



IRF23/2061

## Gateway determination report – PP-2023-1254

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229 Macquarie Grove Road Cobbitty (Mater  
Dei/Wivenhoe)

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# 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.

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### Table 1 Reports and plans supporting the proposal

**Relevant reports and plans**

Attachment A – Planning proposal

Attachment D – Blank

Attachment E - PP-2021-5998 Letter to Council

Attachment F – Blank

Attachment G – Council report July 2023

Attachment H – Blank

Attachment I – C2 offset size

Attachment J – Bushfire Assessment

Attachment K – RFS Advice

Attachment L – Final Draft DCP

Attachment M – Traffic Assessment

Attachment N – Residual site land use advice

Attachment O – Airport consultation

Attachment P – Airport assessment

Attachment Q – Heritage Advice

Attachment R - Fauna Survey 2016

Attachment S – Pascoe response to EES

Attachment T – Pascoe Annexure D

Attachment U – Biodiversity Overview and Management Principles

Attachment V – Council report

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

LGA	LGA name
PPA	Camden Council
NAME	229 Macquarie Grove Road, Cobbitty (Mater Dei/Wivenhoe) 0 jobs 0 dwellings
NUMBER	PP-2023-1254
LEP TO BE AMENDED	Camden Local Environmental Plan 2010
ADDRESS	229 Macquarie Grove Road, Cobbitty
DESCRIPTION	Part Lot 100 DP 1230568
RECEIVED	20/07/2023
FILE NO.	IRF23/2061
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 (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives of the planning proposal are to:

- amend Camden Local Environmental Plan 2010 to align land use zone zones with current uses on the subject site and to introduce minimum lot sizes.

The overall intent of the proposal is to apply land use zones that are in keeping with the current uses and to facilitate the future separation of the Mater Dei School, Aspect School, Conservation Lands and Convent Precinct, onto separate allotments.

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 illustrated in Table 3 (following).

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

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	RU1 Primary Production	C2 Environmental Conservation RU2 Rural Landscape
	C2 Environmental Conservation	C2 Environmental Conservation SP2 Drainage RE1 Public Recreation RU2 Rural Landscape
	R5 Large Lot Residential	RU2 Rural Landscape C2 Environmental Conservation zone
	SP2 - Air Transport Facility	C2 Environmental Conservation zone
Minimum lot size	AB2* (40ha) (R5 and RU1 zones)	Z1 (2ha) AB2* (20ha) None (C2 zone)
	None (C2 zone)	AB2* (20ha) (RU2 Rural Landscape zone) None (RE1 & SP2 Drainage zones) and C2 zone
	None (SP2 Air Transport Facility)	None (C2 zone)
Number of dwellings	N/A	N/A
Number of jobs	N/A	N/A

Table 4 (following) shows the change in area size of each zone resulting from the zone amendments.

**Table 4 Area size (hectares) of each land use zone**

Zone	Existing Area (ha)	Proposed Area (ha)
RU1 Primary Production	116.8	
RU2 Rural Landscape		49.6
C2 Environmental Conservation	98.5	176.0
R5 Large Lot Residential	26.3	
SP2 Air Transport Facility	3.0	
SP2 Drainage		4.4
RE1 Public Recreation		1.6
<u>Total Area</u>	<u>244.6</u>	<u>231.6</u>

Planning proposal *Table 2 Proposed amendments to the Camden LEP 2010 Land Zone and Lot Size Maps* has a variance of 13 hectares between the existing and proposed columns. It is recommended that Council addresses this apparent anomaly prior to exhibition.

Aside from the variance in the table, the planning proposal provides 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 is located in the Metropolitan Rural Area (MRA) at 229 Macquarie Grove Road (Part Lot 100 DP 1230568), Cobbitty. The site is 250ha in size and holds: the Mater Dei School and Aspect School, the locally heritage listed Wivenhoe homestead, a convent, drainage land and 2 biobanking sites (stage 1 comprises 25.7ha and stage 2 comprises 58.4ha). The larger site surrounds the Kirkham Rise Estate and Wivenhoe Seniors Village.

Harrington Park and new residential developments adjoin the subject site to the east. Cobbitty Road borders the subject site to the north, Camden Airport adjoins the site to the south and the Nepean River to the west. Figures 1, 2 and 3 (following) illustrate the surrounding areas of the subject site and current site uses.



Figure 1 Subject site (source: Nearmap)

