

DESIGN 5

A R C H I T E C T S

Level 3, 79 Myrtle Street, Chippendale NSW 2008
+61 2 9319 1855 www.design5.com.au
Design 5 – Architects Pty Ltd ABN 22 090 066 194
Nominated Architect – Alan Croker, Registration No 4693, Tas Registration No 883
Matthew Byrnes 8918 Robert Gasparini 7614 Lian Wong 8532

WIVENHOE

229 Macquarie Grove Road, Camden

REVISED PLANNING PROPOSAL

Heritage Impact Statement

September 2023

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 Planning Proposal for partial rezoning and lot size rationalisation of the Wivenhoe property, located at No. 229 Macquarie Grove Road, Camden.

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

The report has been prepared by Alan Croker with assistance from and review by Matthew Byrnes, both 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 No. 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 red. (Source: Beveridge Williams – Registered Surveyors and Land Development Consultants)
Note True North is up the page.

Camden Local Environmental Plan 2010 (CLEP 2010). The CLEP 2010 was accessed August 2023 via the NSW Legislation website:
<https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2010-0514#statusinformation>

Draft *Mater Dei and Kirkham Rise – Camden Development Control Plan 2022* (Draft DCP) that Council included with Council's report to the Ordinary Council Meeting on 11 July 2023. We understand this Draft DCP will be revised as the Planning Proposal is advanced.

Local Planning Directions document (specifically Section 9.1, Direction 3.2 in relation to Conservation) issued by the NSW Department of Planning and Environment.

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 maps, prepared by Beveridge Williams for Pascoe Planning Solutions (PPS) on behalf of the 'The Trustees of the Sisters of the Good Samaritan,' owners of the land:

- Current and Proposed Zoning Map Overlays
- Current and Proposed Minimum Lot Sizes
- Current and Proposed Biobank / Conservation Areas
- Draft DCP Maps including:
 - Proposed Land Use Precincts
 - Proposed Asset Protection Zone (APZ)

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) has been prepared and informed a Council draft Planning Proposal that would rationalise the land-use zoning and minimum lot size provisions in the prevailing Camden Local Environmental Plan 2010 (CLEP 2010) and ultimately facilitate a "super lot" subdivision.

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

- Extension of land use *C2 Environmental Conservation*
- Change of land use from *R5 Large Lot Residential* to *RU2 Rural Landscape*
- Change of land use from *RU1 Primary Production* to *RU2 Rural Landscape*

The proposed changes are shown in Figures 4.1 and 4.2 below. Proposed changes in Lot sizes are shown in Figures 4.3 and 4.4 and proposed Land Use Precincts are shown on Figure 4.5.

The proposed changes are briefly described as follows:

4.1 Extension of land use zone C2 *Environmental Conservation*

The existing *C2 Environmental Conservation* area surrounds *E4 Environmental Living* to the north of the site and *R2 Low Density Residential* zoned land, occupied by residential development of Kirkham Rise Estate. The proposal seeks to expand the C2 zone closer to the main Wivenhoe entrance driveway, (Mater Dei Road), and across the south west part of the site adjoining the Camden Airport.

The proposed south west extension includes the cultivation area (c. 1905), dam (1905), sewerage ponds (1982), dam (post 1947) and part of the Nepean river catchment and is presently zoned *RU1 Primary Production*. 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*.

4.2 Change of land use zone from *R5 Large Lot Residential* and part of *RU1 Primary Production* to *RU2 Rural Landscape*

The proposed *RU2 Rural Landscape* zone includes areas that are presently zoned either *R5 Large Lot Residential* or *RU1 Primary Production*.

The present *R5 Large Lot Residential* zone includes a large part of the heritage listed curtilage of the Wivenhoe property including the original Wivenhoe 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 (including landscape). 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).

It is proposed that a strip of the present *R5* area immediately north of the driveway will be incorporated into an expanded *C2 Environmental Conservation* zone.

At its western end, the proposed *RU2 Rural Landscape* zone is expanded to include the stables and the farm worker's cottage which are presently on land zoned C2. 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.

At its eastern end, the proposed land use zone *RU2 Rural Landscape* extends south along Macquarie Grove Road, incorporating land presently zoned *RU1 Primary Production* and provides significant views into and from the site and across open paddocks and ridges towards the Wivenhoe complex, and to the Nattai Wilderness. 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.

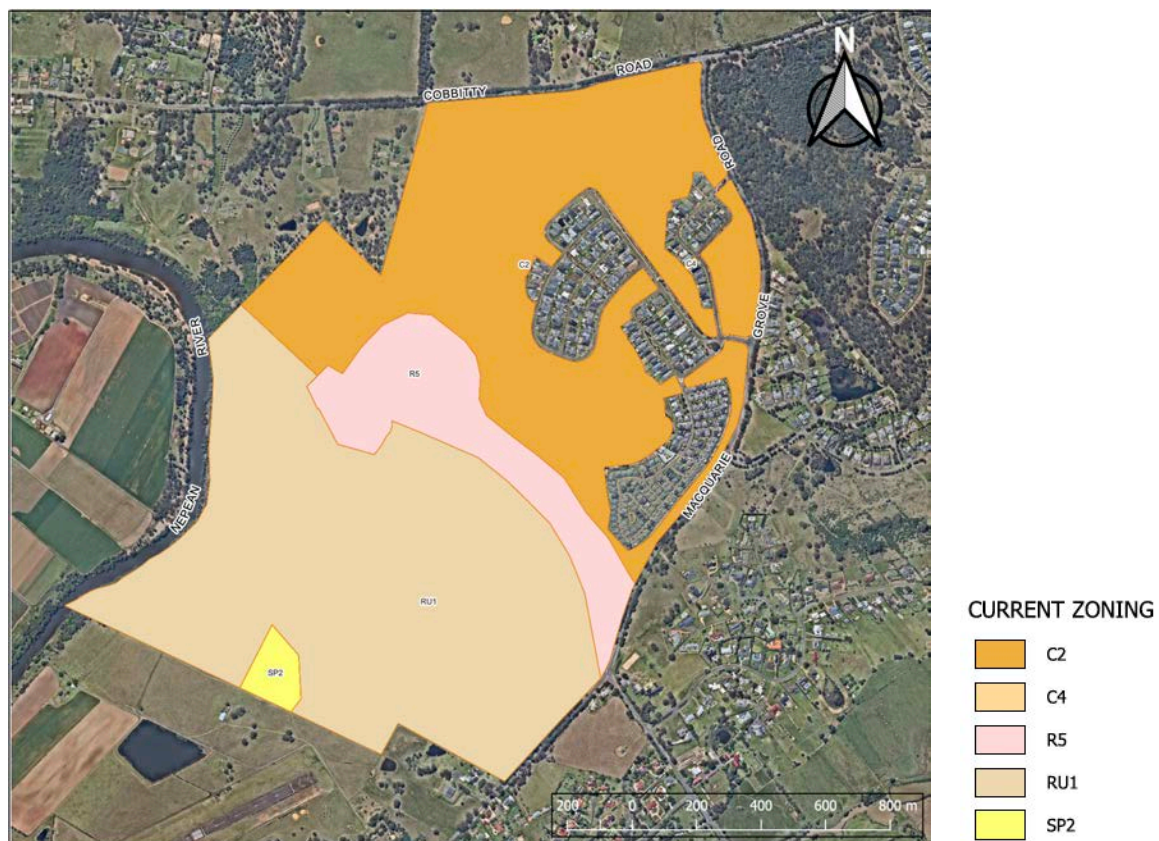


Figure 4.1: Existing zoning on site. (Source: Beveridge Williams)

