



camden
council



Camden Council Planning Proposal

For land located at 229 Macquarie Grove Road (Mater Dei/ Wivenhoe), A Lee Street and A McKellar Street,
Cobbitty

Version 8 (October 2023)

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Document Register

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8	October 2023	Planning Proposal prepared for public exhibition prepared by Camden Council	23/569781

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Executive Summary

This Planning Proposal has been prepared for Public Exhibition following pre-exhibition consultation with the NSW Rural Fire Service and a positive Gateway Determination by the Executive Director of the Department of Planning and Environment as the Delegate of the Minister for Planning and Public Spaces.

The subject site for this Planning Proposal (the proposal) is land located at 229 Macquarie Grove Road (Part Lot 100 DP 1230568), A Lee Street and A McKellar Street (Part Lot 394 DP 1184159) Cobbitty, as shown in **Figure 1**.

The site is approximately 244.9 ha in size and includes the Mater Dei School, the Aspect School, the heritage listed (local) Wivenhoe homestead, an existing convent, conservation lands and recreation and drainage land associated with the Kirkham Rise Estate.

The Planning Proposal seeks to amend the Camden Local Environmental Plan (LEP) 2010 to introduce more appropriate land use zones for the current uses on the subject site and apply new minimum lot sizes to facilitate the separation of these uses.

Initial community notification of the proposal (prior to review) was undertaken in March and April 2022 and key public agencies were consulted in December 2021. The former proposal has been considered by the Camden Local Planning Panel on 20 September 2022 and advice was provided. The proposal has been amended to incorporate feedback and advice from these sources.

The amended draft proposal was supported by Council to proceed to a Gateway Determination on 8 November 2022 and following additional amendments, further supported on 11 July 2023. A copy of the Council Meeting Reports and Minutes are provided as **Appendix 6 and 7**.

On 31 August 2023, the Planning Proposal received a Gateway Determination outlining the conditions for agency consultation and public exhibition (**refer to Appendix 8**).

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant Department of Planning and Environment Guideline 'Local Environmental Plan Making Guideline (August 2023)' to ensure all matters requiring consideration are appropriately addressed.



Figure 1 Site Context

Introduction

Background

In October 2021, Pascoe Planning Solutions lodged a Planning Proposal on behalf of the landowners, the Sisters of the Good Samaritan.

Initial community notification of the Proposal was undertaken for 14 days in March and April 2022. Two submissions were received, objecting to the Proposal due to concerns that the Proposal will result in a loss of vegetation and impact native fauna.

Key public agencies were also consulted during the preliminary assessment phase of the Proposal and five agency submissions were received.

The Proposal was considered by the Camden Local Planning Panel on 20 September 2022 and the Panel supported Council officer's recommendations.

Feedback from initial notification, agency consultation and the Camden Local Planning informed amendments to the Proposal, including revisions to specialist studies and the preparation of a development control plan.

The Proposal was endorsed by Council on 8 November 2022 and forwarded to the Department of Planning and Environment (DPE) for Gateway Determination on 24 November 2022.

On 11 May 2023, the DPE advised Council that the Planning Proposal was not supported in its current form. The DPE's key concern related to the proposed SP2 Educational

Establishment zone and potential future land acquisition obligations for the State Government for this land.

In their advice, the DPE also requested Council:

- Address the acquisition provisions for the proposed open space and drainage land; and
- Correct a boundary error between the conservation land and the rural residue precinct to reflect the boundary shown in the biodiversity stewardship agreement for that part of the site.

The DPE requested the proposal be amended to address these concerns.

In June 2023, the proponent amended the Planning Proposal in response to the DPE determination and submitted it back for Council consideration. The amended proposal leveraged on the studies undertaken for the original proposal with the intention to make minor updates to the studies following a positive Gateway Determination and prior to public exhibition. The amended Planning Proposal also included two previously omitted property descriptions for land proposed as RE1 Public Recreation in the original proposal.

The amended proposal was reported to Camden Council on 11 July 2023 where Council resolved to endorse the amended Proposal and submit to the DPE for Gateway Determination. A copy of the agenda report and minutes from this meeting are attached to this proposal.

