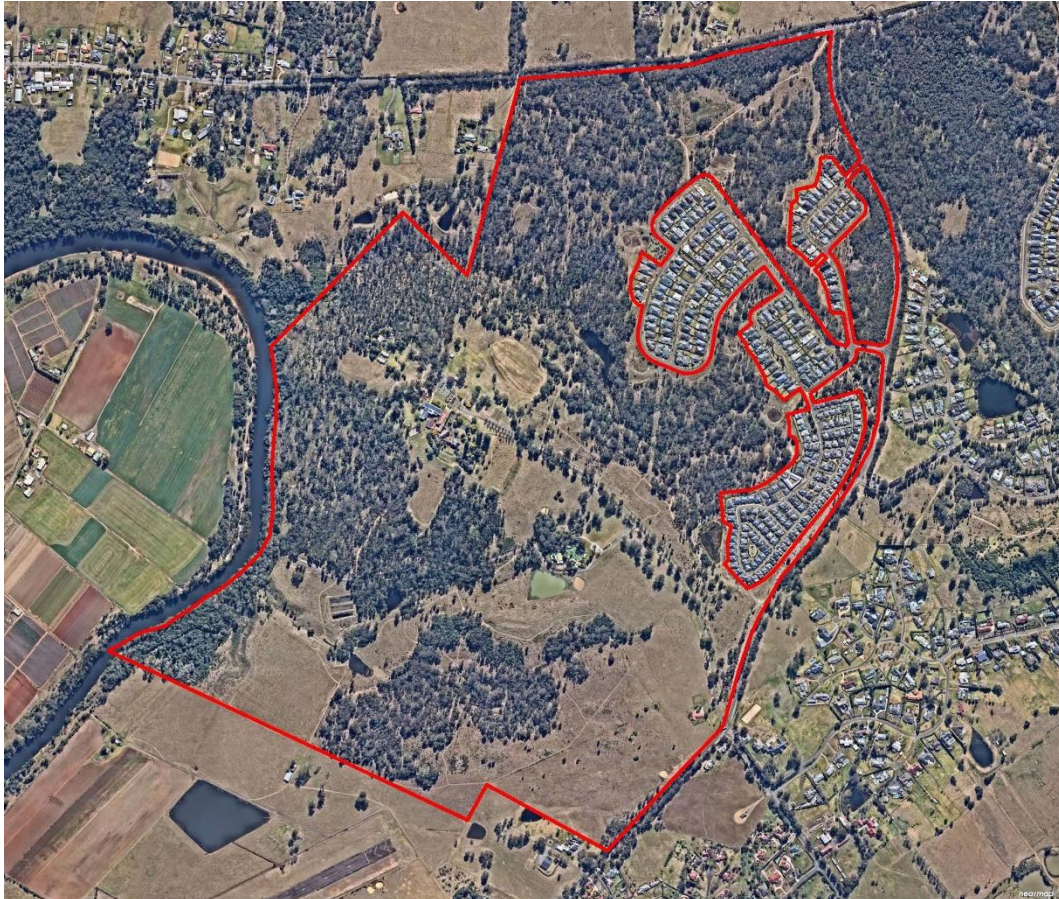


PLANNING PROPOSAL REQUEST

No. 229 Macquarie Grove Road, Cobbitty

(Camden Council)

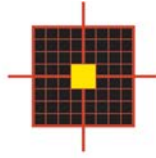


Prepared For:
Trustees of the Sisters
Of the Good Samaritan
Prepared By:



Volume 2
Annexure "E"
European Heritage Assessment
Design 5 Architects

October 2021



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WIVENHOE - SUBDIVISION & REZONING

229 Macquarie Grove Road, Camden

Heritage Impact Statement

FINAL

30th September 2021

1.0 BACKGROUND

Design 5 – Architects have been engaged by ‘The Trustees of the Sisters of the Good Samaritan’ to prepare an assessment of the Heritage Impact (HIS) of the proposed subdivision and rezoning of Wivenhoe property, located at 229 Macquarie Grove Road, Camden.

This report is an accompanying document to the Planning Proposal Request (PPR) to Camden Council in preparation by Pascoe Planning Solutions (PPS) and includes important considerations that address the impact of the potential future subdivision of the property and other cultural heritage issues pertaining to the proposal.

The report has been prepared by Sagar Chauhan and Alan Croker with assistance from and review by Matthew Byrnes, all from Design 5 - Architects. Design 5 has had an involvement with the conservation of the site since 1997 and are the authors of the site’s Conservation Management Plan (1997, revised 2008) and Landscape Conservation Plan (2000).

In addition, Design 5 had previously evaluated the heritage impacts of the subdivision of 210 allotments in the northern portion of the Wivenhoe property (DA/2008/192/1).

2.0 DESCRIPTION OF THE SITE

The Wivenhoe property consists of approximately 256 hectares (632 acres) of land located at 229 Macquarie Grove Road, Camden. The title survey describes the property as Lot 100, D.P. 1159926, Municipality of Camden, Parish of Narellan, County of Cumberland.

The property is located in the Camden region south-west of Sydney. The site includes all the buildings, structures, agricultural elements, vegetation and other natural features within the property boundaries. The site is bounded by the Cobbitty Rd to the north, Macquarie Grove Rd to the east, Nepean River to the west, and Camden Airport to the south. The principal access to the site is through the original driveway approach, now known as Mater Dei Rd (a private accessway) which runs along the ridgeline from the end of Kirkham Lane to the villa, Mater Dei School and other associated buildings located at the highest point of the property. The property surrounds the 'Wivenhoe Village' (retirement living) and 'Kirkham Rise' which are low density residential developments accessed independently via Macquarie Grove Rd.



Figure 2.1: Satellite view showing the site, outlined in yellow. (Source: JMD Development Consultant)

2.1 HERITAGE LISTINGS

A significant portion of the property is listed as a heritage item in the Schedule 5 of the Camden Local Environmental Plan 2010.

- “Wivenhoe” (including house and gardens, outbuildings, stables, servants quarters and coach house), Item No. 199.

This listing carries with it certain statutory obligations that are discussed later in this report.

The Wivenhoe Conservation Management Plan (revised 2008) assessed the property as having local and state significance, however, it is not currently listed on the State Heritage Register.

The property is also listed on the National Trust Register (NSW).



Figure 2.2: Extract of the Camden Local Environmental Plan 2010, showing location of 229 Macquarie Grove Road, marked in blue. (Source: CLEP 2010)

3.0 BASIS OF ASSESSMENT

This Heritage Impact Statement (HIS) assesses the proposal against the *Wivenhoe Conservation Management Plan 2008*, prepared by Design 5 – Architects, and the Camden Local Environmental Plan 2010 (CLEP 2010).

3.1 Methodology

This Heritage Impact Statement has been prepared in accordance with the principles and processes of the *Australia ICOMOS Burra Charter 2013*. The preparation of this Heritage Impact Statement also follows the process and model recommended in the NSW Heritage Manual, specifically the NSW Heritage Office guideline *Statements of Heritage Impact* (revised 2002).

3.2 Documents reviewed

This report refers to the following documents, prepared by Pascoe Planning Solutions (PPS) on behalf of the ‘The Trustees of the Sisters of the Good Samaritan,’ owners of the land:

- Existing and Proposed Zoning Map
- Existing and Proposed Minimum Lot Sizes

4.0 BRIEF DESCRIPTION OF THE PROPOSAL

The proposal is intended to rationalise the planning framework and ultimate holding and ownership of Wivenhoe, so as to permit a series of unique educational and environmental conservation outcomes. To achieve this, a Planning Proposal Request (PPR) is being prepared that would rationalise the land-use zoning and minimum lot size provisions in the prevailing Camden Local Environmental Plan 2010 (CLEP 2010) and ultimately undertake a “super lot” subdivision.