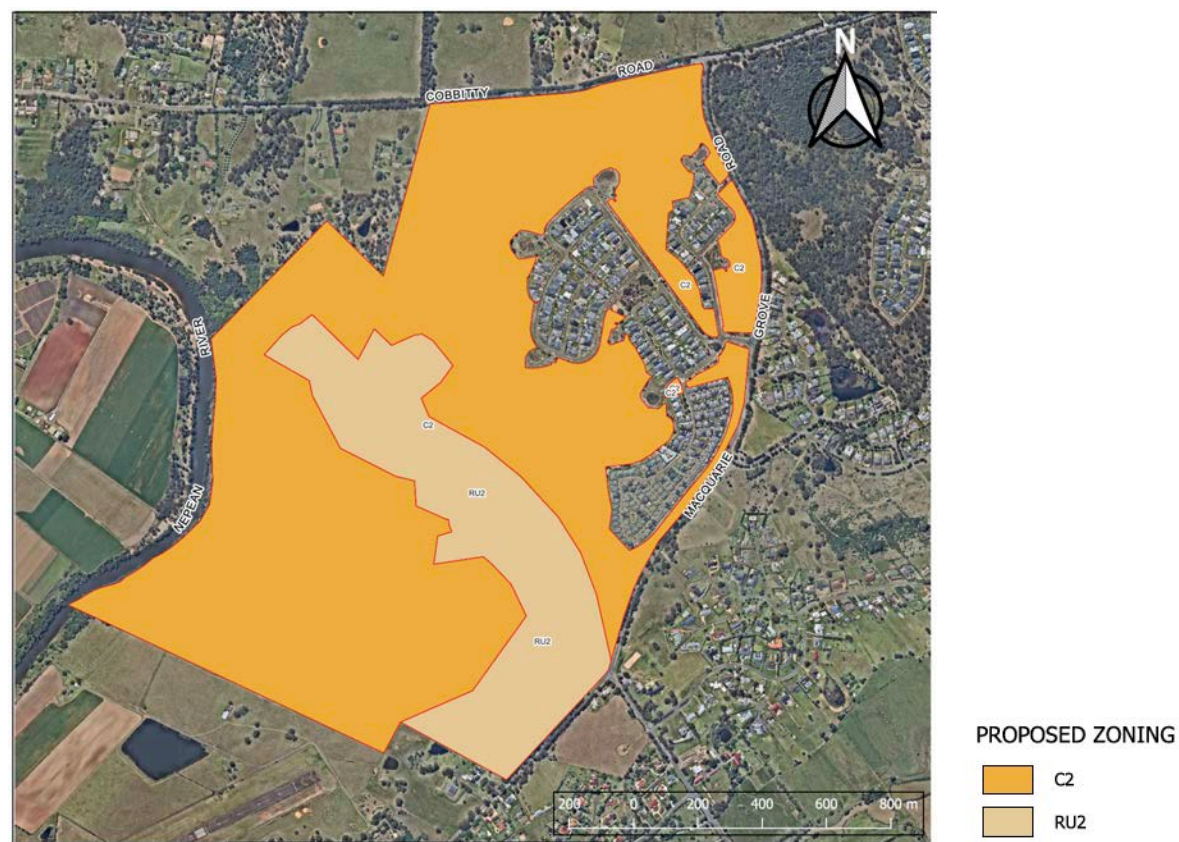


Figure 4.2: Proposed zoning on site. (Source: Beveridge Williams)



Figure 4.3: Existing minimum lot sizes on site. (Source: Beveridge Williams)



Figure 4.4: Proposed minimum lot sizes on site. (Source: Beveridge Williams)