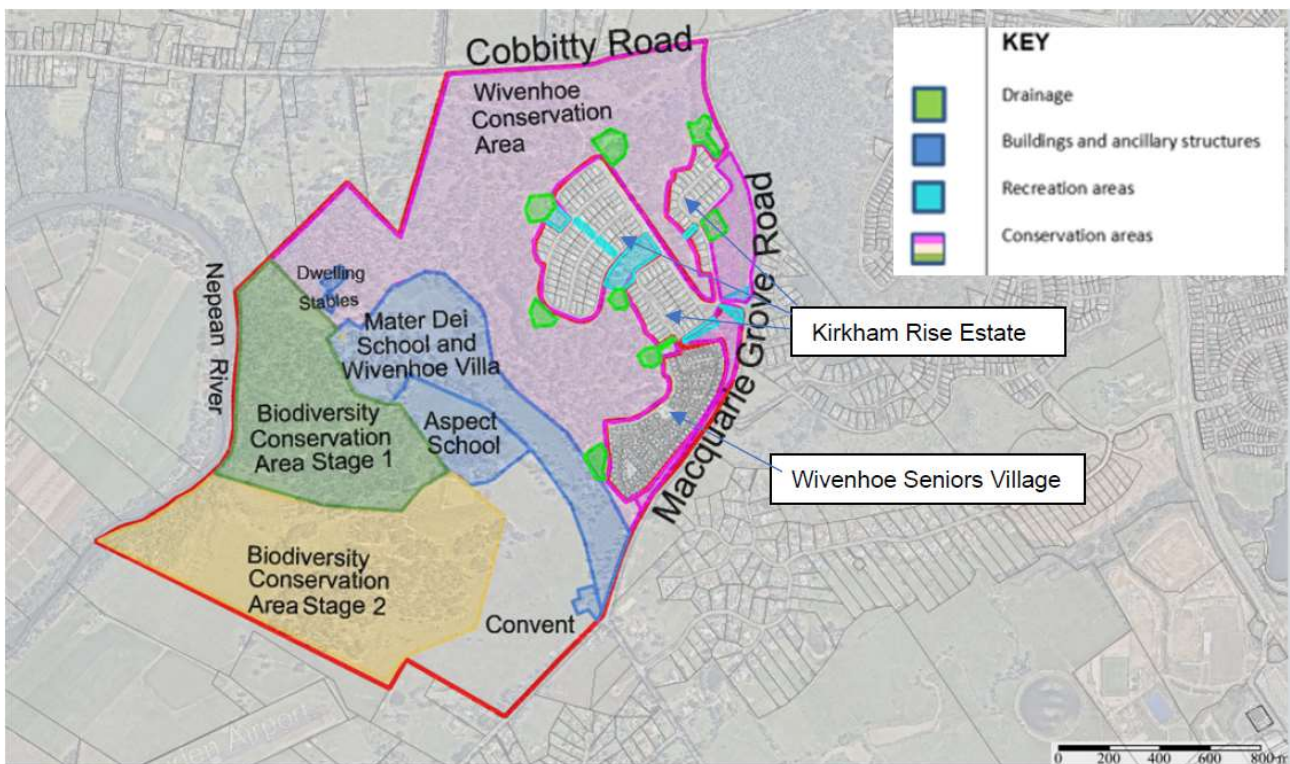
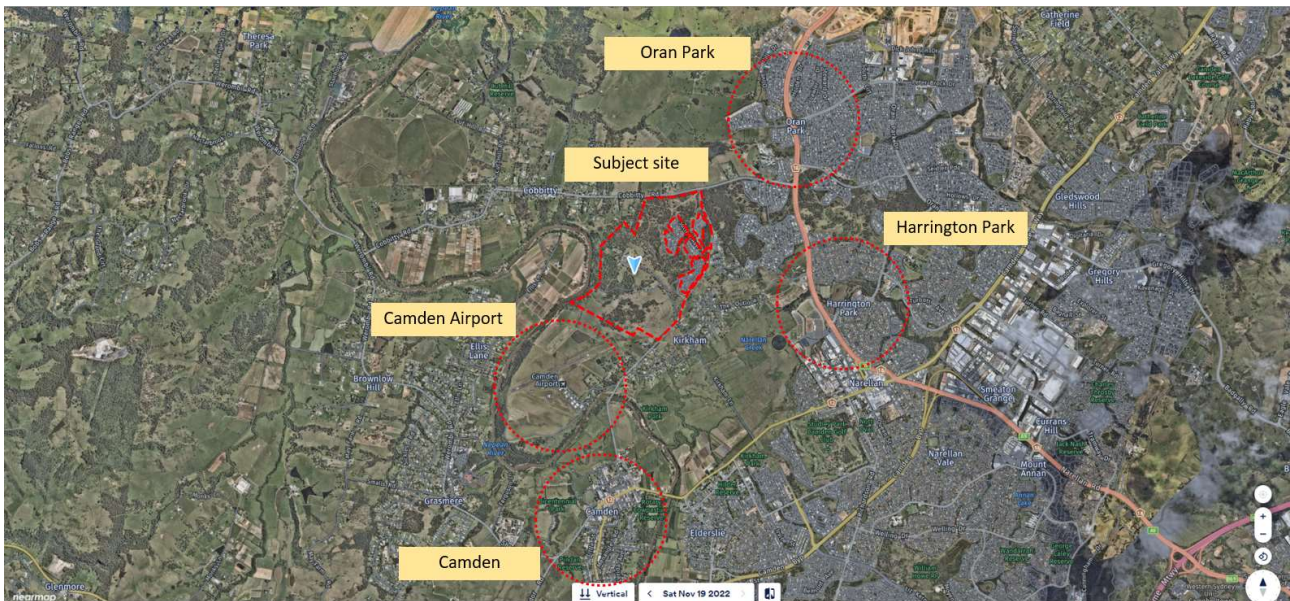


Figure 2: Current land use (source: planning proposal)



**Figure 3 Site context (source: Nearmap)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning and lot size maps, which are suitable for community consultation, subject to the following:

The planning proposal be updated, prior to exhibition, to:

- include a proposed land reservation acquisition map and relevant commentary;
- remove 'AB2' in the map identified as *Figure 13 Proposed Lot Size* and retain '20 ha', identifying in the legend that a 20 ha minimum lot size is proposed to be applied without reference to 'AB2'.

Below are the map tiles which will be amended.

- Land Zoning Map – Sheet LZN\_002
- Land Zoning Map – Sheet LZN\_007
- Land Zoning Map – Sheet LZN\_008
- Lot Size Map – Sheet LSZ\_002
- Lot Size Map – Sheet LSZ\_007
- Lot Size Map – Sheet LSZ\_008
- Land Reservation Acquisition Map – Sheet LRA\_007