Broadly, the projected changes considered in this application are referred to in this report as follows:

- New land use *SP2 Educational Establishment*
- Extension of land use *E2 Environmental Conservation*
- Change of land use from *RU1 Primary Production* to *RU2 Rural Landscape*

The changes are briefly described as follows:

4.1 New land use zone *SP2 Educational Establishment*

The proposed zone includes the entrance driveway (Mater Dei Road) which runs along the ridgeline from the end of Kirkham Lane to the villa and other associated buildings located at the highest point of the property. The area is significant to the rural landscape character of the site and comprises key built cultural heritage items on site. These are Wivenhoe villa (c. 1837-38), the Villa garden, Chapel (1927), Orphanage building (1922), the farm workers cottage, and the stables (built 1834, designed by John Verge). These key elements are presently located within the land use zone *R5 Large Lot Residential*.

The zone includes a large part of the heritage listed curtilage of the Wivenhoe property.

The proposed *SP2* land use majorly encompasses the area presently zoned *R5* with an alignment of boundary that *excludes the adjoining area along the entrance driveway (presently*

included in the land use zone R5 Large Lot Residential), and expands the north western boundary to include the stables and the farm worker's cottage which are presently on land zoned E2. The south western boundary of the proposed zone is defined by Good Samaritan Way and includes the area of the former Vineyard to the south west of the villa; the vegetable gardens and remnants of the old orchard to the south east of the villa; and the former Polding Centre (now occupied by the Aspect Macarthur School) along Good Samaritan Way.

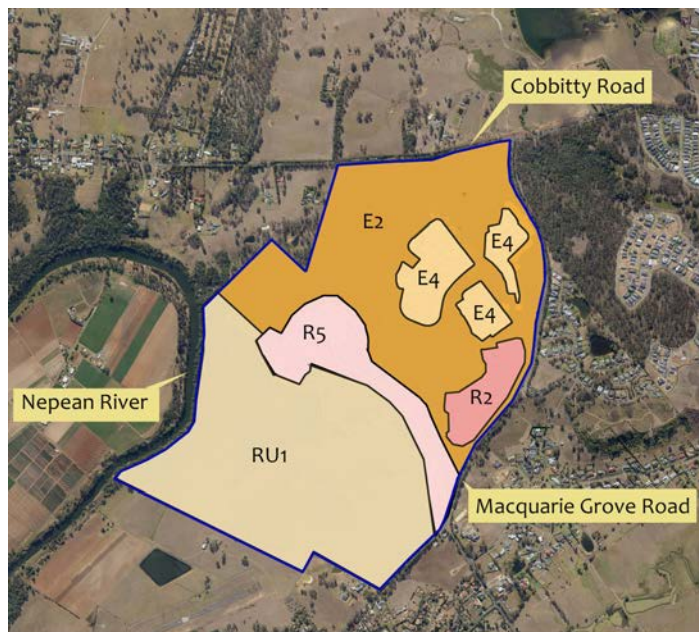
4.2 Extension of land use zone E2 Environmental Conservation

The zone comprises of the E2 *Environmental Conservation* area to the north of the site. The existing E2 zone surrounds E4 *Environmental Living* and R2 *Low Density Residential* zoned land, occupied by residential development of Kirkham Rise Estate. *The proposal seeks to expand the E2 zone towards the south west part of the site adjoining the Camden Airport. The proposed area comprises the cultivation area (c. 1905), dam (1905), sewerage ponds (1982), dam post (1947) and part of the Nepean river catchment. This proposed extended area would encompass large portions of the threatened ecological communities (such as Cumberland Plains Woodland) on site, which are part of the Cumberland Subregion Biodiversity Corridor of Regional Significance.*

4.3 Change of land use zone from RU1 Primary Production to RU2 Rural Landscape

The proposed land use zone RU2 *Rural Landscape* along Macquarie Grove Road provides significant views into and from the site and across the site to the Nattai Wilderness from the south of the entry along Macquarie Grove Road. The proposed area comprises the former Matron's Cottage near the entry and the surrounding landscapes to the south of Mater Dei Road and Good Samaritan Way. The area encompasses large parts of the heritage listed curtilage of the Wivenhoe property.

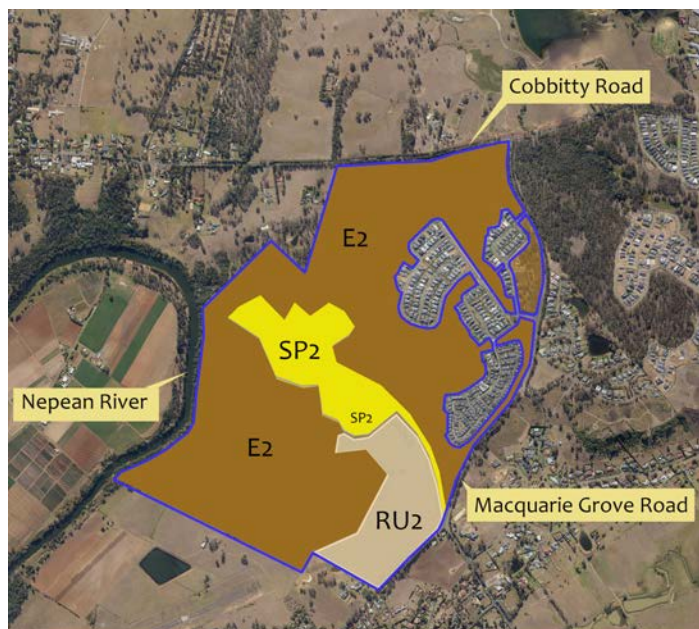
The proposed changes are depicted in the Figures 4.1, 4.2, 4.3 and 4.4 below.



EXISTING ZONING

- E2 Environmental Conservation
- E4 Environmental Living
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production

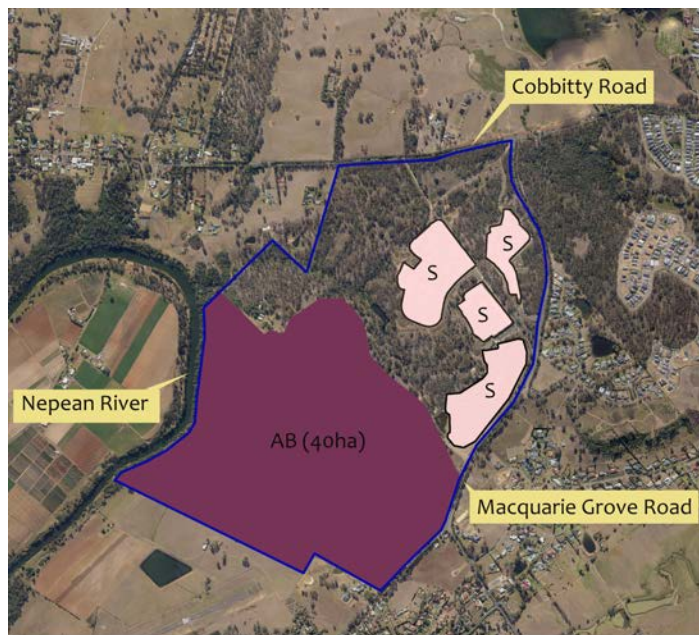
Figure 4.1: Existing zoning on site. (Source: Pascoe Planning Solutions)