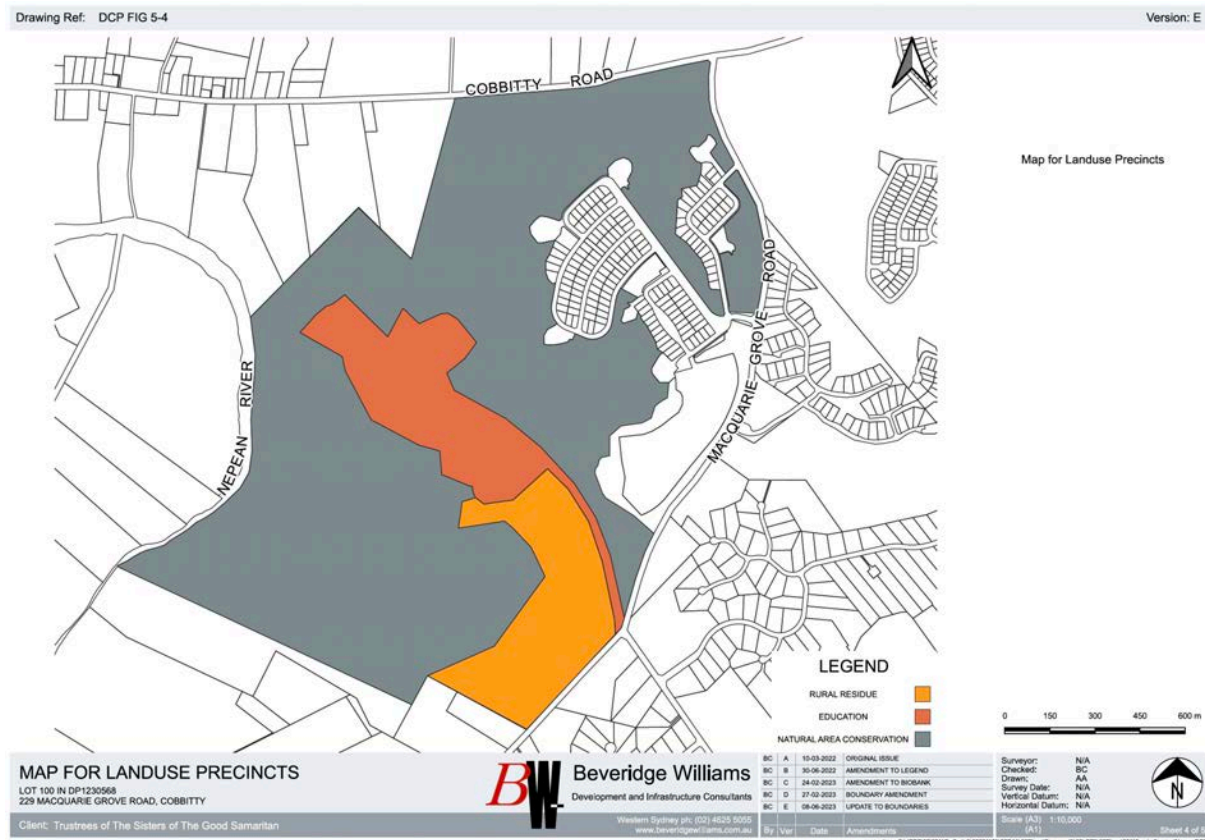


Figure 4.5: Proposed map for DCP showing Land Use Precincts. (Source: Beveridge Williams)

5.0 IMPACT WITH REGARD TO CAMDEN LOCAL ENVIRONMENTAL PLAN 2010

The Camden Local Environmental Plan 2010 (Camden LEP 2010), sets out environmental planning provisions that are specific to the Camden Local Government Area.

The primary use of structures, buildings and adjacent grounds within the areas affected by this re-zoning relate to education. In order to avoid confusion in the discussion that follows in relation to the Camden LEP 2010, it is important to clarify terms related to ‘education’ as they are defined in the LEP itself.

The LEP Dictionary defines the following ‘education’ related terms:

Information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

Educational establishment means a building or place used for education (including teaching), being –

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.¹

¹ Camden LEP 2010 Dictionary definitions, accessed 21 August 2023 from the following URL:
<https://legislation.nsw.gov.au/view/whole/html/inforce/current/epi-2010-0514#dict>

Mater Dei, the educational organisation that occupies the significant Wivenhoe villa, its outbuildings and newer buildings in its vicinity, is a specialist school that caters for those with intellectual disabilities, their families and carers. Related programs are also “run” from the subject precinct. The adjacent Aspect Macarthur School in the former Polding Centre, also an educational organisation, is run by Autism Spectrum Australia. Both organisations perform an important and unique role in education in the Camden local government area and community more broadly.

From the above LEP definitions, it is clear that the current principal use of buildings and structures on the affected parts of the Wivenhoe property should be categorised as an *‘Educational establishment’*, and not an *‘Information and education facility’*.

With this clarification, the partial re-zoning proposal is assessed against relevant provisions in the Camden LEP 2010 in the following table.

<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) to provide for a built environment that contributes to the health and wellbeing of existing and future residents of Camden. 	<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.</p> <p>Importantly it would have no negative impacts on the built heritage and landscape values 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>
Land Use Table	

Zone RU2 Rural Landscape	
1 Objectives of zone <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To maintain the rural landscape character of the land. To provide for a range of compatible land uses, including extensive agriculture. To protect and enhance areas of scenic value by minimising development and providing visual contrast to nearby urban development. To maintain the visual amenity of prominent ridgelines. To permit non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land. 	The proposal can in broad terms, be considered generally consistent with these objectives.
2 Permitted without consent Extensive agriculture; Home occupations.	Neither of these uses are proposed in this application.
3 Permitted with consent Agricultural produce industries; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dual occupancies (attached); Dwelling houses; Environmental protection works; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Roads; Rural workers' dwellings; Sawmill or log processing industries; Secondary dwellings; Any other development not specified in item 2 or 4	Most of these uses are not proposed on this site. 'Educational establishment', as defined in the LEP Dictionary would be permitted under ' <i>Any other development not specified in item 2 or 4</i> '.
4 Prohibited Advertising structures; Air transport facilities; Amusement centres; Camping grounds; Car parks; Caravan parks; Commercial premises; Correctional centres; Crematoria; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Health service facilities; Heavy industry storage establishments; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Local distribution premises; Mortuaries; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies	None of these uses are proposed on this site.
Zone C2 Environmental Conservation	
1 Objectives of zone <ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse affect on those values. To protect and enhance the ecology, hydrology and scenic views of waterways, riparian land, groundwater resources and dependent ecosystems. 	The proposal aligns with these objectives and is able to protect the cultural significance of the Wivenhoe property and accordingly fulfil the subject objectives. For more detail, refer to Section 6 of this report.
2 Permitted without consent Nil	No works are proposed in this application.

<p>3 Permitted with consent</p> <p>Environmental facilities; Environmental protection works; Flood mitigation works; Oyster aquaculture; Recreation areas; Roads; Water reticulation systems</p>	<p>No works are proposed in this partial rezoning application.</p>
<p>4 Prohibited</p> <p>Business premises; Hotel or motel accommodation; Industries; Local distribution premises, Multi dwelling housing; Pond-based aquaculture; ; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p>	<p>None of these uses are proposed in this application.</p>
<p>Part 5 Miscellaneous Provisions</p> <p>5.10 Heritage Conservation</p>	
<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 will facilitate protection of the European cultural significance of the Wivenhoe property.</p> <p>Additionally, it is understood that separate Aboriginal Heritage investigations also arrive at positive conservation conclusions.</p> <p>Accordingly, the subject objectives are considered to be fulfilled. For more detail, refer to Section 6 of this report and independent Aboriginal Heritage Assessment.</p>
<p>(2) Requirement for consent</p> <p>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 facilitates future subdivision and rezoning of land on which the heritage items listed in Schedule 5 are located.</p> <p>Therefore any works / development requires consent under this clause. However, no work or development is proposed in the PPR.</p>
<p>(3) When consent not required</p>	<p>n/a</p>

<p>(4) Effect of proposed development on heritage significance</p> <p>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 6, with an overview provided in Section 9: Summary Conclusion of the Impact of the Proposal); arriving at a satisfactory conservation outcome.</p>
<p>(5) Heritage assessment</p> <p>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</p> <p>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</p> <p>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 b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent. 	<p>Archaeological sites would not be affected under the PPR. (refer to below)</p>
<p>(8) Aboriginal places of significance</p> <p>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</p> <p>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</p> <p>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 6); arriving at satisfactory conservation conclusions.</p>

6.0 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

6.1 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:

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 RU2 Rural Landscape. This area would encapsulate the built cultural heritage of the site while providing for the possibility of expansion for educational purposes in the future.

Under the RU2 Rural Landscape zoning, 'Educational establishment' is permitted with consent. Given the longstanding use of this site as an Educational establishment, no change of use is proposed so any further consent for the same use should not be required.