On 30 August 2023 DPE issued a Gateway for the proposal to proceed subject to conditions. This included the condition that consultation be undertaken with the NSW Rural Fire Service (RFS) prior to public exhibition in accordance with section 9.1 direction 4.3 Planning for Bushfire Protection and that specialist studies are updated to reflect changes to the Proposal.

Following the Gateway Determination, supporting studies were revised to address the changes in the revised Planning Proposal and these form part of this public exhibition package.

Pre- exhibition consultation with the RFS was undertaken in October 2023 and no objections have been raised. The RFS advised that Development Applications for any future development on bush fire prone lands 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 depending on the nature of the proposed development and will be assessed against PBP 2019.

The RFS further advised that:

- The previously recommended asset protection zones (APZs) for the existing residential lots and retirement village must be managed in perpetuity, specifically for the lots with direct interface with C2 land.
- The drainage basins within proposed SP2 land must be managed to inner protection area standards in accordance with the requirements of Appendix 4 of PBP 2019.
- The proposed RE1 zones within the existing residential area have a Plan of Management to ensure that an APZ will be managed in perpetuity, and it will not add to the bush fire risk within the area.

This further advice has been forwarded to the Sisters of the Good Samaritan and Council staff to be actioned at the time that the relevant parcels are subdivided.

Site Location

The subject site is located within the rural residential area of Cobbitty and is bounded by the Nepean River to the west, Cobbitty Road to the north and Macquarie Grove Road to the northeast and southeast. Camden Airport adjoins part of the property boundary to the southwest of the site. Vehicular access to the site is via a central driveway accessed from Macquarie Grove Road.

The site comprises of three parcels of approximately 244.9 ha of sloping land with substantial portions of the site covered by critically endangered Cumberland Plain Woodland and much of the site mapped as being bushfire prone.

The site is located within the Metropolitan Rural Area and has scenic and heritage values.

The site is also within Camden Airport's Australian Noise Exposure Forecast 20 year and 25-year zone, Inner Horizontal Surface, Approach Surface, Transitional Surface, and Obstacle Limitation Surface.

A portion of the site is within the Wivenhoe Heritage Curtilage area (item 199) as listed in Schedule 5 of the Camden LEP 2010. This item includes the house and gardens, outbuildings, stables, servant's quarters, and a coach house.

The site is currently zoned under the Camden LEP 2010 as R5 Large Lot Residential, RU1 Primary Production, C2 Environmental Conservation, C4 Environmental Living and SP2 Air Transport Facility with a 40ha minimum lot size applying to the parts of the site zoned RU1 and R5 and 800m² applying to the sites zoned C4 Environmental Living (lineal parks). No change to the current 800m² minimum lot size for the lineal parks is proposed in this Planning Proposal.

The site represents the residue holding following the Kirkham Rise residential development and the Wivenhoe Seniors Living Village and two small lineal parks located within the Kirkham Rise Estate.

Site Uses

The site comprises of the following precincts:

- Mater Dei "School" Precinct which includes the Mater Dei Special Needs Educational and Vocational Programs, the Mater Dei Chapel, the Stables and Wivenhoe Villa.
- The Aspect School (Autism Spectrum Australia).
- The Convent/residue area.
- Wivenhoe Environmental Conservation Area and Biodiversity Stewardship Areas Stages 1 and 2.
- Supporting infrastructure for the Kirkham Rise residential development (including the Wivenhoe Seniors Living Village) including:
 - Parks and walkways (including one embellished small pocket park).
 - Walking track.
 - Several detention basins.
 - Two landscaped lineal parks.

The distribution of these uses across the site is shown in **Figure 2**.