PROPOSED ZONING


- E2 Environmental Conservation
- SP2 Educational Establishment
- RU2 Rural Landscape

Figure 4.2: Proposed zoning on site. (Source: Pascoe Planning Solutions)



EXISTING MINIMUM LOT SIZE

 S (800 m²)

 AB (40ha)


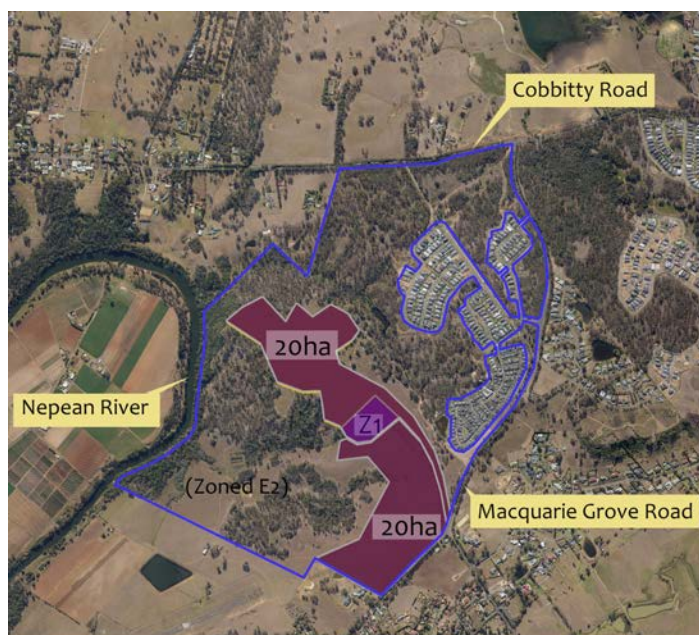

 Not applicable (uncoloured area within the boundary outlined in blue)

Figure 4.3: Existing minimum lot sizes on site. (Source: Pascoe Planning Solutions)



PROPOSED MINIMUM LOT SIZE

 Z1 20000 (2ha)

 200000 (20ha)


 Not applicable (area proposed to be zoned E2 within the area outlined in blue)

Figure 4.4: Proposed minimum lot sizes on site. (Source: Pascoe Planning Solutions)

5.0 COMPLIANCE WITH WIVENHOE CONSERVATION MANAGEMENT PLAN (2008)

The 2008 CMP (revised version of 1997 CMP) has been used as the basis for the assessment of heritage impacts arising from the proposal.

The CMP identifies and defines the significant values of the Wivenhoe property and then formulates policies framed to retain these values. The following discussion assesses the impact of the proposed suite of projects in the same order as the CMP:

- Significant values,
- Overarching policies,
- Significant elements and components of the place, and

5.1 CMP Section 4.1 STATEMENT OF SIGNIFICANCE Significant values – discussion of impact

The following Statement of Significance from the 2008 CMP summarises the significant values of the place (emphasis in bold type added as it relates to this assessment):

The Wivenhoe estate is an excellent example of an early nineteenth century gentleman's rural estate. It comprises several significant elements and features, in particular the original villa, villa garden and stables, all set within their original 'park domain'.

The Wivenhoe villa is a fine Georgian Regency villa, the design of which is attributed to the prominent colonial architect John Verge. The quality of the design and finishes is extremely high. Edwardian refurbishments, with their fine Art Nouveau details, are also of high quality and are significant in demonstrating the changing tastes of society in the early twentieth century.

The villa garden is a rare surviving example of an early colonial garden belonging to a gentleman's rural estate. It was laid out contemporary to its villa in the late 1830s, possibly by John Verge, and although it has developed through the nineteenth and twentieth centuries, it has retained its earliest setout, with its formal arrangement of carriage loop and paths, mature trees, hedgerows and lawn terrace. It maintains an appropriate setting for the three-sided villa.

The stables are a rare example of an early colonial architect-designed farm building, being the only extant example of a stable building designed by John Verge.

The place provides substantial physical evidence of the occupation of Sir Charles Cowper, a politician of great prominence, who was a proponent of many major progressive reforms and developments in NSW during the nineteenth century. Cowper lived on the property from 1834 to 1870, during which time he named it Wivenhoe, established the extant pattern of rural development and constructed the earliest permanent buildings surviving on the site.

The place is associated with other significant people in Australian society, including the Arding Thomas family (1875-1903), prominent members of New South Wales society, Walter Oswald Watt O.B.E. (1905-1910) and the Sisters of the Good Samaritan (1910-present).

The historical development of the place is demonstrative of the prominent role of the clergy in early colonial society. The grant was typical of the incentives offered to encourage the clergy to stay in the colony.

The place is significant as an example of a country orphanage and demonstrates the way in which the Sisters of the Good Samaritan provided for orphans in its benevolent care in

the first half of the twentieth century. The place is also associated with the progressive role of the Sisters of the Good Samaritan in the education and training of intellectually disabled children—particularly through the activities of the Polding Centre and Mater Dei School—from the latter half of the twentieth century to the present.

The original fabric of the chapel and orphanage are representative of well-designed institutional architecture by the Good Samaritan congregation in the 1920s. Their visual dominance of the villa marks the change in use of the place from gentlemen's rural estate to institution.

The villa roof with its curved rafters is a rare, possibly unique example of this form of pre 1850s roof construction in Australia. The brick vaulted drainage trench surrounding the villa basement is significant as a rare and sophisticated design device for dealing with ground water and damp prior to the introduction of damp proof courses to Australian building practice later in the nineteenth century.

The place has the potential to provide archaeological evidence of early Aboriginal occupation by the Tharawal people, early European settlement between 1812 and 1834, and the development of the place between 1834 and 1906 as a gentleman's rural 'estate' including vineyard.

Comment

The PPR seeks to consolidate the educational and associated uses on site into the area zoned *SP2 Educational Establishment*. This area would encapsulate the built cultural heritage of the site while providing for the possibility of expansion for educational purposes in the future.

The property has been under the ownership of the Sisters of the Good Samaritan since 1910, and has been subject to uses relating to the care and development of students with an intellectual disability. This period forms an important aspect of the historical significance of the site under the guidance of the Sisters of the Good Samaritan. Their cause is also supported by the Aspect Macarthur School which works towards the education of students on the autism spectrum.

The consolidation of the various cultural heritage elements under the land use zone *SP2 Educational Establishment* is appropriate on heritage grounds. These elements include the Wivenhoe villa (c. 1837-38), Chapel (1927), Orphanage building (1922), the farm workers cottage, and the stables (built 1834, designed by John Verge). These have been critical in catering to the care of students and to the advancement of Good Samaritan Education. The stables and the neighbouring Farm Workers Cottage are presently located on the Environmentally Sensitive Land. The purpose of this zoning was to primarily protect the natural landscape. The integration of stables and farm Worker's cottage within the land use zone SP2 will strengthen their incidental and ancillary uses to the Mater Dei School.

Under the zoning *SP2 Educational Establishment*, *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 (the Education SEPP) has provisions that would make it easier for 'The Trustees of the Sisters of the Good Samaritan' to build new facilities and improve existing ones by streamlining approval processes to save time and money. The Education SEPP would allow the owners to deliver additional educational infrastructure with a focus on good design.¹

The zoning of a major part of the land presently zoned *R5 Large Lot Residential* is proposed to be changed to *SP2 Educational Establishment*. This area comprises zones that have been identified as potential school development areas in the 2008 CMP and the new zoning would help give effect to the objectives of the CMP (this is discussed further within section 5.2.4).