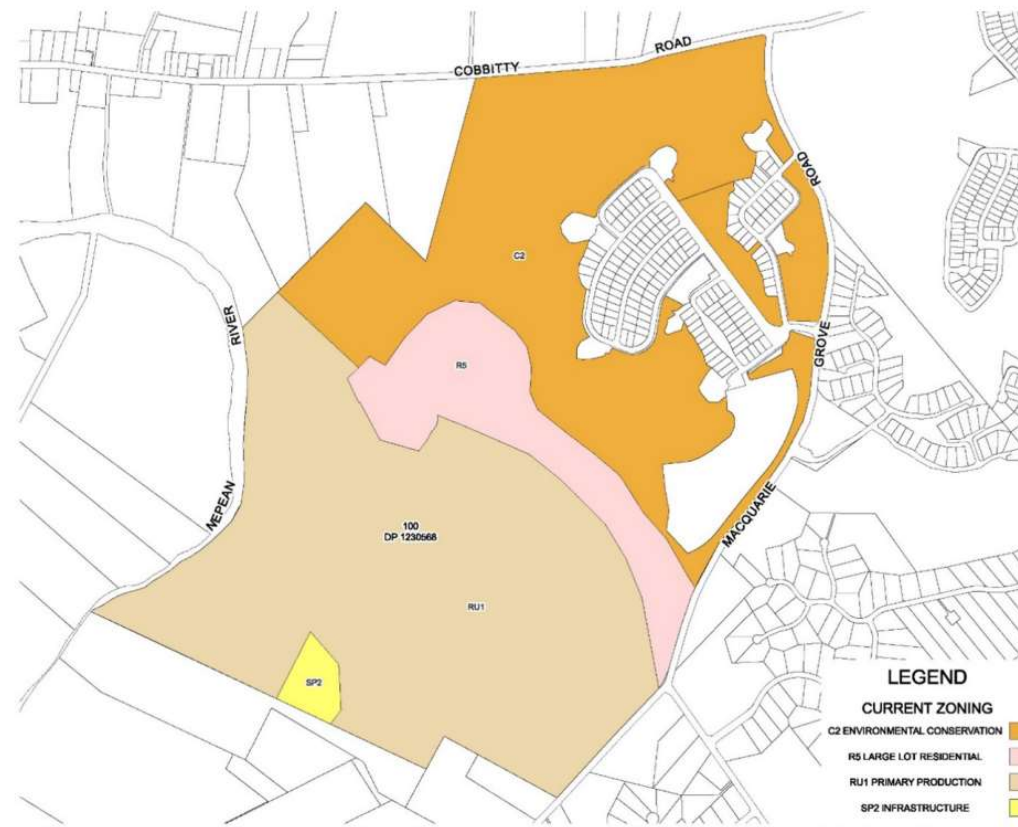


Figure 4 Current zoning map



Figure 5 Proposed zoning map

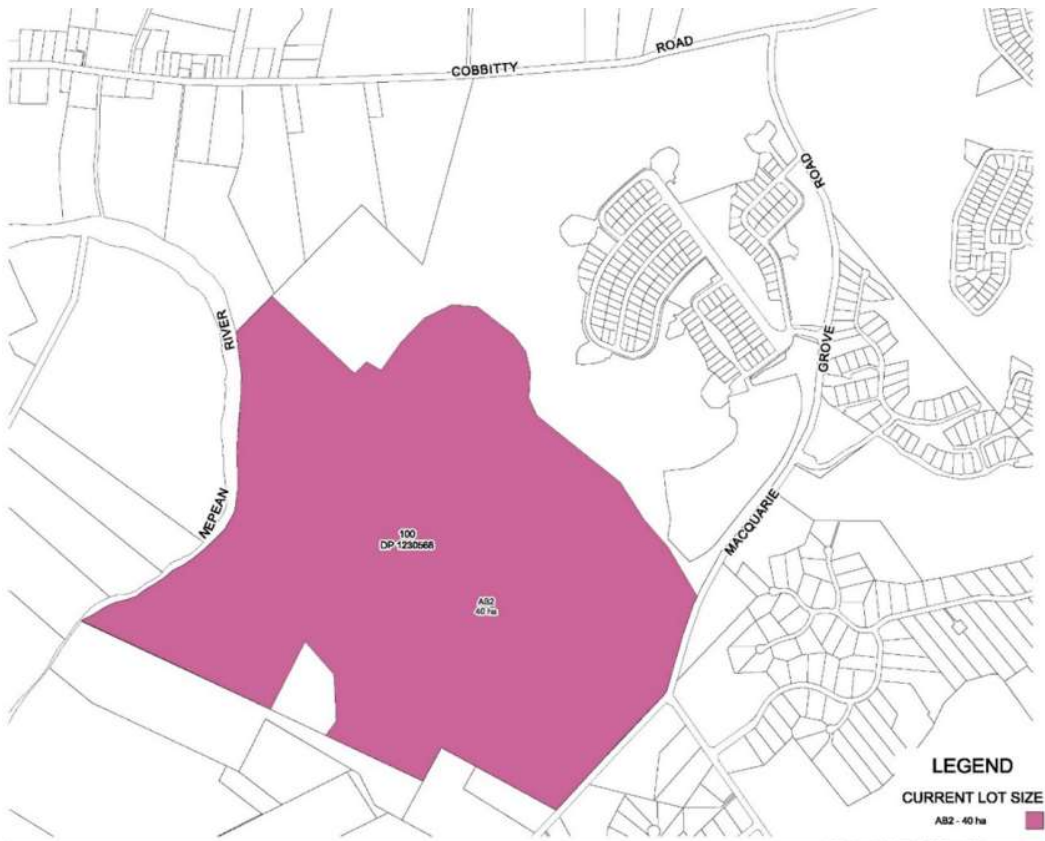


Figure 6 Current minimum lot size

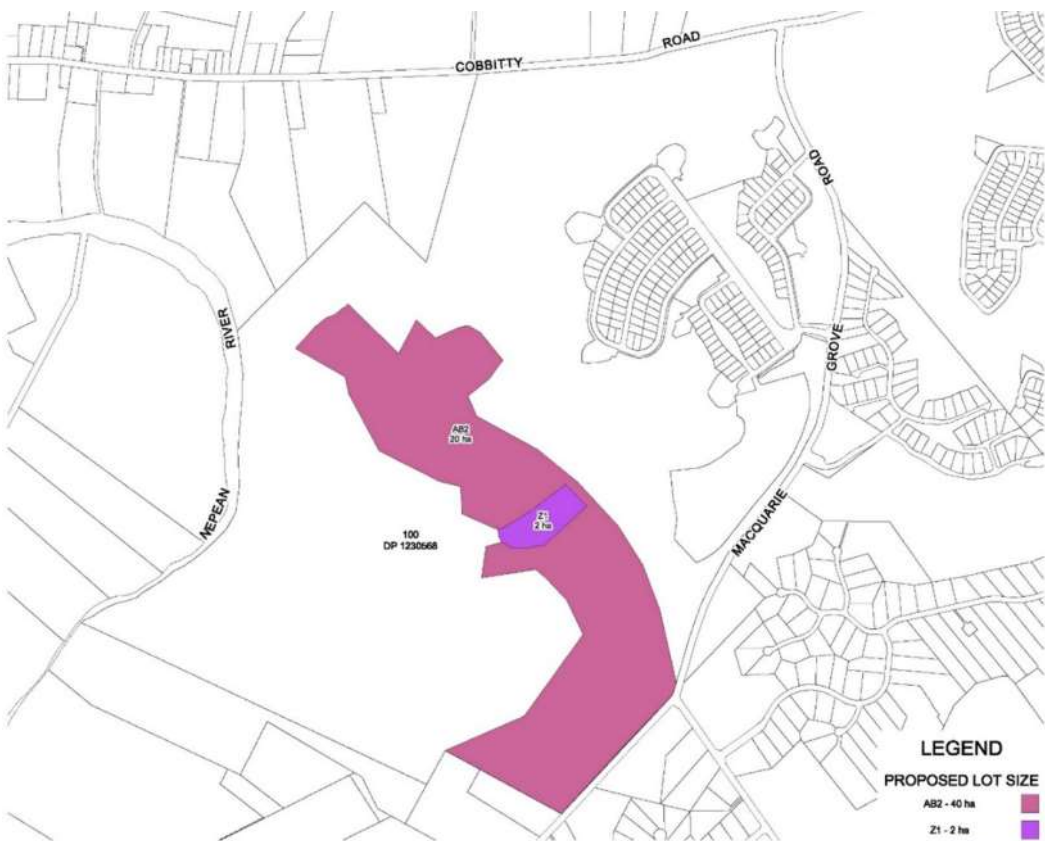


Figure 7 Proposed minimum lot size

## 1.6 Background

The original Mater Dei Planning proposal (PP-2021-5998) was not supported by the Department and was returned to Council on 11 May 2023.

The proposed SP2 Educational establishment zone, within the proposal, was not supported mainly owing to associated acquisition matters.

In returning the proposal, Council was asked to consider addressing the need for acquisition provisions for the proposed RE1 Public Recreation and SP2 Drainage Zones, as well as, making a minor correction to the eastern boundary of Bio Bank site 217 within the planning proposal.

To address these issues, an amended planning proposal was supported at the Council meeting held on 11 July 2023 and the revised proposal was adopted and submitted to the Department for Gateway determination.

## 2 Need for the planning proposal

The planning proposal is proponent led and not the result of a strategic study or report.

The proposal seeks to align current land usage with land zoning. Aligning land use zoning with existing uses of the site will provide certainty for the retention of environmental values and will assist with on-going educational uses.

A planning proposal is also the only means available to amend zoning and lot sizes.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is generally consistent with the Regional Plan, with the possible exception of *Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced*.

This objective aims to ensure remnant trees and communities are maintained in order to strengthen connections between areas of habitat. The proposed rezoning of 2.347 hectares of C2 to RU2 in the north west area of the proposed RU2 site does not fully consider the presence of critically endangered Cumberland Plain Woodland.

The supporting biodiversity report states that this area is largely modified European plantings, however, further consideration is considered necessary to ensure the proposal is consistent with the regional plan in this regard.

### 3.2 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western 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.

Except for planning priority W14, the planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan.