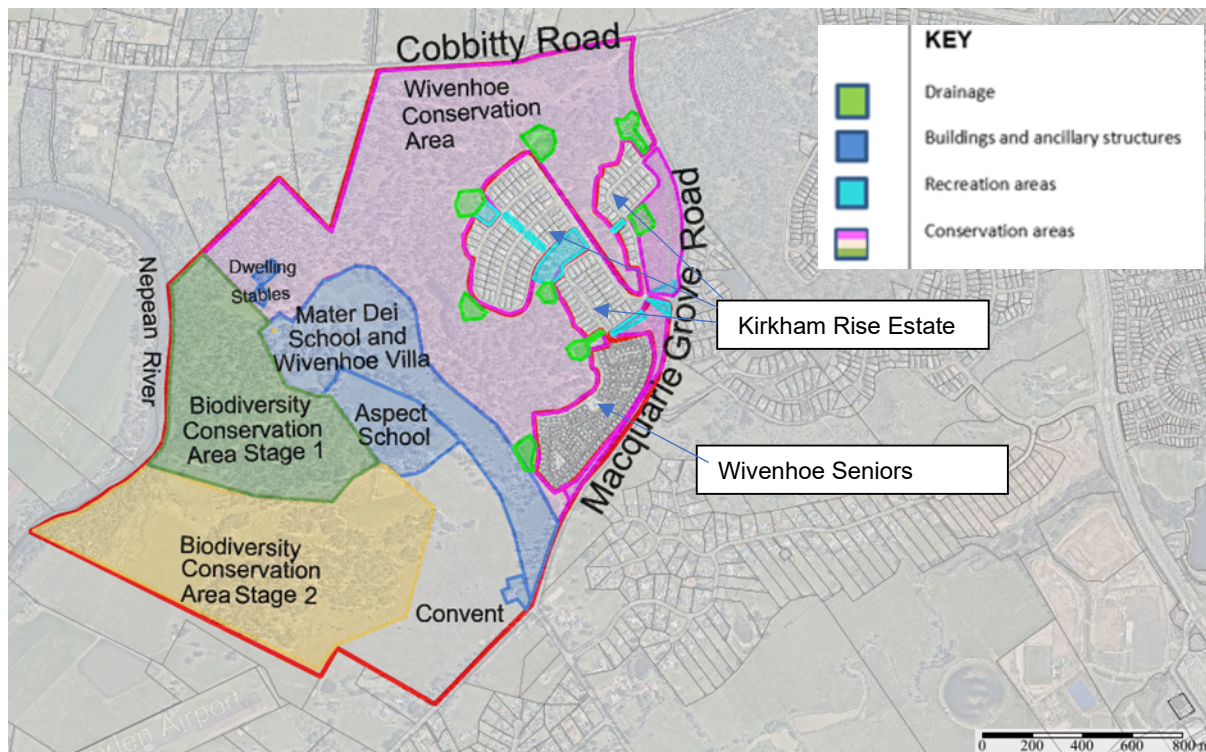


Figure 2 Distribution of current uses across the site

The Planning Proposal

The Planning Proposal (the proposal) seeks to amend the Camden Local Environmental Plan (LEP) 2010 to introduce more appropriate land use zones for the current uses on the subject site and to apply new minimum lot sizes to facilitate the separation of these uses.

This includes rezoning:

- RU1 Primary Production land to C2 Environmental Conservation and RU2 Rural Landscape.
- R5 Large Lot Residential land to RU2 Rural Landscape and C2 Environmental Conservation.
- A small portion of SP2 Airport Transport Facility land to C2 Environmental Conservation.
- Small portions of C2 Environmental Conservation land to SP2 Drainage and RE1 Public Recreation.
- Small portion of C4 Environmental Living to RE1 Public Recreation.

The proposal also includes amending the lot size map for land proposed to be zoned RU2 Rural Landscape to 20ha (Mater Dei and Rural Residue) and 2ha (Aspect School) as well as mapping the land proposed to be zoned SP2 Drainage and RE1 Public Recreation on the Land Reservation Acquisition Map and listing Council as the acquisition authority under Clause 5.1.

Planning Proposal History

The Kirkham Rise and Wivenhoe Village sites were rezoned for residential purposes on 14 September 2007 as part of Local Environmental Plan 139.

Three other approved Planning Proposals have also been associated with the broader site:

- April 2011: The first Planning Proposal resulted in the rezoning of the land within the Wivenhoe Village site to R2 Low Density Residential zone to facilitate the development of Seniors Living Housing.
- January 2013: The second Planning Proposal provided some minor adjustments to the land zoning boundaries on the land surrounding the Kirkham Rise and Wivenhoe Estates.
- April 2014: The third Planning Proposal resulted in an amendment to the description and Heritage Curtilage of Wivenhoe (Item I99 of the Camden LEP).