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 *RU2 Rural Landscape* is considered 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 neighbouring Farm Workers Cottage are presently located on the C2 Environmentally Sensitive Land and thus potentially alienated from their associated heritage group but will now be incorporated into the *RU2* zoning. This will also strengthen their incidental and ancillary uses to the Mater Dei School.

The proposed *RU2* 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 6.2.4).

6.2 Overarching policies (CMP Sections 5.1 – 5.4)

6.2.1 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 changes in zoning should 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.

6.2.2 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.

Comment

The proposed changes in zoning should 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 re-zoning of the present *R5 Large Lot Residential* incorporating key elements of high cultural significance to *RU2 Rural Landscape* should protect the rural context, setting and character of these elements while permitting changes that align with the policies and guidelines in the CMP.

The expansion of the northern part of the site zoned *C2 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 *C2 Conservation Area* land use flood mitigation works would be permitted with consent. Furthermore, the expansion of *C2 Conservation Area* would eliminate the possibilities of any residential, educational or commercial premises being erected within the flood zone.

The conversion of a major part of the land presently zoned *RU1 Primary Production* to *C2 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 *C2* 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 abovementioned 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

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/>

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.

6.2.3 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 land use zones and related subdivision are 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* incorporating the most significant built and landscape elements, and extending south along Macquarie Grove Rd includes most of the area identified as having 'High Level of Sensitivity,' and would be therefore essential in retaining Wivenhoe's significant rural 'estate' setting. This *RU2 Rural Landscape* land use zone should 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 *C2 Environmental Conservation* surrounding the heritage listed curtilage would help protect, restore and enhance the broader natural setting of the place. The inclusion of the land adjoining the entry driveway within land use zones *C2* and *RU2* limits the scope of development along the driveway and protects its rural character. This would help retain significant views into the site from the driveway (identified in Figure 5.2 below).

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>

6.2.4 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 *RU2 Rural Landscape*. Considering the LEP Dictionary definition for 'Educational establishment', this zoning should allow the school and ancillary uses to be developed in the future subject to consent. The potential school development areas identified in the CMP are located within the proposed *RU2* zoning and this should protect the cultural heritage values of the place. (Figures 6.3 and 6.4)

6.2.5 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

A document titled *Mater Dei and Kirkham Rise – Camden Development Control Plan 2022* (Draft DCP) was included with Council's report on the Amended Planning Proposal to the Ordinary Council Meeting on 11 July 2023. This draft reflects the aims of the land uses being proposed. This is further discussed in Section 7 of this report.

Any guidelines about design of new structures should be consistent with the objectives and policies in the CMP 2008. These guidelines should ensure that the visual and physical impacts of the future proposals do not adversely affect the values or understanding of the heritage place in its rural setting.

The Draft DCP should be finalised and adopted before any new structures or development is considered on the site.