¹ NSW Planning, Industry & Environment, "Education: Education and Child Care SEPP," accessed September 10, 2021, <https://www.planning.nsw.gov.au/Policy-and-Legislation/Education>

5.2 Overarching policies (CMP Sections 5.1 – 5.4)

5.2.1 CMP Section 5.1 Generally

Policy 1.1:

The Wivenhoe property is of considerable cultural significance and must be retained and conserved in accordance with the guidelines and policies in this CMP.

Policy 1.2:

All policies should be considered with reference to the supporting discussion, as this will make their meaning and context clear. The policy section of this report should not be used in an abridged form.

Comment

The proposed subdivision and changes in zoning would not have an adverse effect on the cultural significance of the place. No development is being proposed at this stage and the subsequent effects of the proposal are therefore limited to changes in planning controls.

5.2.2 CMP Section 5.2 Cultural Significance

Policy 2.1.1:

The Wivenhoe property contains areas and elements of historic, aesthetic, social and scientific significance at national, state and local levels, which should be conserved.

Policy 2.1.2:

The rural 'estate' landscape, with its contributory elements including: the 'park domain', the avenue approach along the ridge, the axial arrangement of the villa and its gardens with the greater landscape, including orchard and cultivation paddock, and natural features forming major vistas, and early structures including the stables, villa and early farm buildings, is both rare and significant at a state level and should be conserved.

Policy 2.1.3:

The stables and villa are buildings of state significance and should be conserved.

Policy 2.1.4:

The villa garden, including its historic layout, mature and significant plantings and garden structures, is of national significance and should be conserved.

Policy 2.1.5:

The Mater Dei orphanage building and chapel are of local significance. They should be conserved and may accommodate sympathetic adaptation and alteration in accordance with specific policies.

Policy 2.1.6:

Associations with important historical persons and families should be respected and conserved.

Comment

The proposed subdivision and changes in zoning would not have an adverse effect on the cultural significance of the place. No development is being proposed at this stage and the subsequent impact of the proposal is therefore limited to changes in planning controls. Any future changes to the elements of cultural significance (post the rezoning) should be guided by the policies outlined in the CMP.

The expansion of the northern part of the site zoned *E2 Conservation Area* to include the south western part of the site would have a positive impact on the rural landscape character of the place. This would potentially help the Good Samaritan Sisters' *Wivenhoe Conservation Project* in their continued efforts to restore the local ecosystem, protect the biodiversity of the site

and preserve the threatened and endangered ecological communities.²

The south western part of the site is currently zoned for *RU1 Primary Production* which does not allow flood mitigation works to be undertaken. The western and south western parts of the site are exposed to varying degrees of flood risk³ and under *E2 Conservation Area* land use flood mitigation works would be permitted with consent. Furthermore, the expansion of *E2 Conservation Area* would eliminate the possibilities of any residential, educational or commercial premises to be erected within the flood zone.

The conversion of a major part of the land presently zoned *RU1 Primary Production* to *E2 Environmental Conservation* would prohibit erection of any commercial premises. "During the latter part of the 20th century the native Cumberland Plains Woodland, which during the 19th century had been left mainly on the steeper western parts of the site and along the creeks, has experienced considerable regrowth, giving an impression of what the landscape was like pre-European settlement." The change of zoning would assist in preserving the integrity and ongoing regrowth of the Cumberland Plain Woodland on the site which is part of the *Cumberland Subregion Biodiversity Corridor of Regional Significance*. The proposed *E2* zoning would provide for retention of the ecological corridor.

This corridor of regional significance encompasses large parts of the site barring the section to the south of Mater Dei Rd along Macquarie Grove Rd. The change in zoning of the aforementioned part of the site from *RU1 Primary Production* to *RU2 Rural Landscape* would eliminate the possibility of developments such as intensive livestock agriculture, open cut mining, roadside stalls, extractive industries, and rural industries – activities that may not align with the objectives of 'The Trustees of the Sisters of the Good Samaritan.' This change of zoning would better support Camden Council's vision to "ensure that development undertaken in the rural areas maintains the production potential of agriculture, conserves the scenic and cultural landscapes, and protects and enhances the natural environment."⁴ The prohibition of air transport facilities under *RU2 Rural Landscape* would protect the integrity of the rural landscape character of the site in the wake of future possibilities of the expansion of the Camden airport which lies immediately to the south west of the site.

The abovementioned changes in the zoning would be a positive affirmation of the nineteenth century rural 'estate' landscape of the site and of the rural setting of Camden which has valued scenic and cultural landscapes.⁵ This rural setting has been identified as a key characteristic of Camden in the Camden Council's *Rural lands Strategy 2016*.

² Sisters of the Good Samaritan, "Restoring an endangered ecological community," accessed September 3, 2021, <https://www.goodsams.org.au/article/restoring-an-endangered-ecological-community/>

³ Please refer to maps 7, 8, 8A from Camden Council, "Nepean River catchment: Nepean River Flood Study Report and Maps," accessed September 6, 2021, <https://www.camden.nsw.gov.au/environment/flood-information/nepean-river-catchment/>

⁴ Camden Council, "6.2 Rural Land Uses," accessed September 6, 2021, <https://dcp.camden.nsw.gov.au/specific-land-use/rural-land-uses/>

⁵ Camden Council, *Rural Lands Strategy* (Camden Council: November 2017), 3, <https://www.camden.nsw.gov.au/assets/pdfs/Council/Plans-and-Strategies/ADOPTED-Rural-Lands-Strategy-as-amended-November-2018-pdf.pdf>

5.2.3 CMP Section 5.2 Sensitivity Gradings

Policy 2.2.1:

All areas and elements should be conserved in accordance with the various sensitivity gradings given in Figures 3.36 - 3.37 and the corresponding policies set out below.

Policy 2.2.2:

The following policy statements are formulated to guide development on the place and to ensure that the integrity and significance of the place is not compromised. The area and element gradings below refer to Figures 3.36 and 3.37, which form part of this policy. The potential development zones are shown in Figures 5.1 and 5.2.

High level of sensitivity

These areas provide the setting of the rural 'estate'. Retain all significant and mature plantings and structures, retain vistas and views, and ameliorate or remove intrusive elements. Generally, no new structures should be introduced, except in the areas designated for future development as shown in figures 5.1 (Figure 2) and 5.2. New structures and alterations to elements within these areas must be carefully considered and executed so as not to impinge on or diminish or obscure the significance of the place.

Moderately high level of sensitivity

These areas provide support for the setting of the rural 'estate' and its elements and help to define the heritage curtilage. New structures should be avoided, if possible, except in the areas identified for development as shown in figures 5.1 (Figure 2) and 5.2. New structures should not intrude on or obscure significant elements, vistas or views or detract from the rural character of the 'estate' setting. Mature native vegetation should be retained.

Low level of sensitivity

These areas are of less importance in supporting the significant rural 'estate' character of the property. New structures are possible as long as they do not intrude on significant vistas to and from the significant areas. In any change of development, the rural character of surrounding zones should be respected and maintained. If required, the northern area of land shown as suitable for development in figure 5.1 (Figure 2) may be alienated from the site.