Development within the Locality

Kirkham Rise and Wivenhoe Village were developed as part of a 210 lot four stage subdivision that was approved on 24 February 2009.

The consent also approved the construction of 12 water quality basins and recreational areas located on Part Lot 100 DP1230568.

As part of the subdivision, a Voluntary Planning Agreement (VPA) was entered into between Council and the Trustees of the Sisters of the Good Samaritan. This included an agreement to provide active and passive recreational areas, monetary contributions, heritage conservation and ongoing environmental conservation works.

Existing Conservation Protection over the site

A substantial portion of the site has significant biodiversity values shown in **Figure 3**. These mapped areas are already subject to conservation protection measures. These include two Biodiversity Conservation Areas (Stage 1 and 2) which are subject to Biodiversity Stewardship Agreements (provided in the appendices of the Biodiversity Overview Report **attached** to this Planning Proposal) and the Wivenhoe Conservation Area which was established and managed as part of the VPA for the Kirkham Rise and Wivenhoe village developments.

The two Biodiversity Stewardship sites are managed in accordance with the Management Plans provided in of the Biodiversity Overview Report **attached** to this Planning Proposal and the Wivenhoe Conservation Area is governed by a Conservation and Bushfire Management Plan (CMP) prepared by Ecological Australia dated January 2008.