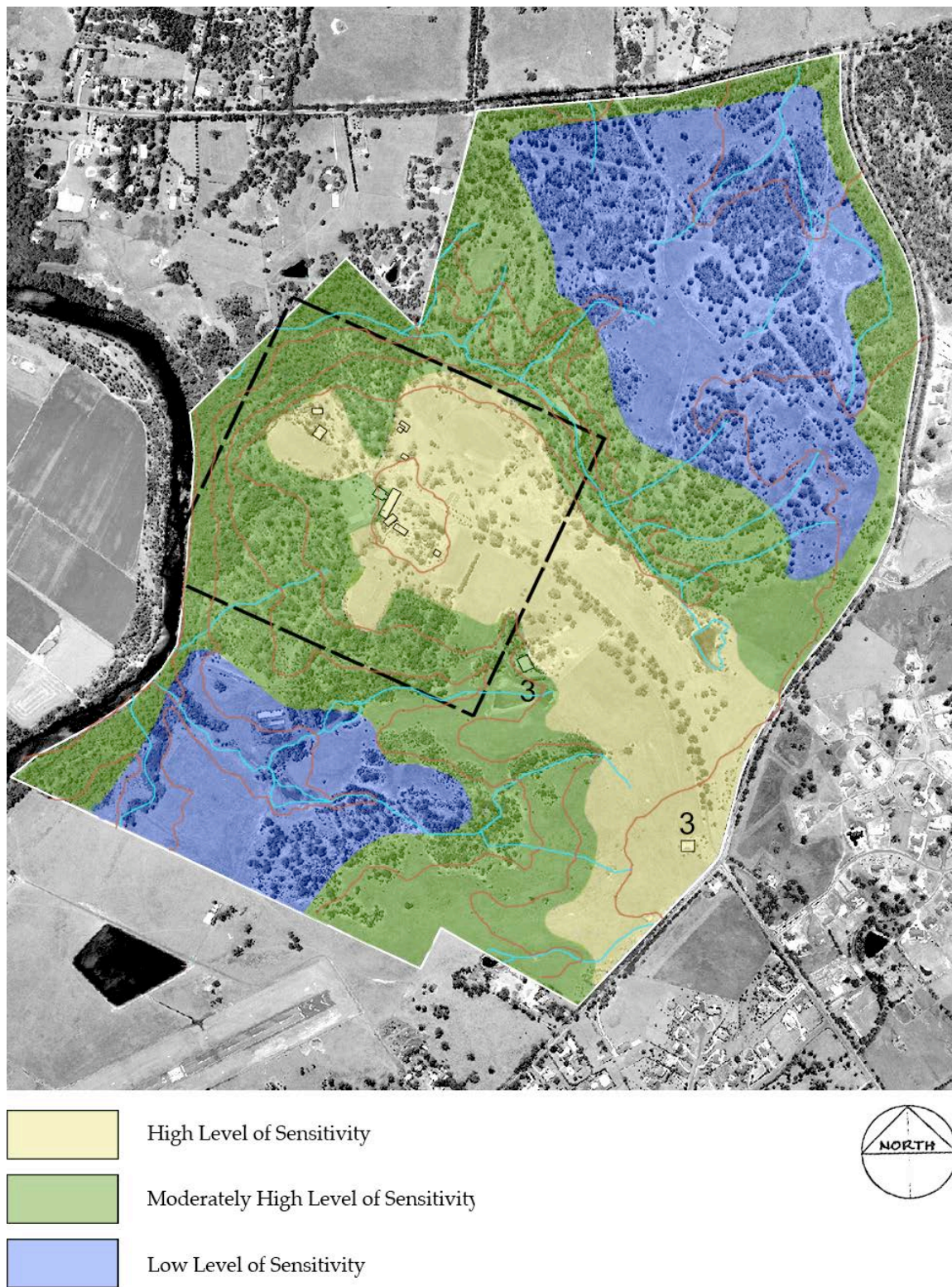
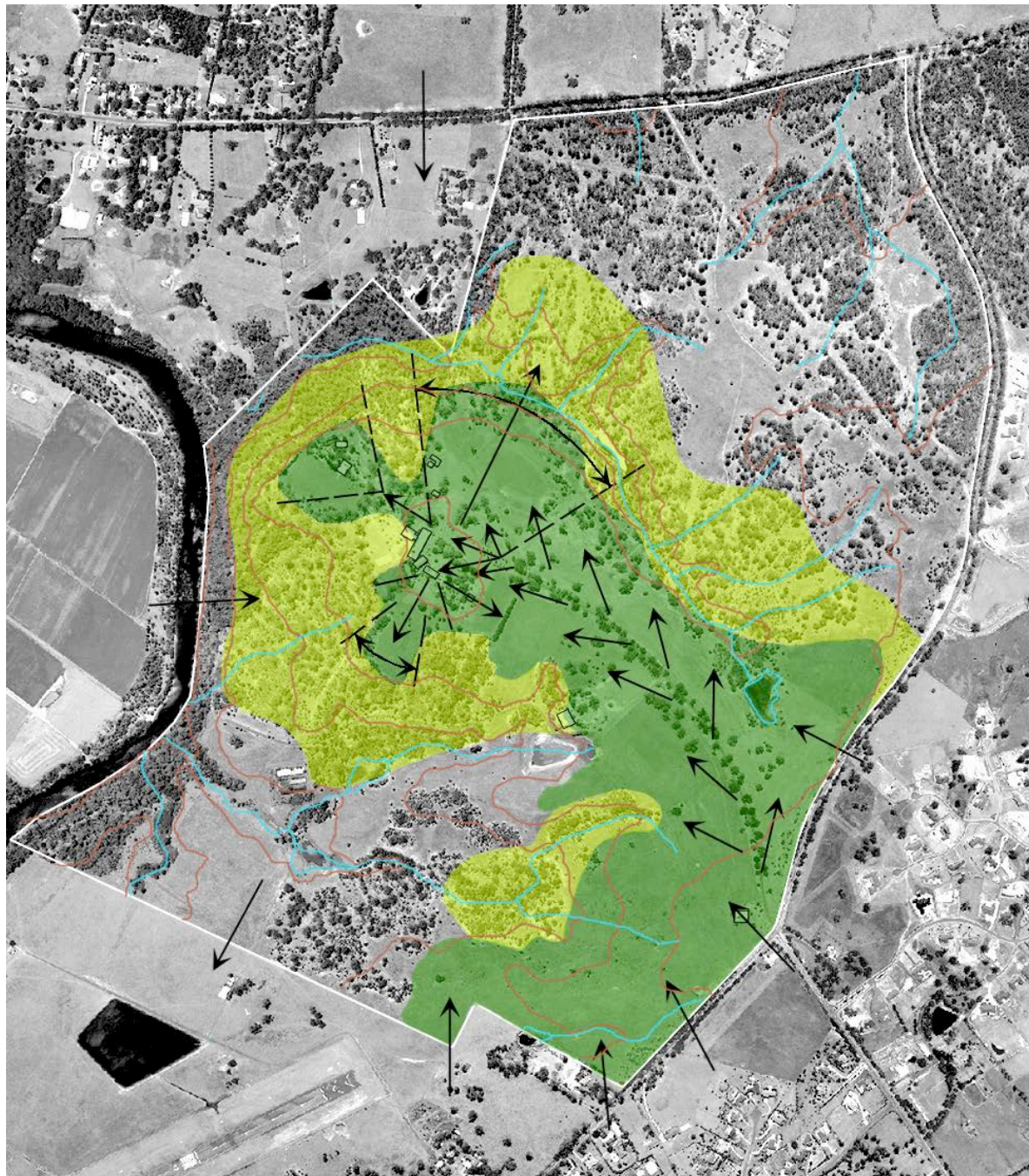


Figure 6.1: Areas of Heritage Sensitivity on the Wivenhoe Property (Figure 3.36 in the Wivenhoe CMP, 2008)



- Area of landscape encompassed by significant vistas to and from significant elements.
- Zone showing extent of landscape which supports significant vistas

Figure 6.2: Important views to and from significant elements on the Wivenhoe Property. (Figure 3.24 in the Wivenhoe CMP, 2008)