Comment

The area in which the proposed subdivision is located overlaps with the landscapes that support significant views and vistas to and from the site. In addition, this area overlaps with the areas having moderate to high level of sensitivity. The proposed zone RU2 Rural Landscape along the Macquarie Grove Rd is identified as an area with 'High Level of Sensitivity,' and would be therefore essential in retaining Wivenhoe's significant rural 'estate' setting. The land use zone RU1 Rural Landscape would continue to support the significant views and vistas to and from the place (identified in Figure 5.1). Furthermore, the expansion of land use zone E2 Environmental Conservation surrounding the heritage listed curtilage would help protect, restore and enhance the natural setting of the place. The inclusion of the land adjoining the entry driveway within land use zones E2 and RU2 limits the scope of development along the driveway and protects its rural character. This would help retain the significant views into the site from the driveway (identified in Figure 5.2 below).

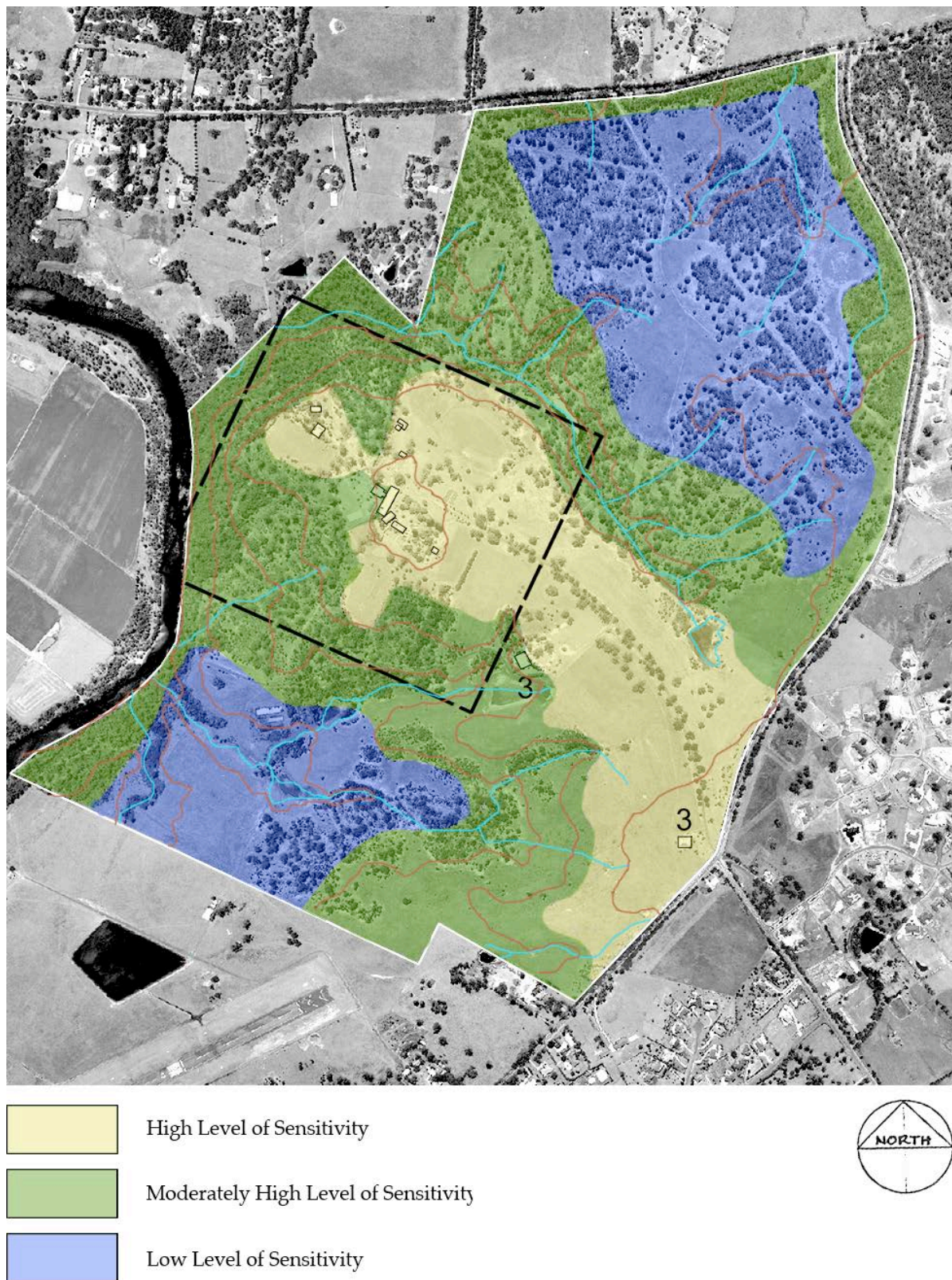


Figure 5.1: Areas of Heritage Sensitivity on the Wivenhoe Property (Figure 3.36 in the Wivenhoe CMP, 2008)

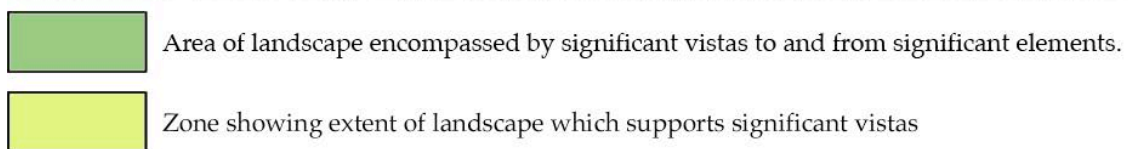
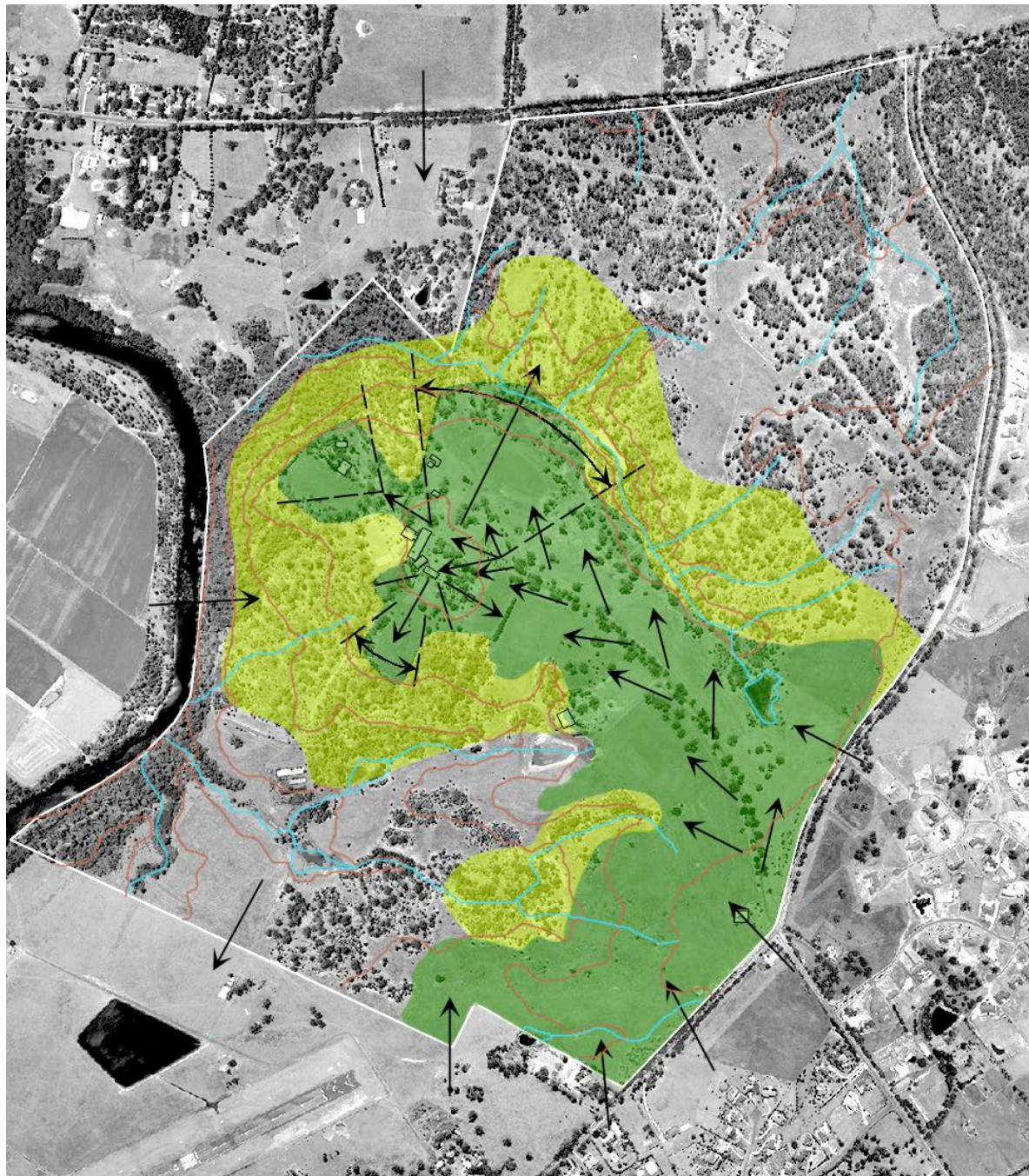