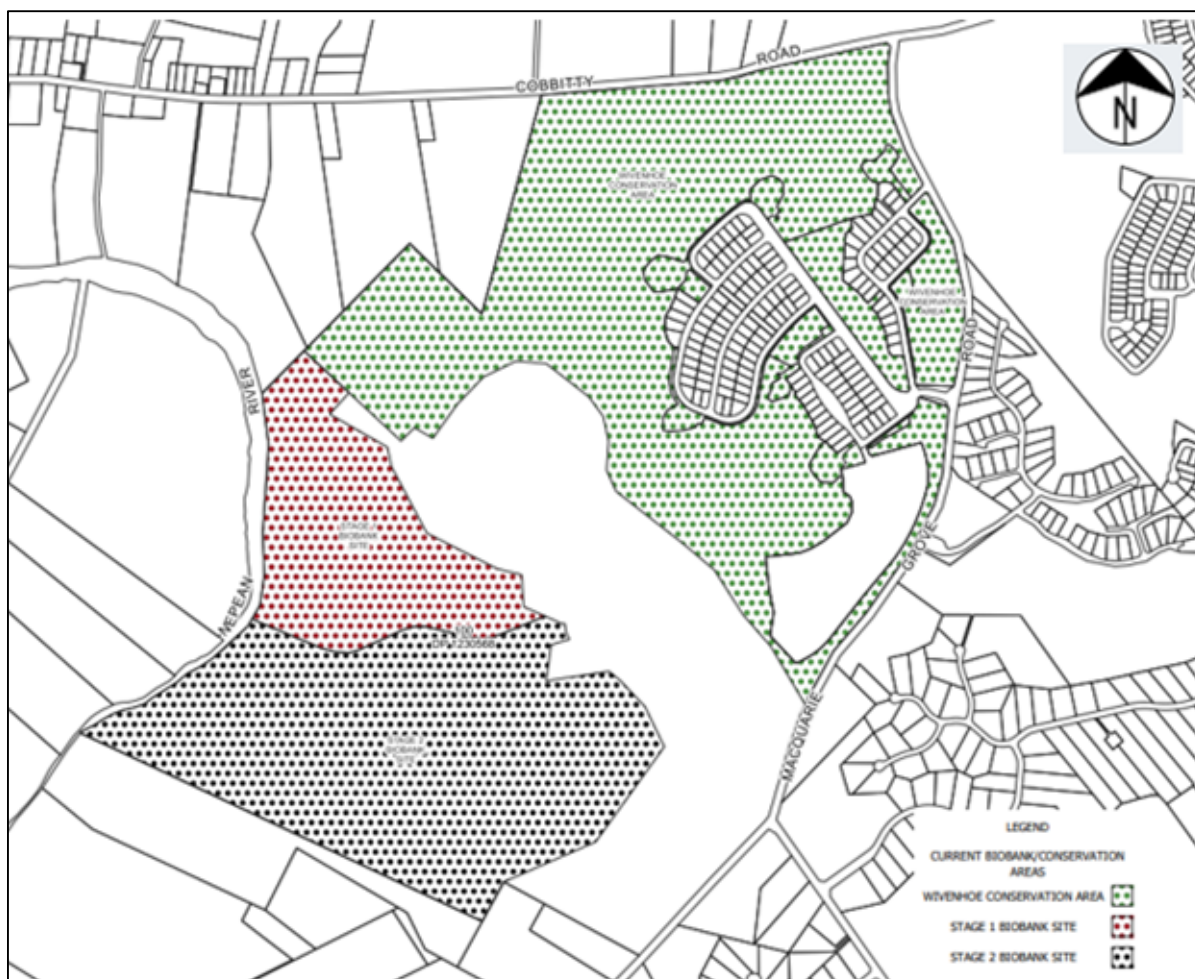


Figure 3 Existing conservation areas across the site (Beveridge and Williams Current Biobank/Conservation Map Version H - 17.10.2023)

“Wivenhoe” (including house and gardens, outbuildings, stables, servants’ quarters, and coach house) is listed for local heritage significance in Schedule 5 of the Camden LEP 2010 (Item 99). The curtilage for I99 covers a sizeable portion of the site (see Figure 4) and is subject to the provisions of a Conservation Management Plan (CMP) prepared by Design 5 - Architects Pty Ltd dated February 2008. Compliance of future development with this CMP is a requirement in the draft DCP for the proposal.

A list of agreed works associated with both the heritage and environmental Conservation Management Plans for the Wivenhoe has been subject to a Voluntary Planning Agreement (VPA) which is overseen by a Trust set up by the Sisters of the Good Samaritan.