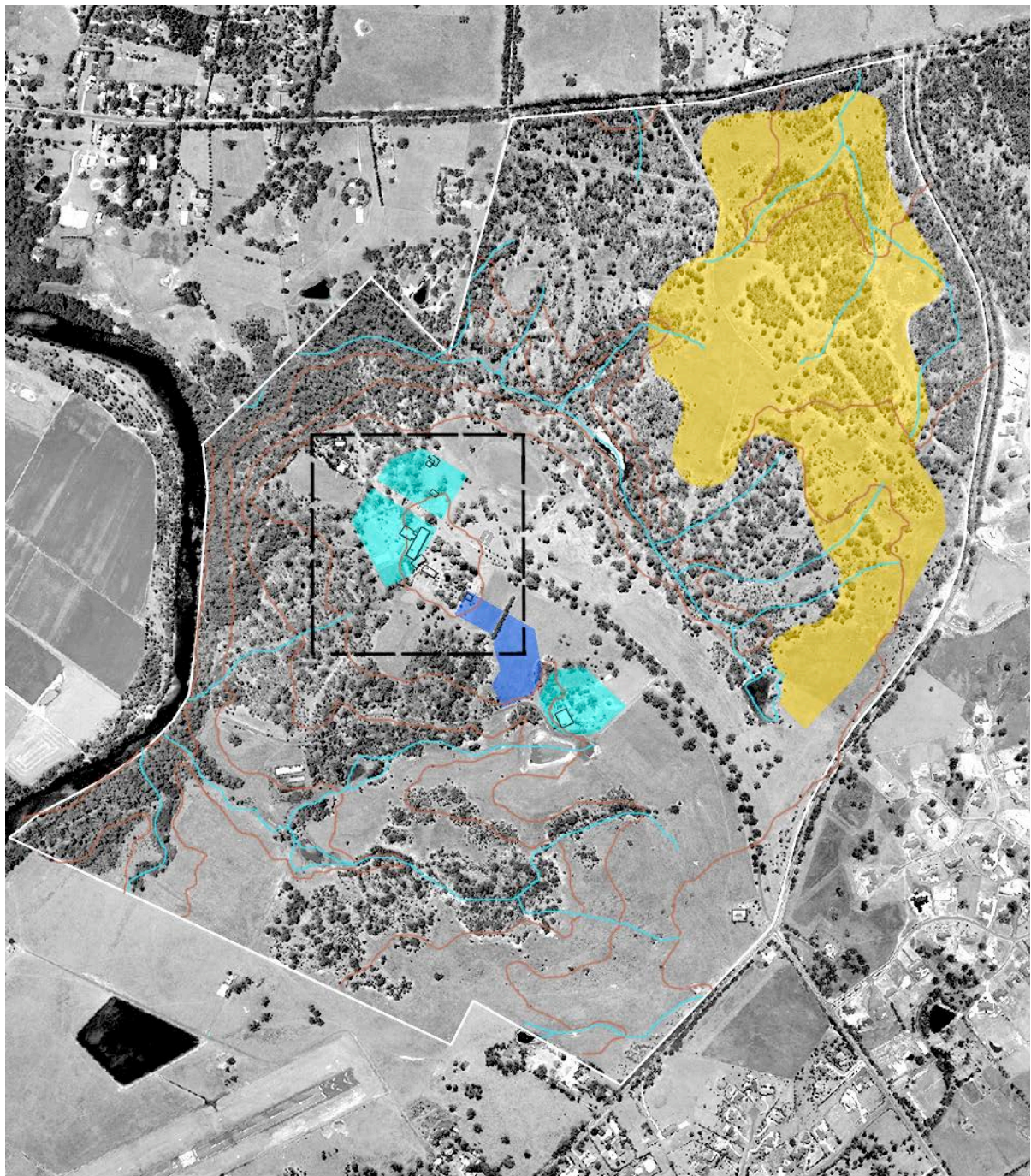


Figure 6.3: Potential Development Areas identified in the 2008 CMP. (Figure 5.1 in the Wivenhoe CMP, 2008)

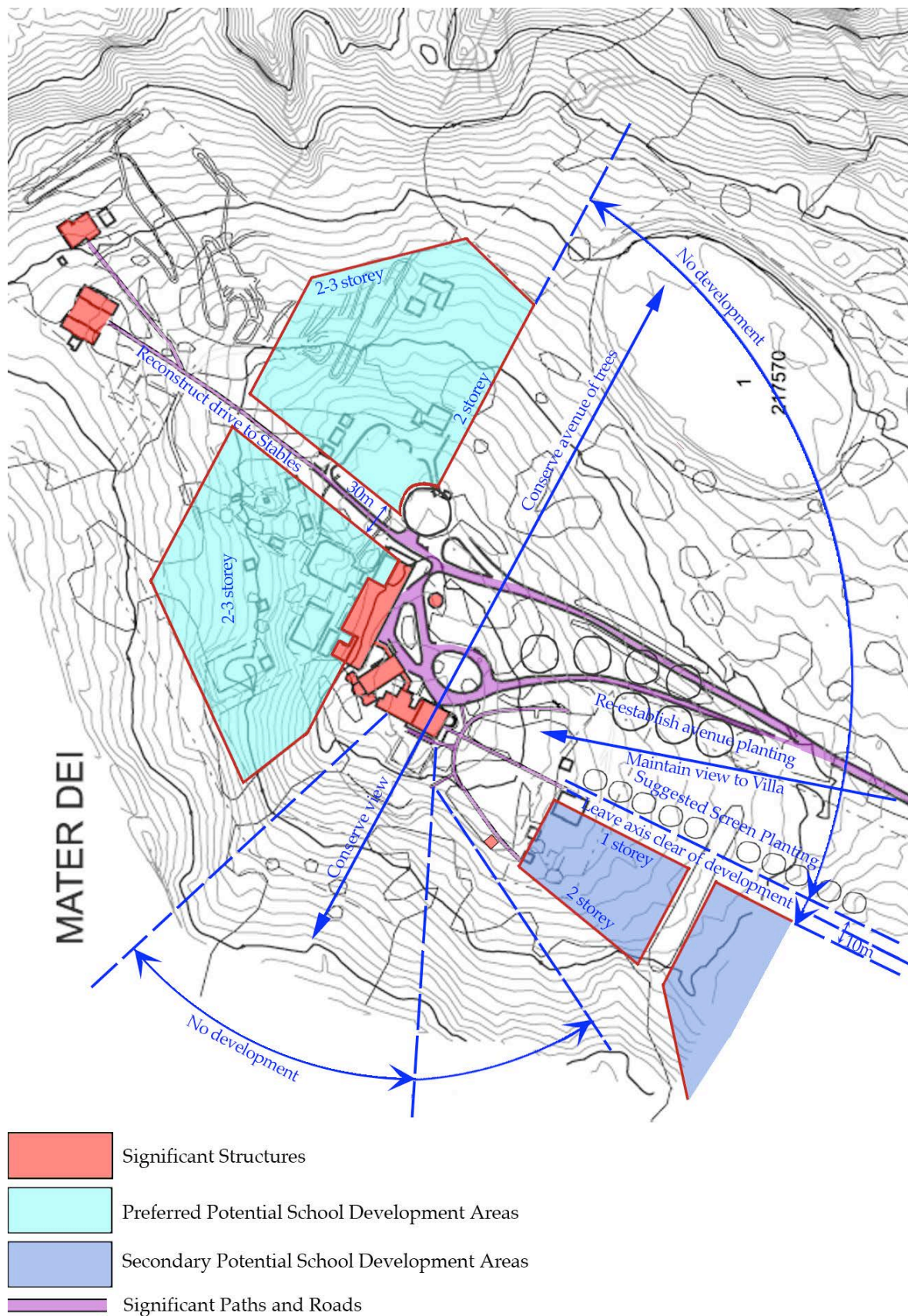


Figure 6.4: Potential Development Areas identified in the 2008 CMP. (Figure 5.2 in the Wivenhoe CMP, 2008)

6.2.6 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 or 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 C2 and RU2 include the area adjoining the entry driveway along its length, thus protecting the rural character of the site. The possibility of internal roads, walking tracks or trails would be limited to the land use C2 and would have minimal impact on the site’s rural setting as long as these changes are guided by CMP policy 10.2.7.

7.0 ASSESSMENT AGAINST DRAFT DEVELOPMENT CONTROL PLAN

A document titled *Mater Dei and Kirkham Rise – Camden Development Control Plan 2022* (Draft DCP) was included with Council’s report on the Amended Planning Proposal to the Ordinary Council Meeting on 11 July 2023. This Draft DCP has been prepared to specifically address the site that is subject to the Proposed Planning Proposal. We understand this Draft DCP will be revised as the Planning Proposal is advanced.

Relevant sections / clauses from the Draft DCP are included in the table below with comments on their appropriateness as a guide for future proposals in the second column.

