lots under one title in precinct D, where currently the proposal is for 70 larger lots (average size of 940m²);
- Increase available land for development by incorporating the southern precinct of Mater Dei - a further approximate 8 hectares of developable land allowing potentially in the order of 69 large lots in the vicinity of the Polding Centre; and
- The timing of delivery of the VPA Obligations.

The first two changes will be the subject of two separate rezonings (Planning Proposals) that will be submitted to Council. The Planning Proposal that is the subject of this report is for a change to Precinct D to a Seniors Living Village. The second Planning Proposal is expected in early 2010 and will be for a further residential precinct on the southern part of the Mater Dei site. This will be reported to Council in due course.

It should be noted that the Planning Proposal for the Seniors Living Village requires no change to the development footprint, rather to the development type and can be achieved as an additional permitted use in Schedule 1.

Currently the developer's obligations per lot are \$69,961, including both state and local obligations which is significantly in excess of competing land subdivisions. This is in addition to the important developer obligations of restoring Wivenhoe homestead and the ongoing conservation of 122 hectares of the Cumberland Plain Woodland. In the current housing market, which has changed significantly in the last couple of years, the development would not be viable and these important outcomes for Camden may be lost. The Seniors Living proposal and the southern precinct proposal is a response by the developer to create a more viable development by creating an additional number of lots over which to disperse the obligation.

The Developer has also met with officers from the Department of Planning (DoP) and the Department of Environment, Climate Change and Water (DECCW) at a meeting on the 9 July 2009 to discuss the proposed changes. The developer has in principle support from DoP and DECCW to proceed to the Planning Proposal stage.

MAIN REPORT

Detail of the Planning Proposal

The planning proposal is for a Seniors Living Village with 140 retirement lots under one title in Precinct D. The village would be built and owned by the developers and would incorporate community and recreational facilities. The proposal is on land already zoned to accommodate residential development and does not seek to increase the amount of development land. Rather the proposal seeks to change the type of residential development which would result on the site.

An important aspect of the proposal is the expectation that 'the visual amenity and character will be improved along Macquarie Grove Road through a reduction in the height of buildings and a site responsive use of construction methods and material to enhance integration of built form with the natural aesthetics of the site.' A more certain design outcome is anticipated with the eco retirement living as, in accordance with this proposal, it is proposed to be built entirely by the developer. However to guarantee that this accords with the sustainable principles espoused by the applicant, it should be incorporated into the site specific provisions of the Camden DCP 2006. A visual comparison of the likely outcomes of the existing approval and the proposed development is **shown as Attachment 2 to this report**.

The seniors living village is proposed to have eco-focussed housing. This will incorporate: a hierarchy of open spaces; homes positioned to maximise solar performance and natural light to minimise energy consumption; a solar passive landscape design including trees and plants; an extensive water management scheme that harvests rainwater and disperses it in line with the natural water levels on the site; rainwater capture for onsite use; and a landscape concept to integrate with local ecology.

Another important aspect of the proposal is that it will help meet the need for suitable seniors housing in the area. A brief analysis of the need for this sort of housing in the Local Government Area has been provided in the Planning Proposal. This analysis shows that there is a significant number of 'aged' people in the Camden Local Government Area (LGA) and an under supply of suitable seniors housing.

The proposal will also ensure that the developer obligations enshrined in the VPA, of restoring Wivenhoe and conserving the 122 hectares of Cumberland Plain Woodland, can be delivered. These outcomes are important for Camden and the environment.

Development Control Plan

The Seniors Living SEPP 2004 will not apply as the land is zoned Environmental Protection. However, appropriate Development Controls will need to be developed incorporating the development standards contained within the SEPP and form an amendment to the Camden DCP.

These controls will be prepared and presented to Council prior to exhibition.

New Process for Rezoning

Changes to the Environmental Planning and Assessment Act (EP& A Act) have come into force and include changes to the way draft Local Environmental Plans (LEPs) are made. The process for making LEPs consists of specific stages and are outlined below in summary and in a flow chart of the LEP process **shown as Attachment 3 to this report**.

In summary the stages of making an LEP consist of:

- The Planning Proposal
- The Gateway Determination
- Consultation with State or Commonwealth public authorities
- Director-General's approval before community consultation
- Community Consultation
- Legal drafting of the LEP
- Making the LEP

This process is intended to provide Council with DoP feedback early in the process and streamline the consultation. Council's involvement in the rezoning process will remain unchanged and will have two more opportunities to determine the progress of this Planning Proposal. Reports will be submitted to Council before and after the Community Consultation stages.