Figure 5.2: Important views to and from significant elements on the Wivenhoe Property. (Figure 3.24 in the Wivenhoe CMP, 2008)

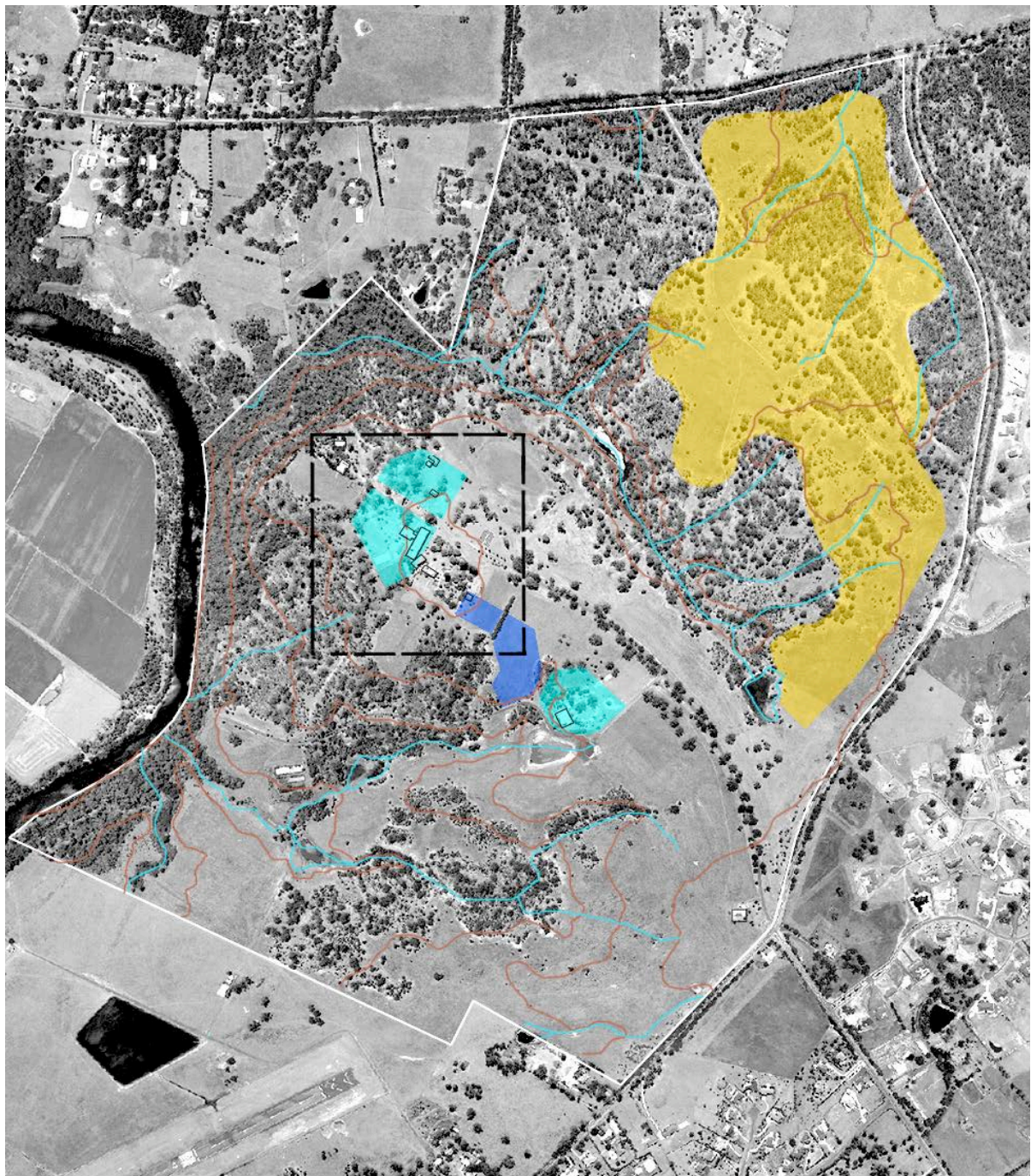


Figure 5.3: Potential Development Areas identified in the 2008 CMP. (Figure 5.1 in the Wivenhoe CMP, 2008)