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*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

District Plan Priorities	Justification
Planning Priority W3 Providing services and social infrastructure to meet people's changing needs	Consistent: The subject site holds the Mater Dei and Aspect Schools, which provide specialist education to those with mental disabilities and those on the autism spectrum. Proposed rezoning will protect this critical infrastructure.
Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage	Consistent: Ensuring environmental heritage is identified, conserved and enhanced is the primary objective of this proposal as the land owners seek to protect and enhance the conservation area and schools on the subject site.
Planning Priority W14 Protecting and enhancing bushland and biodiversity	To be determined: The proposal seeks to rezone parcels of land from C2 to RU2 Rural Landscape, SP2 Drainage and RE1.  The proposal may be inconsistent with this priority. Mapping of the proposed rezoning of the Wivenhoe Stables and school caretaker residence site indicates threatened ecological communities exist on the site. Further consideration is recommended.
Planning Priority W16 Protecting and enhancing scenic and cultural landscapes	Consistent: The proposed introduction of a landscape zone and adding to the area of the environmental conservation zone will enhance and protect the scenic landscape.
Planning Priority W18 Delivering high quality open space	Consistent: The proposal seeks to rezone parcels surrounding the Kirkham Rise Estate to RE1. Rezoning will formalise the ongoing delivery of open space.

### 3.3 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 the following table:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal is consistent with the LSPS and key local priorities L2, P6, S3, S4 and S6. These priorities speak to the protection of Camden's heritage and environmentally sensitive land.
Local Housing Strategy	This proposal does not seek to add to housing supply.

Community Strategic Plan	The planning proposal is consistent with the LSP and key local priorities LB2, B1, B2 and B3 as the proposal seeks the protection of Camden's heritage and environmentally sensitive land.
Rural Lands Strategy	The planning proposal is consistent with the RLS and key local priorities P1, P2, and P4 as the proposal seeks to protect Camden's rural and environmentally sensitive land.

### 3.4 Local planning panel (LPP) recommendation

The proposal was discussed at the local planning panel on 20 September 2022. The panel supported the planning proposal, as recommended to be amended by Council Officers, and agreed that the inconsistency with Ministerial Direction 3.1 (Conservation Zones) was justified.

### 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed, as follows.

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	To be determined	<p>The objective of this direction is to protect and conserve environmentally sensitive areas. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land.</p> <p>This planning proposal seeks to rezone a number of parcels to/from the C2 Environmental Conservation Zone.</p> <p>Consultancy with Heritage and EHG is required to ensure the proposal complies with the direction or is justifiably inconsistent.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	To be determined	<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 proposal is seeking to protect the conservation areas, biobanking areas, and Wivenhoe heritage item on the subject site.</p> <p>As indicated above, consultation with Heritage is recommended.</p>
4.1 Flooding	Consistent	<p>The objectives of this direction are to ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>The subject site is partially flood affected by the PMF in the south-west corner and western border.</p> <p>The flood zone, however, will not impact upon proposed development or upon access to and from the site.</p>
4.3 Planning for Bushfire Protection	To be determined	<p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>The planning proposal is supported by a Bushfire Assessment which addresses this Direction (<b>Attachment J</b>).</p> <p>To satisfy the direction, however, consultation with the Rural Fire Service is required.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	To be determined	<p>This direction requires that the relevant acquisition authority is identified. The current proposal does not include a land reservation acquisition map for the proposed SP2 Drainage and RE1 Public Recreation zones.</p> <p>This map has been separately provided by council staff (refer below) and is suitable to meet the requirement of the direction in this regard. A condition is recommended to include this diagram in the proposal prior to exhibition.</p> <p>The proposal also seeks to remove the SP2 zone – Air Transport Facility (refer to Figures 4 and 5). The direction requires that a proposal must not alter existing zonings or reservations without the approval of the relevant authority.</p> <p>While council has undertaken initial consultation with the airport authority and no objections were raised in this regard, to satisfy the direction, a condition is recommended for Council to obtain agreement from the authority to remove the special use zone.</p>



**Figure 8 Proposed Land Reservation Acquisition map**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.3 Development Near Regulated Airports and Defence Airfields	To be determined	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p> <p>In addition, in the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <ul style="list-style-type: none"> <li>(a) consult with the lessee/operator of that airport;</li> <li>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport.</li> </ul> <p>While council has undertaken initial consultation with the airport authority, to satisfy the direction, a relevant condition is recommended for formal consultation to take place to satisfy the direction.</p>

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. State Environmental Planning Policy (Biodiversity and Conservation) 2021 is discussed in the table below.

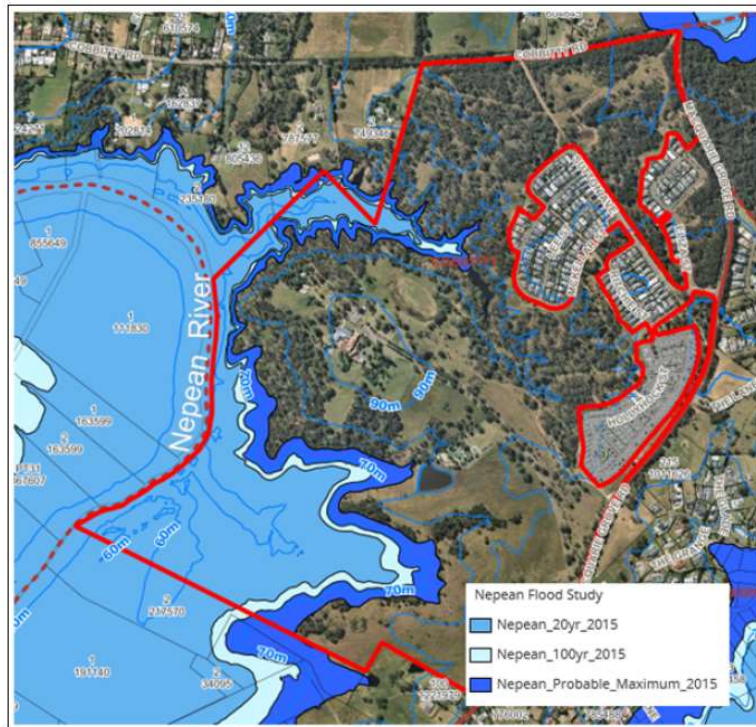
**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>The aims of this Chapter are—</p> <ul style="list-style-type: none"> <li>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> <li>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</li> </ul>	Yes	<p>Chapter 2 – Consistent as the proposal seeks to protect vegetation.</p> <p>Chapter 6 – Consistent as the proposal will not permit incompatible development with the Hawkesbury Nepean catchment.</p> <p>Chapter 13 – Consistent as proposal seeks to protect areas of high biodiversity value</p> <p>* It is noted that the proposal refers to chapters 7-12 which were repealed 9 December 2022</p>

## 4 Site-specific assessment

### 4.1 Environmental

**Flooding:** The subject site is partially flood affected by the PMF in the south-west corner and western border (see diagram below). As the proposal does not seek to intensify development in the flood zone nor is access to and from the site effected by flooding, further consideration of flooding issues is not necessary.