Figure 4.5 in this report is included in the Draft DCP as Figure 5.3

Draft DCP clause	Assessment / comment
S5.2.2 Mater Dei	
Site Precincts and Planning and Design Provisions The Mater Dei site comprises a number of landuse precincts which generally exhibit distinguishing character qualities. The subject precincts are distinguished as follows: <ul style="list-style-type: none">• Education• Natural Areas Conservation• Rural Residue	The landuse precincts are consistent with Figure 4.5 in this report.

<p>Planning provisions in respect of the education precinct are detailed below; whilst provisions in respect of natural areas conservation and the rural residue holding are detailed at S5.3.1 and S5.4.2 respectively.</p> <p>Planning and design provisions in respect of Bushfire Hazard Management / Asset Protection zones and Access are documented in this section.</p> <p>They are represented in Figure 5.3 below, with objectives and controls detailed following.</p>	<p>Noted</p>
<p>Education</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To facilitate a range of education opportunities for people with disability in a unique environment. To ensure the natural and built environment sensitivities of the precinct and nearby lands are respected and protected. <p><u>Controls</u></p> <ol style="list-style-type: none"> Ensure appropriate setbacks, buffers and landscaping (including Asset Protection zones) that do not adversely impact on the built heritage, landscape setting or natural environment qualities of the precinct. Provide appropriate and sufficient access, manoeuvring and parking that is durable, maintainable and respects the environmental sensitivities of the site. Ensure that clear, safe pedestrian movement paths are provided. Require spatial, acoustic and access compatibility of all educational activities and environments. Ensure compliance with all constraint management strategies, including the Wivenhoe Heritage Conservation Management Plan, Chapter B3 of this DCP in respect of each heritage items and curtilage area. 	<p>The objectives are consistent with those of the site owners and users, and also the policies in the CMP – refer to Section 6.2.4 of this report.</p> <p>Controls 1 and 5 require compliance with the Wivenhoe Conservation Management Plan (which should be noted as the 2008 version). This should protect the site’s significant values.</p> <p>Controls 2 to 4 add functional considerations that should support the retention of significant values.</p>
<p>Bushfire Hazard Management/Asset Protection Zones</p> <p>Bushfire hazard assessment and management is most recently addressed in Travers Bushfire and Ecology 2021.</p> <p>The site is importantly established to “have the capacity for future development to conform with the planning principles detailed in Planning for Bushfire Protection 2019” and in particular the imposition and management of relevant Asset Protection Zones.</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard. To encourage sound management of bushfire-prone areas. To ensure appropriate access to the site during an emergency. <p><u>Controls</u></p> <ol style="list-style-type: none"> Asset Protection Zones (APZ) must be established as a means of managing vegetation related hazards. APZs must be established and maintained in accordance with Planning for Bushfire Protection, 2019; with indicative APZs depicted in Figure 5.5 following. A separate emergency access must be established to facilitate evacuation from the education precinct during an emergency. 	<p>Objectives noted.</p> <p>APZ shown for the Education precinct to be updated from latest bushfire protection measures report by Travers Bushfire and Ecology.</p>

<p>Access</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To ensure safe convenient access to the Mater Dei precinct. To minimize conflict between the disparate users of the Mater Dei access. To integrate access with changes to the immediate road network occasioned by surrounding growth. To ensure appropriate secondary / emergency access. To retain the visual tree lines quality of the current driveway. <p><u>Controls</u></p> <ol style="list-style-type: none"> All future development applications must be accompanied by a traffic impact assessment. Any intersection upgrade must include the integration of the Mater Dei access (see indicative design in Figure 5.5). Any access/ driveway alterations must have regard to the Conservation Management Plan compiled by Design 5 Architects 1997 (revised 2000), Landscape Conservation Plan compiled by the same author and dated 2000 and the Heritage Impact Statement 2021, again compiled by Design 5 Architects. 	<p>Objectives noted.</p> <p>Location of secondary / emergency access to avoid negative impacts on significant values as defined in the Conservation Management Plan by Design 5 – Architects 1997 (revised 2008 – revision date to be corrected), as noted in item 3 of the Controls.</p>
<p>S5.3 Heritage, Conservation and Airport Operations</p>	
<p>Introduction</p> <p>Key distinguishing qualities of the Mater Dei site which have future development and management implications include:</p> <ul style="list-style-type: none"> Heritage Conservation Airspace Operations Natural Areas Conservation <p>Objectives and controls in respect of each are detailed as follows: -</p> <p>Heritage Conservation</p> <p>The Wivenhoe group including the grand villa (house) and gardens, outbuildings, stables, servant quarters, farmhouse and coach house are listed as an important local item of environmental heritage.</p> <p>A comprehensive Conservation Management Plan was compiled by Design 5 Architects in 1997 and revised in 2000 and more recently reviewed associated with a Planning Proposal. A Landscape Conservation Plan was also prepared by Design 5 Architects in 2000. Further, Design 5 Architects prepared a Heritage Impact Statement in respect of the rationalisation Planning Proposal Request in 2021.</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To preserve significance of the place and its setting. To ensure an appropriate visual and physical curtilage is provided around the heritage place protect it and facilitate its enjoyment and understanding. <p><u>Controls</u></p> <ol style="list-style-type: none"> In accordance with the Heritage Impact Statement compiled by Design 5 Architects: The SP2 zone (and any future subdivision) must include the avenue of trees and fencing each side of the driveway. The tree lined driveway known as Mater Dei Road, along with open grasslands along the sides of the driveway must be conserved. 	<p>Note revision date of 1997 Conservation Management Plan should be corrected to 2008.</p> <p>Objectives noted.</p> <p>Controls noted as consistent with documents cited in Control 3.</p> <p>The SP2 zone to be revised to <i>RU2</i></p>