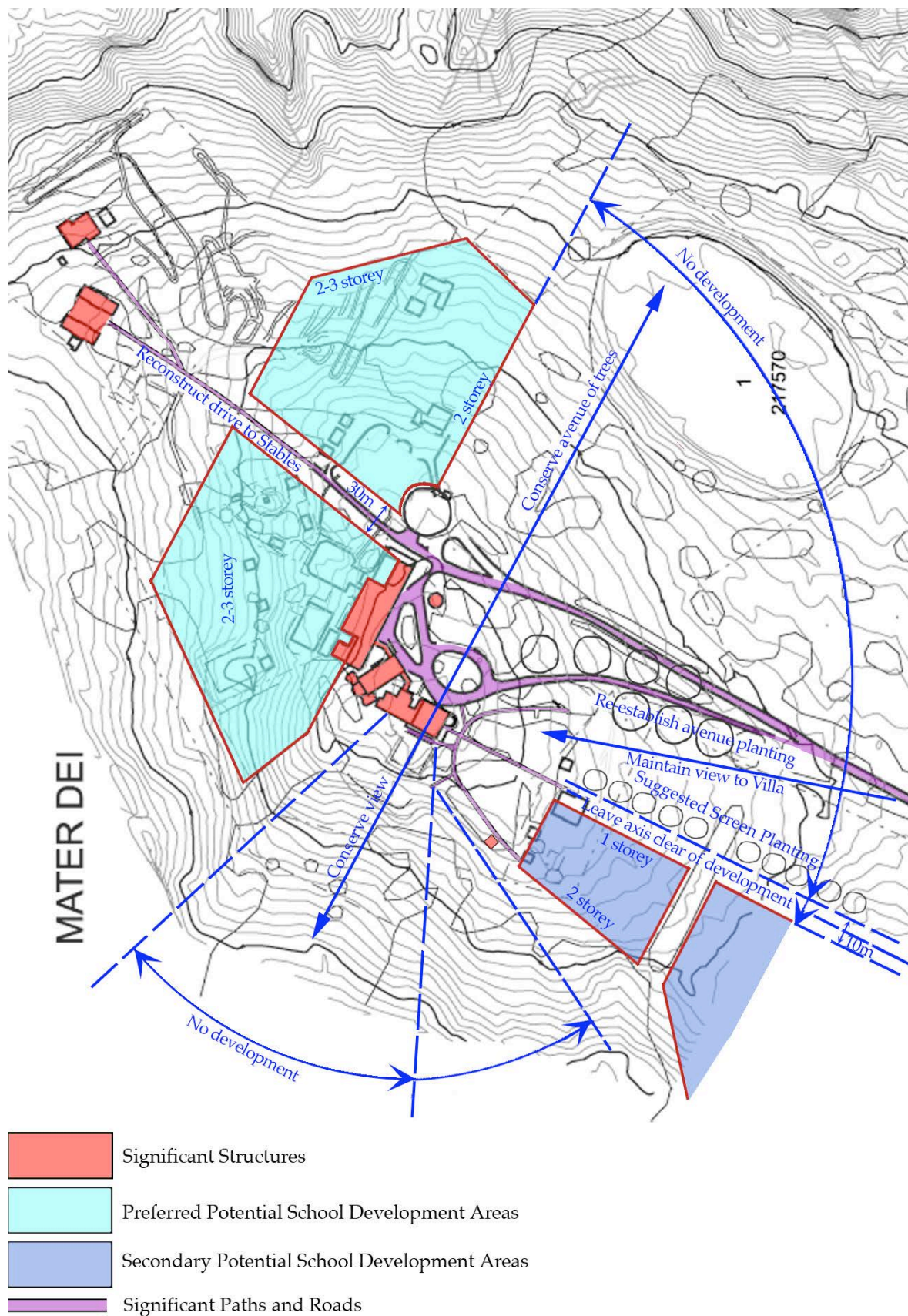


Figure 5.4: Potential Development Areas identified in the 2008 CMP. (Figure 5.2 in the Wivenhoe CMP, 2008)

5.2.4 CMP Section 5.4 Client's Brief

Policy 4.1:

The use of the Wivenhoe site by the sisters of the Good Samaritan for the development and expansion of its educational facilities is appropriate, provided that the development occurs within the potential development zones identified in Figures 5.1 and 5.2, and that the developments respect and respond to the significant rural 'estate' setting of the place, the significant views and vistas across the site and the development controls identified in section 5.2 of this report.

Comment

The PPR includes the educational and associated uses within the land use zone SP2, this would allow 'The Sisters of the Good Samaritan' to expand the school if they wished to do so in the future. The potential school development areas identified in the CMP are located within the new zoning and are therefore respectful of the CMP policies and the cultural heritage values of the place. (Figures 5.3 and 5.4)

5.2.5 CMP Section 5.6 Statutory Controls

Policy 6.1.4:

The Development Control Plan for the Wivenhoe Estate should include development guidelines for the site that respect the rural, heritage and ecological sensitivities of the place and respond to the aims of the relevant zonings.

Comment

The Camden DCP 2019 Schedule 5: Mater Dei would need to be updated to reflect the aims of the land uses being proposed. Specific guidelines about design of institutional uses should be incorporated within the DCP, consistent with the objectives and policies in the CMP 2008, to guide future proposals within the land use zone SP2. These guidelines should ensure that the visual and physical impacts of the future proposals do not adversely affect the understanding of the heritage place in its rural setting.

The subject amendments to the DCP need not occur with advancement of the relevant Planning Proposal.

5.2.6 CMP Section 5.10 Future Development

Policy 10.2.2:

No new buildings should be built on the main ridge of the property. Broad grassed areas should be maintained either side of the main entrance drive. In order to conserve the rural character of the site, these should not be mown and should consist of native grasses or grazing land.

Policy 10.2.4:

Mature trees should be conserved within development areas, if possible, and incorporated into the design of the new development.

Policy 10.2.2:

No new buildings should be built on the main ridge of the property. Broad grassed areas should be maintained either side of the main entrance drive. In order to conserve the rural character of the site, these should not be mown and should consist of native grasses or grazing land.

Policy 10.2.7:

New internal access roads may be developed, possibly along existing farm tracks, provided they respect the rural character of the site and they are located so as to minimise their impact on significant views and vistas. New roads should not be kerbed and guttered, but have a softer edge treatment such as grassed swales.

Comment

The proposed land use zones E2 and RU1 include the area adjoining the entry driveway along its length and this would protect the rural character of the site. The possibility of internal roads, walking tracks or trails would be limited to the land use E2 and would have limited effect on the rural setting of the site as long as these changes are guided by the policy 10.2.7.

6.0 IMPACT WITH REGARD TO CAMDEN LOCAL ENVIRONMENTAL PLAN 2010

<i>LEP controls</i>	<i>Assessment</i>
Part 1 Preliminary 1.2 Aims of the Plan	
<p>(1) This Plan aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</p> <p>(2) The particular aims of this Plan are as follows:</p> <ul style="list-style-type: none"> a) to ensure Camden retains its valued traditional qualities, character and scenic landscapes while providing for sustainable urban growth, b) to ensure that new communities are planned and developed in an orderly, integrated and sustainable manner and contribute to the social, environmental and economic sustainability of Camden, c) to ensure natural assets within Camden are protected and enhanced, d) to minimise the impact on existing and future communities of natural hazards such as bush fires and flooding, e) to ensure that appropriate housing opportunities are provided for all existing and future residents of Camden at all stages of their lives, f) to ensure that the economic, employment and educational needs of all existing and future residents of Camden are appropriately planned for, g) to ensure the agricultural production potential of rural land, and prevent the fragmentation of agricultural holdings, h) to ensure that the recreation, cultural and social needs of all existing and future residents of Camden are appropriately planned for, i) to protect and restore the environmental values of land, including waterways and riparian land, as part of the natural systems, j) to conserve and enhance the built and landscape heritage of Camden. k) 	<p>Only some of the particular aims are directly relevant. These being namely (a) – (d) inclusive, (f) and (g), and (i) and (j).</p> <p>The PPR is not inconsistent with the preceding aims. Importantly it would have no negative impacts on the built and landscape heritage of the site.</p> <p>Any development application post rezoning would be guided by the CMP which would help retain and enhance the natural and built heritage character of the site.</p>
Part 5 Miscellaneous Provisions 5.10 Heritage Conservation	
<p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to conserve the environmental heritage of Camden, b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, c) to conserve archaeological sites, d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>The proposal is able to protect the cultural significance of Wivenhoe property and accordingly fulfill the subject objectives. Detailed discussion regarding the same is recorded in Section 6 of this report.</p>