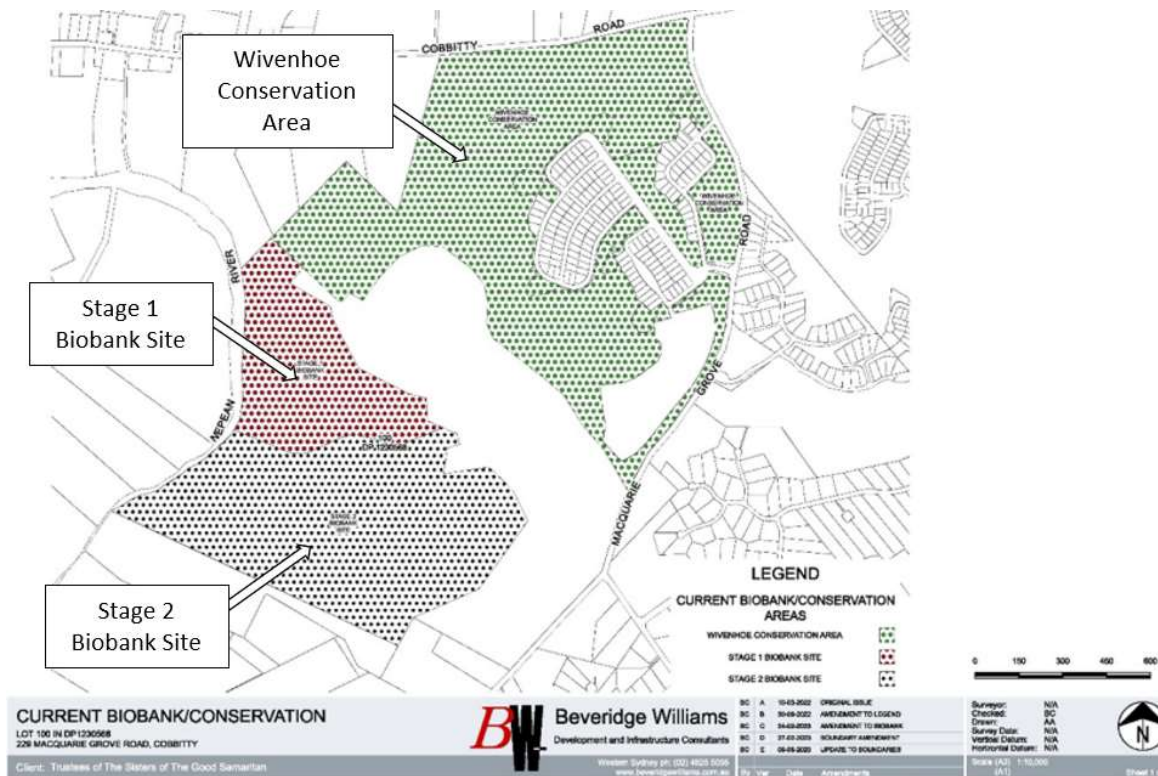
**Figure 9: Nepean Flood study (source: planning proposal)**

**Biodiversity and Conservation:** The subject site holds 2 biobanking sites (stage 1 comprises 25.7ha, while stage 2 comprises 58.4ha) in the south-west corner of the subject site.

The north and north-east section of the subject site holds the Wivenhoe Conservation Area which is subject to a Conservation Management Plan.

A diagram showing biobanking sites and the conservation area is shown overleaf (figure 10).

Issues regarding rezoning of the Wivenhoe stables and caretaker residence have been identified by the EHG (EES) and are addressed below in section 4.5.



**Figure 10: BioBank and Conservation Area Sites (source: planning proposal)**

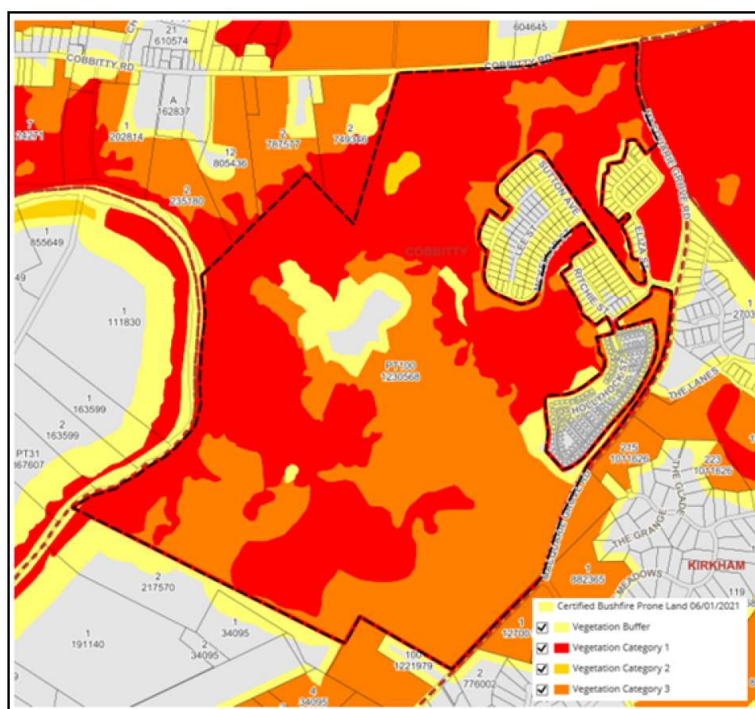
**Bushfire:** The subject is bushfire prone (refer to Figure 11 – following).

The Rural Fire Service (RFS) provided advice on 31 January 2022 (**Attachment K**) in response to initial consultation from Council.

The RFS has advised that development applications for any future development on bush fire prone land within the subject site will be required to comply with either Section 4.14 of the *Environmental Planning and Assessment Act 1979* or Section 100B of the *Rural Fires Act 1997* and will be assessed against the NSW RFS document Planning for Bush Fire Protection (PBP) 2019.

In relation to the future residential or special fire protection purpose (SFPP) development on bush fire prone land, it is suggested that the requirements of PBP 2019 be considered.

The Department notes that the parcel of land proposed for the C2 offset, which runs parallel to the schools access (Mater Dei Road), falls in Vegetation Category 3. This may be ill suited to revegetation due to the risk it places on access/egress of the Mater Dei and Aspect School during bushfires. Section 5.3 Control 2 of the proposed Development Control Plan (DCP) (**Attachment L**), however, requires that the tree lined driveway known as Mater Dei Road, along with open grasslands along the sides of the driveway must be conserved. In this case, access and egress do not appear to be an issue of concern. Further, RFS will have the opportunity to comment further on the proposal.



**Figure 11: Bushfire mapping (source: planning proposal)**

## 4.2 Social and economic

The subject site provides critical social infrastructure by way of the Mater Dei School and Aspect School. The rezoning to RU2 Rural Landscape seeks to protect the ongoing operations of these schools, whilst the reduction of the minimum lot size applying to the Aspect School site, and future subdivision, will provide the opportunity for the school to be managed by an appropriate entity.

## 4.3 Infrastructure

The subject site has one access driveway - where Macquarie Grove Road and Kirkham Lane intersect.

The traffic assessment (**Attachment M**) submitted with the proposal advises the proposal will not generate additional traffic to the site and proposes to retain the single access point, with a secondary access point suggested for emergency access.

## 4.4 Proposed RU2 Zone – Residual (convent) Site (refer to figure 12)

An objective of the planning proposal is to decrease the minimum lot size of the land currently zoned RU1 and R5 (refer to Figure 4), which will facilitate future subdivision of the site into the conservation, education and residual portions (refer to following Figure 2). The land owners have indicated an intention to sell the residual lot privately and are not able to comment on future uses (**Attachment N**).



Figure 12: residual site (convent site) (source: Nearmap)

**Flood zone:** The dam in the north-west corner borders the Nepean PMF, though no part of the proposed RU2 zone or site access is inundated by the PMF (refer Figure 13).