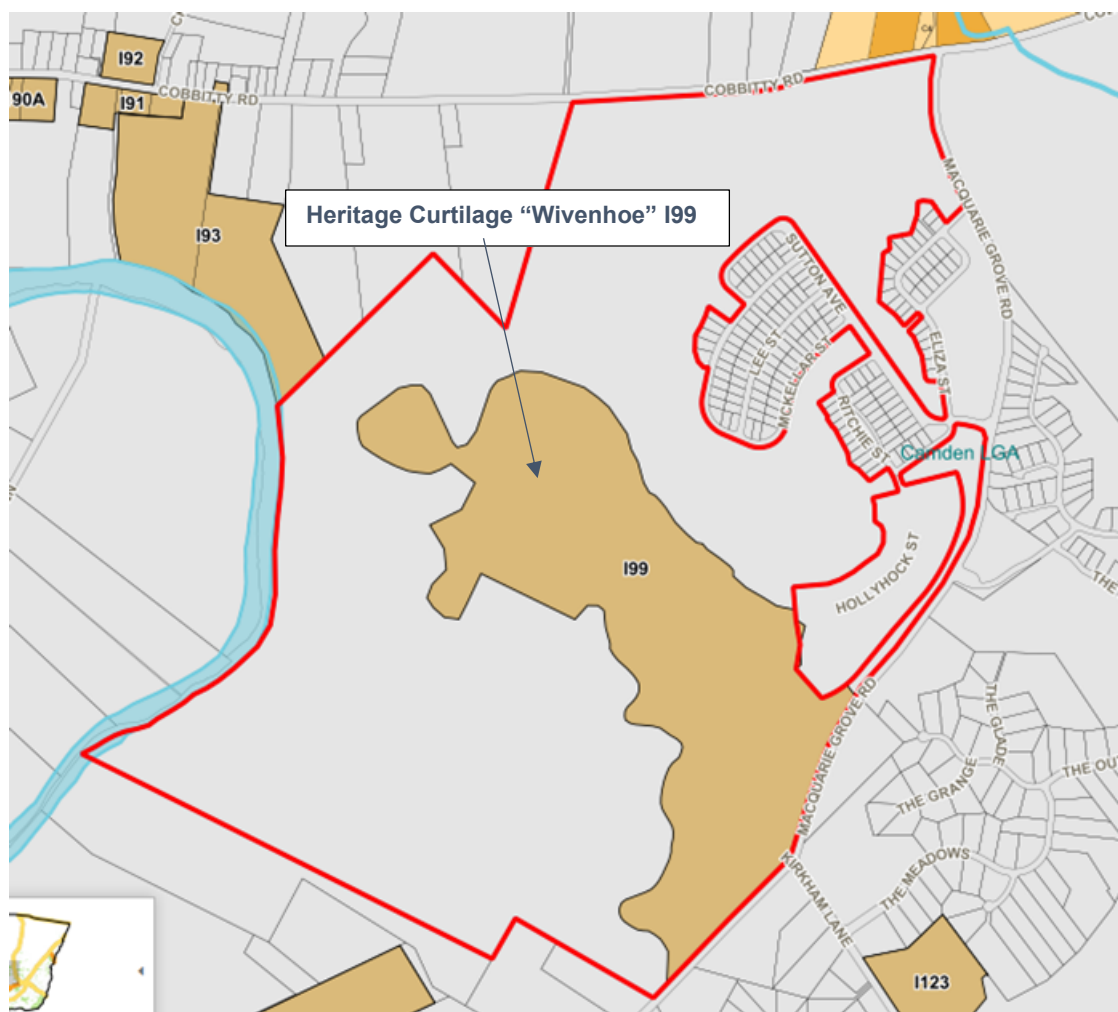


Figure 4 Extent of Heritage Curtilage “Wivenhoe” (I99) (shown in brown) over site.

Vision for the Site and Future Management

The vision for the site is to enable the Sisters of the Good Samaritan to withdraw from the site whilst ensuring that the current uses of the site are protected into the future.

The intention for the Mater Dei Precinct is that the site will continue to be operated by Good Samaritan Schools and there will be the option for the Aspect School to purchase the smaller school site.

The intention for the Convent Precinct is that it will form a rural residual lot.

The Sisters have also negotiated with Council to accept land associated with the Kirkham Rise development (shown in Figure 2) that is already in use for active and passive recreation and drainage subject to conditions. Rezoning this recreation and drainage land from C2 Environmental Conservation to RE1 Public Recreation zone and a SP2 Drainage also forms part of the Proposal.

Development Control Plan

The Proposal is accompanied by an amendment to Schedule 5 (Mater Dei) of the Camden Development Control Plan 2019 (DCP). The draft DCP is included in **Appendix 4** of this Planning Proposal. The DCP has been amended since being reported to Council to

incorporate recommendations from the revised Heritage Impact Statement to strengthen heritage provisions across all sections.

Specialist Studies

The Planning Proposal is supported by the specialist studies listed in Table 1 and included as **attachments** to the proposal.

Table 1 - List of Specialist Studies submitted with the Planning Proposal

Specialist Study	Author	Date
Heritage Impact Statement	Design 5 Architects	September 2023
Aboriginal Due Diligence Assessment	Travers Bushfire & Ecology	12 September 2023
Bushfire Protection Assessment	Travers Bushfire & Ecology	6 September 2023
Airport Safeguarding Assessment – Aviation Services	Rehbein Airport Consulting	28 September 2023
Preliminary Transport Assessment	Transport Planning Partnership	23 June 2023
Addendum to Traffic and Transport Assessment	Transport Planning Partnership.	20 January 2022
Biodiversity Overview (updated) (including Conservation Initiatives) Report	Travers Bushfire & Ecology	6 October 2023
Wivenhoe Biodiversity Overview and Management (appendices 1 -7)	Travers Bushfire and Ecology, Eco Logical Australia, OEH	6 October 2023, Jan 2008, Oct 2016, July 2012, May 2016, May 2012
Wivenhoe Conservation Management Plan & Bushfire Management Plan	Ecological	January 2008

Part 1 – Objectives and Intended Outcomes

The objective of the proposal is to amend the Land Zone Map and the Lot Size Map of the Camden Local Environment Plan 2010 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 Proposal also seeks to apply appropriate land use zones to drainage and recreational land associated with the Kirkham Rise Estate and Wivenhoe Village that will be transferred to Council for ongoing management and to map this land on the Land Reservation Acquisition map and list Council as the acquisition authority under Clause 5.1.

The intended outcome of the Proposal is to secure the current uses on the site, apply land use zones that are more appropriately associated with these uses and to support the management of these uses into the future.