<p>3. The site must be managed in accordance with the Conservation Management Plan compiled by Design Five Architects (1997 and amended 2000) and the Landscape Conservation Plan also compiled by Design 5 Architects (2000).</p>	<p>Reference to the Conservation Management Plan to be corrected: <i>Conservation Management Plan by Design 5 – Architects, (1997 and amended 2008) and the Landscape Conservation Plan also compiled by Design 5 – Architects (2000).</i></p>
<p>Airspace Operations</p> <p>The site is located adjacent to the Camden Airport and is subject to the influence of its operational parameters.</p> <p>A comprehensive report compiled by Rehbein Airport Consulting dated 17 September 2021 details preliminary considerations for further development of the site that are impacted by Camden airport operations and form an important reference source.</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To ensure the operational integrity of the Camden Airport is not compromised and relevant safety levels achieved. To ensure appropriate development envelopes are not compromised. To ensure appropriate acoustic amenity in respect of new development. <p><u>Controls</u></p> <ol style="list-style-type: none"> Development must have specific regard to the NASF Assessment undertaken by Rehbein Airport Consulting (17 September 2021), where still relevant. <p>Natural Areas Conservation</p> <p>The retained and rehabilitated natural areas are critical to the Mater Dei setting and local and broader biodiversity outcomes.</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To conserve the ecological values of the site and ecological links to surrounding areas. To facilitate limited access and educational/interpretative actions/activities. <p><u>Controls</u></p> <ol style="list-style-type: none"> All conservation initiatives must generally reflect the details contained in the prevailing biodiversity stewardship and biodiversity legislation. A Conservation Management Plan must inform environmental protection works and the establishment of environmental facilities. Development on land that adjoins C2 Conservation Land is to ensure that there are no adverse impacts to the native vegetation and ecological values of the C2 zone, including adverse weed dispersion. 	<p>Objectives and Controls noted.</p> <p>Objectives noted as consistent with conclusions in this HIS.</p> <p>The open grassed former vineyard area south west of Wivenhoe villa, identified as having high heritage sensitivity but proposed for inclusion in the C2 <i>Environmental Conservation</i> (future Biobank area), and not in the RU2 <i>Rural Landscape</i> zone, will need to be managed as part of the open setting for the Wivenhoe villa to retain its views and vistas, in accordance with the 2008 Conservation Management Plan.</p>
<p>S5.4.2 Mater Dei Rural Residue</p>	
<p>The rural residue precinct on the Mater Dei site (depicted in Figure 5.3) is strategically located and should be developed and managed in accordance with the following planning provisions.</p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> To maintain the rural landscape character and general visual amenity of the area. 	<p>Objectives noted.</p>

- b. To ensure the compatibility of non-agricultural land uses with the rural, environmental and conservation values of the land.
- c. Not to adversely impact the operational parameters of the Camden Airport

Controls

- 1. The prevailing topography must not be significantly altered.
- 2. Adverse impacts on view corridors and vistas should be minimised.
- 3. New buildings and structures should minimise any visual impact.
- 4. Fencing must be generally of a rural character utilising post and rail or wire.
- 5. Screen landscaping should be minimised.

Controls noted as consistent with the Conservation Management Plan by Design 5, 1997 revised 2008.

The Draft DCP updated, revised and adopted before any new structures or development is proposed or considered.

8.0 ASSESSMENT AGAINST DIRECTIONS OF THE MINISTER

In August 2023, the NSW Department of Planning and Environment determined that a proposal to amend Camden Local Environmental Plan 2010 in regard to planning controls at 229 Macquarie Grove Road, Cobbitty should proceed subject to a number of conditions. These included directions from the Minister under Section 9 of the EP&A Act.

Relevant to this HIS is Direction 3.2 in relation to Heritage Conservation.

3.2 *Heritage Conservation*

Objective

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance.

Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction 3.2

- (1) *A planning proposal must contain provisions that facilitate the conservation of:*
 - (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
 - (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
 - (c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

Comment

The planning proposal contains provisions in the form of a draft DCP for the property

(*Mater Dei and Kirkham Rise – Camden Development Control Plan 2022*) that once revised and adopted should satisfy Direction (1) (a) of the above. This is made explicit in the Objectives and Controls in relation to Heritage Conservation in Section 5.3 of that draft, where the following documents are cited:

- Wivenhoe Conservation Management Plan by Design 5 – Architects (1997 revised 2008),
- Wivenhoe Villa Garden Landscape Conservation Plan (2000), by Design 5 – Architects,
- Heritage Impact Statement prepared by Design 5 in respect of the rationalisation Planning Proposal Request in 2021

The detailed guidelines, recommendations and policies in these documents will facilitate the conservation of the heritage values of the Wivenhoe property, the subject of this planning proposal.

Please note Aboriginal heritage (Directions (1) (b) and (c)) is considered under a separate report by Travers Bushfire and Ecology (August 2023).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:

- (a) *the environmental or Indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

Comment

The planning proposal is not considered inconsistent with the terms of this direction.

9.0 SUMMARY CONCLUSION OF THE IMPACT OF THE PROPOSAL

The proposed planning amendments to rezone portions of the Wivenhoe property and facilitate subdivision affects large parts of the property, including those areas that have the highest levels of heritage sensitivity. However, these amendments 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 and supports it. There should be no adverse impacts on the significant built heritage items or the cultural heritage values of the site.

The proposal to rezone the most sensitive and significant part of the property as *RU2 Rural Landscape* is considered appropriate as the current use of this area as an educational establishment is permitted within this zoning. This will retain and protect the site's significant values and 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 recognised 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* zoning – a zoning that does not reflect the cultural heritage significance of the Wivenhoe Estate. The proposed *RU2 Rural Landscape* zoning would encapsulate all the built heritage items and most of the high heritage sensitivity areas that have catered to the educational, childcare and associated uses since the early twentieth century.

A majority of natural woodland / regrowth landscapes surrounding the heritage items and most of the high heritage sensitivity areas of the site would be protected and conserved under the land use zone *C2 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 *C2 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 north of the driveway within the proposed *C2 Environmental Conservation* zone, and south of the driveway within the proposed *RU2 Rural Landscape* 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 open grassed former early nineteenth century vineyard area south west of Wivenhoe villa, identified as having high heritage sensitivity but proposed for inclusion in the *C2 Environmental Conservation* (future Biobank area), and not in the *RU2 Rural Landscape* zone, will need to be managed as part of the open setting for the Wivenhoe villa to retain its views and vistas, in accordance with the 2008 CMP by Design 5.
4. The boundary of the proposed *RU2 Rural Landscape* 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 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 or landscaping (owing to their location) do not jeopardise the built heritage items in the event of a bush fire.

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/>

5. The expansion of the land use zone *C2 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.
6. The draft DCP, *Mater Dei and Kirkham Rise – Camden Development Control Plan 2022* Schedule 5 Amendment should be advanced with the Planning Proposal, finalised in accordance with the comments / corrections noted in Section 7 of this HIS and adopted prior to any consideration for development or change on the property.

In summary, it is our assessment that the proposal supports the objectives of the Camden Local Environmental Plan 2010, the policies outlined in the Conservation Management Plan titled '*Wivenhoe Conservation Management Plan*,' revised 2008. Furthermore, the proposal is consistent with the objective of the Section 9.1 Direction 3.2 – Heritage Conservation, in respect of environmental heritage significance. Although the proposal does not contain specific provisions that facilitate conservation of such significance, it is facilitated by the existing local planning instrument (CLEP 2010), legislation and regulations that apply to the land, and the site specific Draft DCP that cites the detailed Conservation Management Plans prepared by Design 5.

It is also understood that the conservation outcomes for Indigenous Heritage Significance are positive and addressed in an independent report by Travers Bushfire and Ecology (24 August 2023).

We support the proposal and recommend its approval in accordance with the above recommendations.



Alan Croker
Design 5 – Architects

25 September 2023