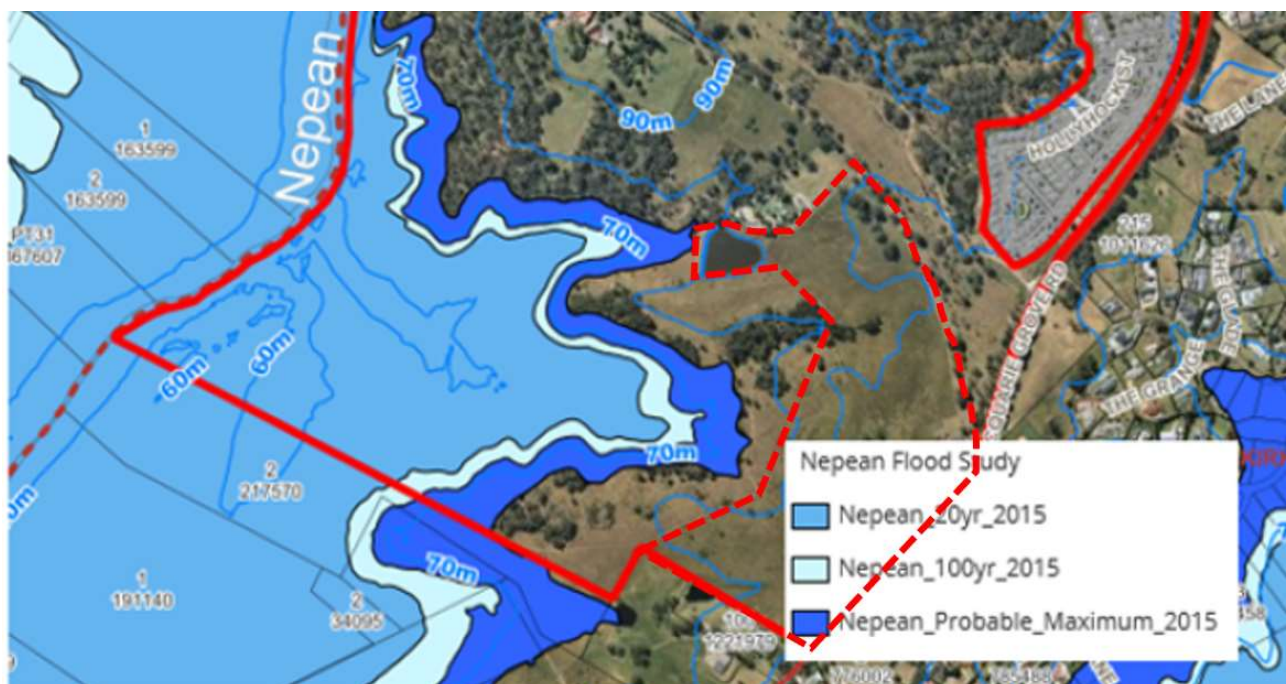
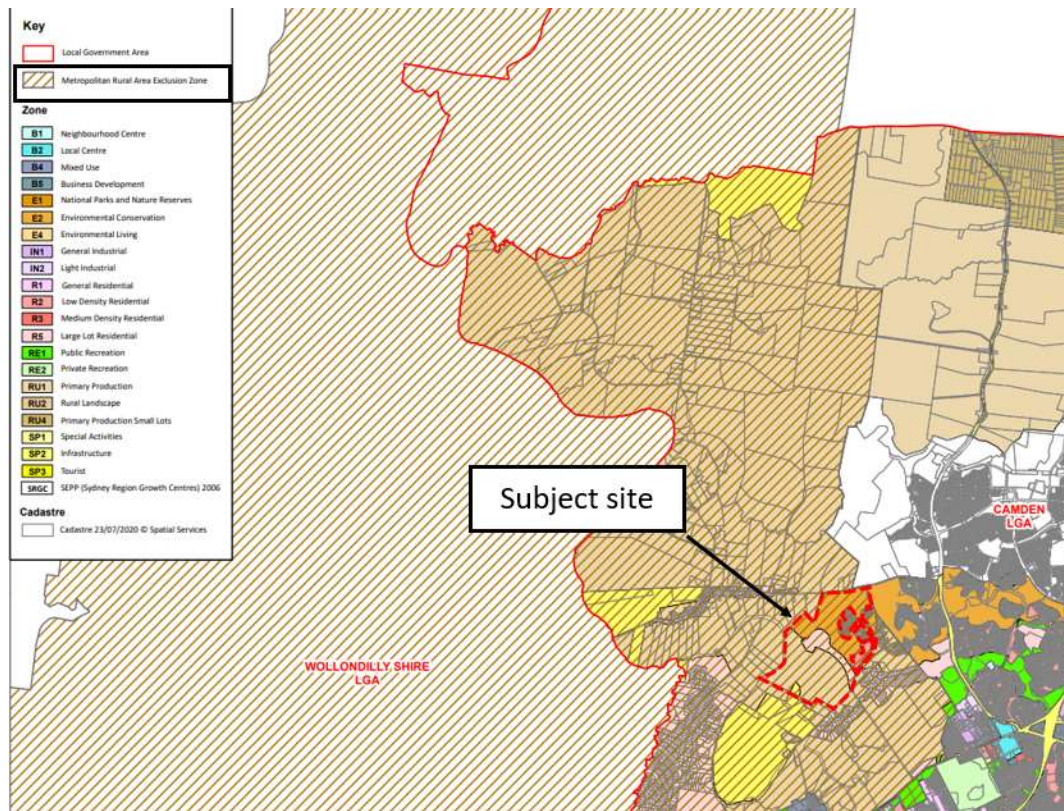


Figure 13: Flood mapping (source: planning proposal with estimated residual site boundary)

**Metropolitan Rural Area:** As stated above, the subject site is located within the MRA (refer to Figure 14).

Reducing the MLS will not result in an intensification of housing development. Reduction of the MLS will not result in any addition lots being created. Given that the residual site retains rural land values and does not result in intensification, the planning proposal is considered not to be inconsistent with the objectives of the MRA.