<p>(2) Requirement for consent Development consent is required for any of the following:</p> <ul style="list-style-type: none"> a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): <ul style="list-style-type: none"> (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, d) disturbing or excavating an Aboriginal place of heritage significance, e) erecting a building on land: <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, f) subdividing land: <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. 	<p>The proposal includes subdivision and rezoning of land on which heritage items listed in Schedule 5: Environmental Heritage are situated and therefore requires consent under this clause.</p>
<p>(3) When consent not required</p>	<p>n/a</p>
<p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>The heritage impacts arising from the proposal are considered in the Summary of Heritage Impacts, prepared by Design 5 – Architects. (see Section 5, with an overview provided in Section 7: Summary Conclusion of the Impact of the Proposal).</p>
<p>(5) Heritage assessment The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> a) on land on which a heritage item is located, or b) on land that is within a heritage conservation area, or c) on land that is within the vicinity of land referred to in paragraph (a) or (b), <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>A Heritage Impact Statement should accompany any future development application and should demonstrate consistency with the 2008 CMP.</p>
<p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>The Conservation Management Plan titled '<i>Wivenhoe Conservation Management Plan</i>,' revised 2008 accompanies the PPR.</p>
<p>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act</i> applies):</p> <ul style="list-style-type: none"> a) notify the Heritage Council of its intention to grant consent, and 	<p>Archaeological sites would not be affected under the PPR. (refer to below)</p>

<p>b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	
<p>(8) Aboriginal places of significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</p> <ul style="list-style-type: none"> a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent. 	<p>Aboriginal places of significance would not be affected under the PPR.</p> <p>It is noted that there are several Aboriginal sites on the Wivenhoe property recorded in AHIMS. For further information on these sites refer to 2021 report titled '<i>Aboriginal Heritage Due Diligence Assessment: Planning Proposal Request to facilitate Future Superlot Subdivision and Landuse Rationalisation</i>,' prepared by Travers Bushfires & Ecology.</p> <p>The report concludes that there are no constraints to the PPR rezoning and super lot subdivision proceeding with respect to protection of Aboriginal archaeological heritage. Undiscovered Aboriginal artefacts or Potential Aboriginal Deposits (PADs) protocols and AHIP requirements are detailed in this assessment.</p> <p>Any development application post rezoning should carefully consider impacts on Aboriginal archaeological sites against this assessment.</p>
<p>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</p> <ul style="list-style-type: none"> a) notify the Heritage Council about the application, and b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. 	<p>n/a</p>
<p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p> <ul style="list-style-type: none"> a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area. 	<p>The Conservation Management Plan titled '<i>Wivenhoe Conservation Management Plan</i>,' revised 2008 accompanies the PPR. The impacts on the cultural heritage significance are assessed against the relevant policies that have been outlined within the CMP for preservation of cultural significance. (see section 5)</p>

7.0 SUMMARY CONCLUSION OF THE IMPACT OF THE PROPOSAL

The proposed planning amendments to facilitate subdivision and rezoning affects significant portions of the Wivenhoe property, however, all will have a neutral to positive impact on the place, supporting and potentially enhancing its significant values. The proposal follows the guidelines and policies in the 2008 CMP and is therefore consistent with it and supports it. There should be no adverse impacts on the built heritage items of the site.

The proposal is a thoughtful consideration of the site's character, its evolving functions and the vision of 'The Trustees of the Sister of the Good Samaritan.' In 2007, the entry driveway, the Wivenhoe Villa and the buildings associated with the Mater Dei School were zoned as Cultural Landscape (*Zone 5(a)*) by the Council. This zoning reflected the recognized cultural heritage significance of Wivenhoe. The aim of this zoning was to conserve the significance of the villa and its immediate environs, whilst facilitating appropriate development. In Camden LEP 2010, the *Zone 5(a)* on the site was replaced with a *R5 Large Lot residential* – a zoning that does not reflect the cultural heritage significance of the Wivenhoe Estate. The proposed zoning would consolidate the built heritage items that have catered to the educational, childcare and associated uses since the early twentieth century and locate these within land use zone *SP2 Educational Establishment*.

A majority of natural landscapes surrounding the built heritage items of the site would be protected and conserved under the land use zone *E2 Environmental Conservation*. This would complement the rural landscape character of the site and protect the setting of the built heritage items in a nineteenth century gentleman's 'rural estate.'

The expansion of the land use zone *E2 Environmental Conservation* would give effect to the aims of the Camden LEP 2010 which aims "to protect and restore the environmental values of land, including waterways and riparian land, as part of the natural systems." This vision is shared by the Good Samaritan Sisters' *Wivenhoe Conservation Project* which aims to restore the local ecosystem, protect the biodiversity of the site and preserve its threatened and endangered ecological communities.

The natural landscapes towards the south of the ridgeline are presently zoned for land use *RU1 Primary Production*. This landscape has generally not been used for farming apart from grazing,⁶ and the conversion of the land use for Environmental Conservation is therefore appropriate to conserve the threatened ecological communities that now inhabit this area (such as the Cumberland Plains Woodland) and the integrity of *Cumberland Subregion Biodiversity Corridor of Regional Significance* which are essential to the ecological diversity of the site.

The proposal is considered acceptable in heritage terms, based upon the following recommendations:

1. Any development applications post the proposed rezoning should continue to uphold the cultural heritage significance of the place based upon the findings, guidelines and policies outlined in the 2008 CMP.
2. The inclusion of open grassland to the south of the driveway within the proposed *E2* zone should not adversely affect one of the objectives of the Policy 2.3.2 in the CMP i.e., "open grassland should be conserved along the sides of the main drive and across the southern portion of the site." This is essential to maintain the significant views and vistas to the site from the driveway.
3. The boundary of the proposed *SP2* zone should carefully consider the hazard extents depicted in the 'Bush Fire Prone Land Map'⁷ and the 'Nepean River Flood Study Report and Maps' of the Camden Council LGA.⁸ For instance, the north-western

⁶ The rural land is grazed by agistment agreement with the Congregation of the Sisters of the Good Samaritan.

⁷ Camden Council, "Bushfires: Bush Fire Prone land," accessed September 6, 2021, <https://www.camden.nsw.gov.au/environment/bushfires/>

⁸ Please refer to maps 7, 8, 8A from Camden Council, "Nepean River catchment: Nepean River Flood Study Report and Maps," accessed September 6, 2021, <https://www.camden.nsw.gov.au/environment/flood-information/nepean-river-catchment/>

part of this zone overlaps the boundary of the 'Vegetation Category 1' and 'Vegetation Category 3' which are considered to be at the highest and medium risk for bush fire respectively. It should be ensured in any future development proposals that new structures (owing to their location) do not jeopardise the built heritage items in an event of a bush fire.

4. The expansion of the land use zone *E2 Environmental Conservation* should take into consideration the 'Threatened Ecological Communities Greater Sydney' as recognised by the NSW Government OEH in order to best preserve the natural heritage of the site. It is noted that the new land use zone *RU2 Rural Landscape* (close to the Macquarie Grove Rd) overlaps the threatened communities zone.⁹

In summary, it is our assessment that the proposal supports the objectives of the Camden Local Environmental Plan 2010, and the policies outlined in the Conservation Management Plan titled '*Wivenhoe Conservation Management Plan*,' revised 2008. We support the proposal and recommend its approval in accordance with the above recommendations.



Alan Croker
Design 5 – Architects

2021

⁹ The *Flora and Fauna Impact Assessment, Wivenhoe* by Eco Logical Pty Ltd (2008) has identified several threatened ecological communities in the northern portion of the site.