As outlined above the first step in any request to rezone land now requires a Planning Proposal. Council currently at the Planning Proposal stage for the Seniors Living Village for Precinct D.

There are four parts of a Planning Proposal and these must be addressed. These four parts are the following:

- Part 1 - A statement of the Objectives or Intended Outcomes of the proposed LEP;
- Part 2 - An Explanation of the Provisions that are to be included in the LEP;
- Part 3 - The Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Part 4 - Details of the Community Consultation that is to be undertaken on the planning proposal.

The Planning Proposal submitted by the developer for the Seniors Living Village for Precinct D is **shown as Attachment 1 to this report**.

Further Studies Required

Significant studies have already been undertaken as part of the recent rezoning process. In order to inform this new rezoning Council will require a compilation of the conclusions of the previous studies in one document. Further studies will also be needed on the following issues:

Community Services Analysis (a demographic analysis and financial analysis will form part of this study) - this will inform any Voluntary Planning Agreement amendments;
Aircraft Noise Impact Study - in the light of the revised ANEF contours and draft Camden Airport Master Plan - it's impact on this site
Traffic Analysis;
Infrastructure Analysis; and
Urban Design Analysis
Bushfire Risk Assessment

This work will be building on studies already undertaken in the previous LES in the light of the proposed change in development type. Further studies may be requested by the DoP once the Planning Proposal goes through the Gateway Determination process.

Consultation

Given the previous extensive public exhibition of the Mater Dei rezoning, Council will recommend a 28 day exhibition period. Extensive State and Commonwealth authorities consultation also occurred at the time of the previous rezoning. Council therefore recommends that the following State and Commonwealth authorities be consulted in relation to this Planning Proposal:

NSW Rural Fire Service
Department of Community Service
Sydney Water
DECCW

The Process From Here

Should Council determine to send the proposal to the DoP the following steps will occur:

Gateway Determination by the DoP to ensure there is sufficient justification for the proposal early in the process. The Gateway Determination will determine whether the proposal should proceed, whether it needs to be resubmitted with additional information, and community and public authority consultation requirements;
Preparation of required studies by the developer to form the Local Environmental Study (LES), LEP and DCP;
Report to Council to seek resolution to publicly exhibit the Studies and Planning Proposal;
Public Exhibition of the Studies and Planning Proposal as required by Council and the DoP;
Report to Council on the exhibition and to seek resolution to send the Planning Proposal to the DoP for final assessment;

DoP final assessment of Planning Proposal
DoP arrange the legal instrument in consultation with Council;
Plan is made.

It should be noted that all costs associated with the preparation of studies and instruments will be borne by the proponent.

CONCLUSION

The planning proposal to rezone Precinct D on the Mater Dei development site to a Seniors Living Village may have merit for a number of reasons. The site is already zoned for residential purposes and the development footprint will not change, only the development type is proposed to change and the number of dwellings.

This change to the current approval will help facilitate the funding of the heritage and bushland developer obligations. These heritage and bushland obligations are considered important outcomes for Camden residents.

The Planning Proposal will give more certainty to Council of the consistency of design and visual amenity of the development. A more consistent approach to housing will be provided because it is the intention of the developer to design and construct the village. The intention is to provide a better visual amenity and character to the adjacent Macquarie Grove Road. Development controls to achieve this will be included in a Development Control Plan

The Planning Proposal will also help meet the need for seniors living in the Camden area.

RECOMMENDED

That Council:

**prepare an LEP amendment to permit Seniors Living as an additional permissible use in Precinct D at Mater Dei;
forward the Planning Proposal to the Department of Planning for Gateway Determination
prepare a DCP amendment to provide appropriate development controls.**

ATTACHMENTS

Attachment 1 - Seniors Living Proposal

Attachment 2 - Long elevation

Attachment 3 - plan flow chart



Attachment 1 SeniorsLiving proposal.doc Attachment 2 long elevation.pdf Attachment 3 LEP plan making flow chart.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Campbell that Council:

prepare an LEP amendment to permit Seniors Living as an additional permissible use in Precinct D at Mater Dei;

forward the Planning Proposal to the Department of Planning for Gateway Determination;
and

prepare a DCP amendment to provide appropriate development controls.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Campbell, Cagney, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion.

No Councillor voted against the Motion).

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