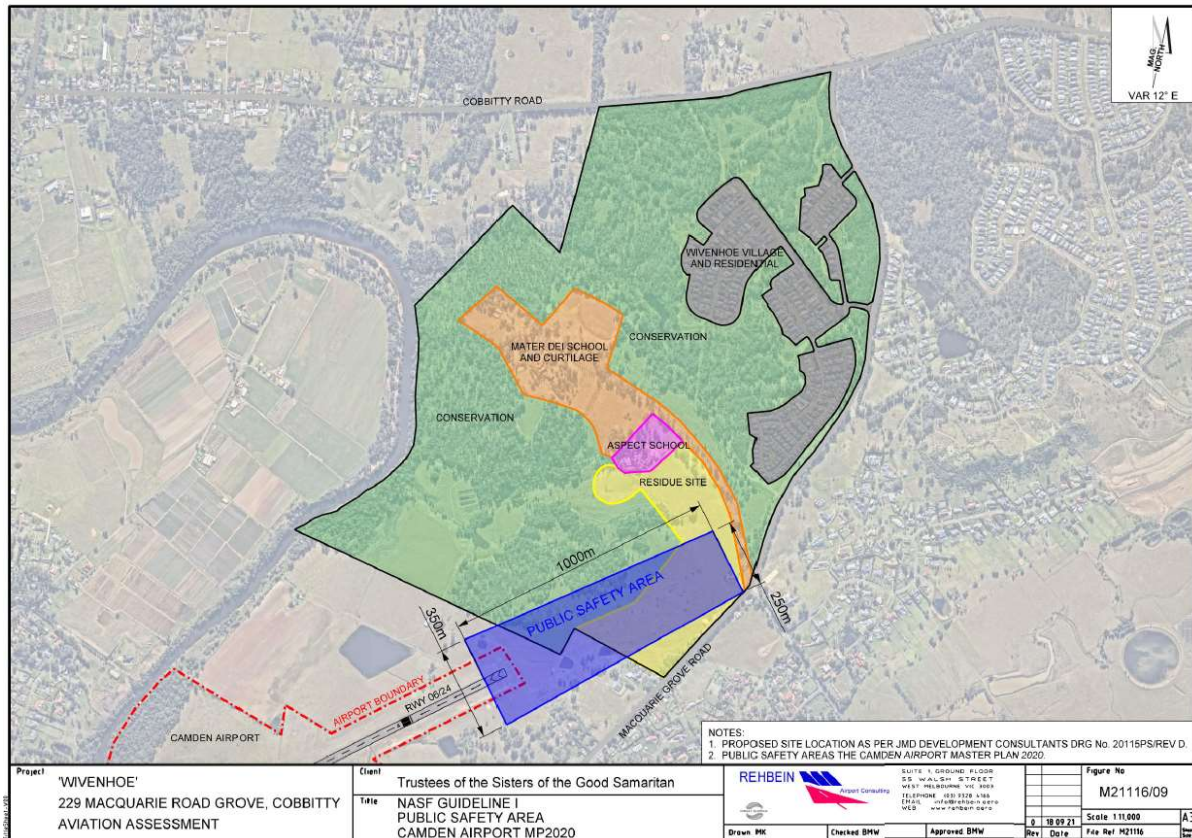


**Figure 14: MRA**

**Airport PSA:** The southern border of the proposed RU2 zone is 330metres from the end of the north-east part of Camden Airport runway and sits in the north-east approach surface. Sydney Metro Airports response to initial engagement by Council raised no initial concerns and will formally respond during the public consultation period (**Attachment O**)

The residual (convent) site (refer to figure 12) sits in the north-east 'public safety area' (PSA) of Camden Airport (refer to following Figure 15). Table 1 of the *General guidance for new/proposed developments on compatible and incompatible activities within PSA risk contours* lists accommodation activities (including dwelling houses) as an incompatible use (**Attachment P**).

Given the extent of the residual lot (following subdivision), a dwelling may be located outside the PSA and safety issues are of no concern in this case. While this is the case, consultation with the airport authorities is recommended.



**Figure 15: Public Safety Area**

**Heritage Item I99:** “Wivenhoe” (including house and gardens, outbuildings, stables, servants quarters and coach house), is listed as a local heritage item I99 under Camden LEP 2010 Schedule 5. Heritage maps 008 and 007 show the extent of heritage item I99 and its curtilage. Mapping shows that the residual area infringes on the southern part of I99 (refer to Figure 19).

The proposal has been referred to Heritage NSW (**Attachment Q**) which indicated that Council, as the consent authority, is responsible for the heritage assessment and consideration of any impacts to this item.

To ensure this advice remains current, formal consultation with Heritage is recommended as a determination condition.

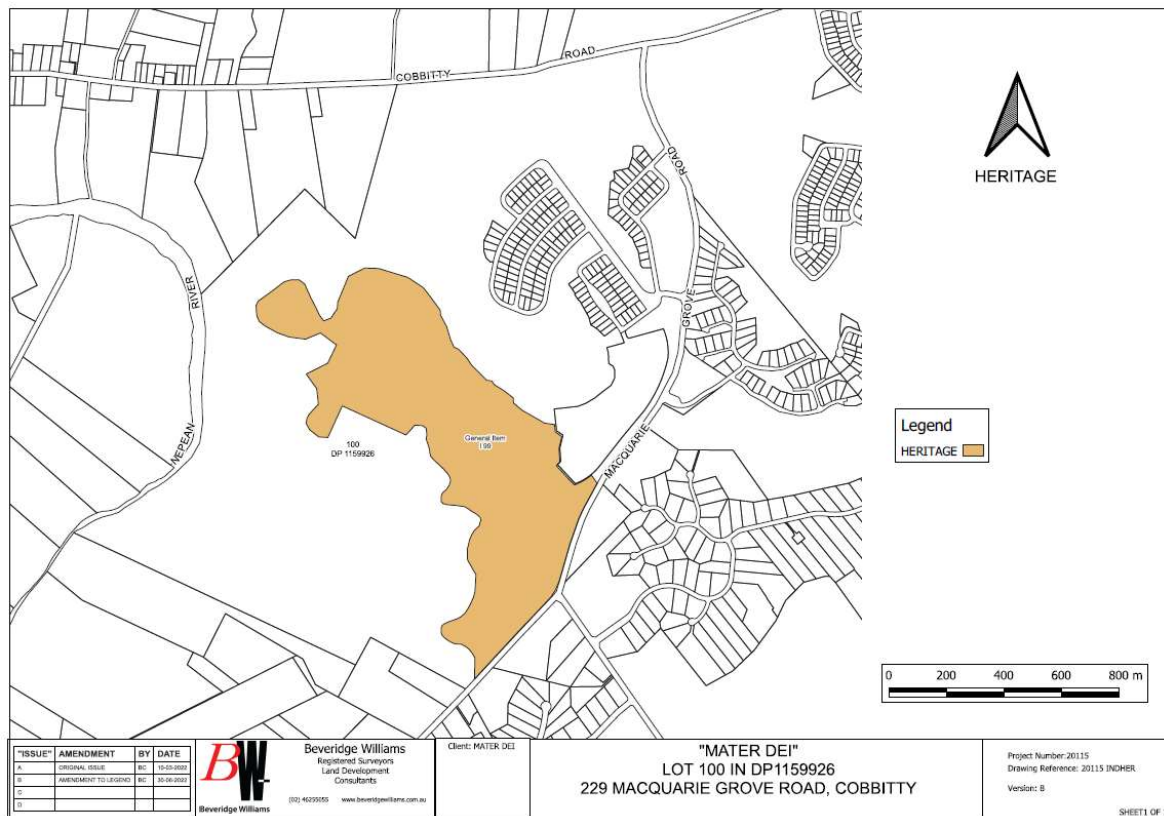


Figure 16: Heritage Item I99

## 4.5 Proposed Part Rezoning of Mater Dei Precinct C2 to RU2

The planning proposal seeks to rezone a 2ha and a 473m<sup>2</sup> parcel of land from C2 to RU2 on the north-west corner of the proposed RU2 zone (refer to Figure 17). This location includes the Wivenhoe Heritage Item I99 stable development, and an existing dwelling leased to an onsite caretaker.

The planning proposal states that the vegetation on this site is primarily of European plantings, and a Bushland Conservation Management Plan (CMP) treats this site as a Heritage management zone. However, biodiversity mapping (**Attachment R - Fauna Survey 2016**) indicates the following is located on this site:

- Cumberland Plain Woodland (critically endangered) – with canopy
- Powerful Owl.

Rezoning of the land to RU2 is to be offset with 13ha of land being rezoned to C2, which is located parallel to the access road to Mater Dei and the Aspect School. The CMP notes the 13ha is managed as 'degraded grasslands'.

EHG in its 4 Feb 2022 response to Council's initial consultation (**Attachment S**) provided comments, which the proponent has partly responded.

As a recommended determination condition, Council will be required to further consult with EHG, which will allow EHG to review the amended proposal and provide its views for Council's consideration.



Figure 17: Proposed rezoning of C2 and Biodiversity Values Map (ePlanning Spatial Viewer)

## 4.6 Proposed Rezoning of C2 and R5 parcels to RU2

**R5 to RU2:** The proponent is looking to withdraw from the site in 2023 but wish to ensure that the school and conservation area continue.

Currently, the school site is zoned R5 Large Lot Residential, which permits a wide number of uses not aligned with the school. The Department considers the proposed rezoning to RU2 is acceptable given that it protects the rural values of the site, without being overly restrictive on future land use possibilities.

**C2 to SP2 and RE1:** The proposal intends to rezone parts of the subject site surrounding the Kirkham Rise Estate from C2 Environmental Conservation to SP2 Infrastructure (drainage) and RE1 Public Recreation; which will result in the loss of approximately 5ha of C2 zoned land. The intent is to align the existing use of these parcels of land with appropriate zoning.

The proponent has been in negotiation with Council to dedicate the active and passive recreation and drainage land associated with the Kirkham Rise development, with Council agreeing to accept this land subject to conditions.

To meet the requirement of the relevant section 9.1 direction, a proposed land reservation map has been submitted with the planning proposal for inclusion in the proposal.

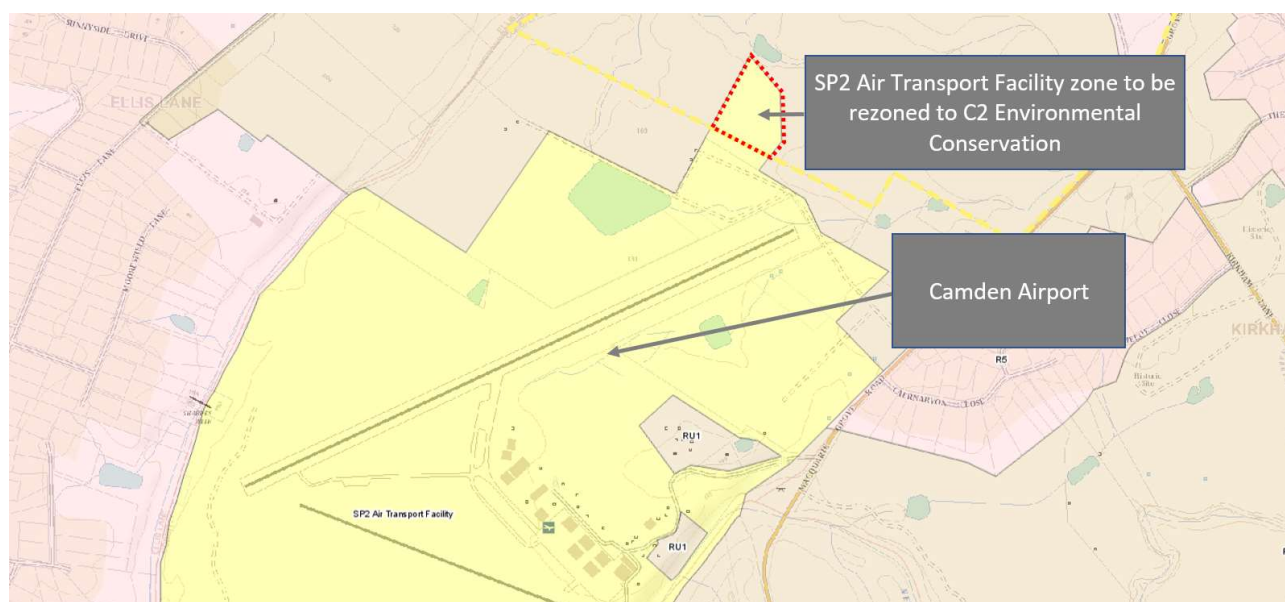
## 4.7 Rezoning of SP2 zone to C2

The planning proposal seeks to rezone the part of the subject site from SP2 Air Transport Facility to C2 Environmental Conservation (refer to Figure 19).

The SP2 Air transport Facility zone is considered not in keeping with the Biodiversity Stewardship agreement that applies to that portion of the site and a C2 Environmental Conservation zone is considered to be more appropriate.

The report to Council meeting, held 8 November 2022 (**Attachment V**), indicates that the current SP2 Air Transport Facility zoning is an anomaly.

At the Camden LPP meeting held 20 September 2022, support was given to the correction of this anomaly. LT satisfy the relevant section 9.1 direction, advice is required from Camden airport whether this part of the lot needs to remain zoned SP2.



**Figure 19: SP2 Airport site**

## 5 Consultation

### 5.1 Community

Council proposes that the community consultation period commences during December 2023 to January 2024. Given that the proposed exhibition period will extend over the Christmas and New Year period, an exhibition period of 28 days is appropriate and is conditioned such in the Gateway determination.

### 5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

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

- NSW Rural Fire Service (RFS)
- Camden Airport
- Heritage NSW
- Environmental Heritage Group (EHG)
- Biodiversity Conservation Trust

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

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

As the planning proposal involves the proposed dedication of land to council, for probity reasons it is considered that Council should not 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 proposed rezoning seeks to protect the rural values of the site. It also ensures the protection and ongoing provision of specialist education facilities.
- The proposal assists with acquisition requirements for the RE1 and drainage facilities surrounding Kirkham Estate.
- The proposal provides an extra layer of protection to the two large biobanking areas within the subject land.

As discussed in the previous sections 4 and 5, the proposal should be updated, prior to exhibition, to:

- amend table 2 to correct the apparent error in the sum of hectares in column C;
- include the proposed Land Reservation Acquisition map; and,
- where necessary, amend the supporting studies/reports to refer to the proposed application of a RU2 Rural Landscape Zone instead of the previously sought SP2 Educational establishment Zone.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- note that consistency with section 9.1 Directions: 3.1 Conservation Zone; 3.2 Heritage Conservation; 4.3 Planning for Bushfire Protection; 5.2 Reserving Land for Public Purposes; and, 5.3 Development Near Regulated Airports and Defence Airfields, are unresolved and will require justification.

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

1. Prior to exhibition;
  - the planning proposal is to be updated to amend table 2 to correct an apparent error in the sum of hectares in column C;
  - the planning proposal is to be updated to include a proposed land reservation acquisition map;
  - the supporting studies/reports, where necessary, are to be updated to refer to RU2 Rural Landscape instead of the formerly proposed SP2 Educational Establishment Zone.

2. Consultation is required with the following public authorities:
  - NSW Rural Fire Service
  - Camden Airport/lessee/operator
  - Heritage NSW
  - Environmental Heritage Group
  - Biodiversity Conservation Trust
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



29 August 2023

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30/8/2023

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