Part 2 – Explanation of provisions

The Planning Proposal seeks to amend the Camden Local Environmental Plan 2010 Land Zone, Lot Size and Land Reservation Acquisition Maps as described in the following **Table 2**. The maps for the proposed amendments to the Camden LEP 2010 are provided in **Appendix 9**.

The proposal also seeks to amend Clause 5.1 of the Camden LEP to note Council as the acquisition authority for land to be zoned SP2 Drainage. No change is required regarding the RE1 zoned land as Camden Council is already listed under Clause 5.1 as the authority for land.

Table 2 - Proposed Amendments to the Camden LEP 2010 Land Zone, Lot Size and Land Reservation Acquisition Maps

Zone	Existing Area (hectares)	Proposed Area (hectares)	Minimum lot size (where applicable)	Land Reservation Acquisition Map
RU1 Primary Production	116.8	-	-	N/A
RU2 Rural landscape	-	47.4	20 ha	No
	-	2.2	2 ha	No
C2 Environmental Conservation	98.5	189.0	-	No
R5 Large Lot Residential	26.3	-	40 ha	N/A
SP2 Air Transport Facility	3.0	-	-	N/A
SP2 Drainage	-	4.4	-	Yes
RE1 Public Recreation	-	1.9	-	Yes
C4 Environmental Living	0.3		800m ²	N/A
Total Area	244.9	244.9	N/A	N/A

Part 3 – Justification of strategic and site-specific merit

This section addresses the need for the proposed amendments to the Camden LEP 2010, identifies the background studies undertaken, and details why the Planning Proposal is the best approach.

3.1 Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This Planning Proposal is not the result of any strategic study or report. The proposed amendments are a result of a proponent led request to introduce more appropriate land use zones for the current uses on the site and to apply new minimum lot sizes to facilitate the separation of these uses.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the best means of achieving the objectives and intended outcomes having regard to the following:

- The current RU1 Primary Production zone applies to two Biodiversity Stewardship sites and so the zone is not considered appropriate. A C2 Environmental Conservation zone is more in keeping with the conservation values on this part of the site.
- The current R5 Large Lot Residential zone could permit future residential development of the site, whereas an RU2 Rural Landscape zone will protect the current educational uses.
- The SP2 Air transport Facility zone is not in keeping with the Biodiversity Stewardship agreement that applies to this portion of the site and so a C2 Environmental Conservation zone is considered to be more appropriate.
- A C2 Environmental Conservation and C4 Environmental Living zone is not in keeping with the existing recreation and drainage uses in these areas and is not in keeping with the objectives of the C2 Environmental Conservation and C4 Environmental Living zones.
- The introduction of a RE1 Public Recreation and a SP2 Drainage zone to land zoned C2 Environmental Conservation and C4 Environmental Living is appropriate to the current uses of this land and will facilitate the ongoing management of the land for recreation and drainage purposes into the future.
- The proposed RU2 Rural Landscape zone is more in keeping with heritage and conservation values of the site and will prevent the potential for intensive agricultural uses impacting on a visually sensitive location whilst also providing permissibility for educational uses.
- The current 40ha lot size will not support the separation of the two schools and rural residue lot. New lots sizes will enable separation and future proof these uses into the future.
- Mapping land proposed to be zoned for public use will ensure on the land reservation acquisition map will support the future transfer of this land.

3.2 Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited plans or strategies)?

The Planning Proposal is consistent with the objectives and directions of the Region and District Plan.

The objectives and directions of the Greater Sydney Region Plan and Western City District Plan applicable to the Planning Proposal have been addressed at **Appendix 1** of this report.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

This Planning Proposal is consistent with Council's local strategies as summarised below. Consistency against these strategies has been addressed in **Appendix 1**.

Camden Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was adopted by Council on 14 April 2020. The LSPS is a 20-year planning vision, and includes land use, transport, and sustainability objectives to demonstrate how the Camden LGA will change to meet the community's needs over the next 20 years.

The proposal is consistent against the relevant Local Priorities and Actions of the LSPS, with specific focus on the following Local Priorities:

- Local Priority L2: Celebrating and respecting Camden's proud heritage.
- Local Priority S3: Protecting Camden's rural land.
- Local Priority S4: Protecting and restoring environmentally sensitive land; and enhancing biodiversity.

Camden Community Strategic Plan

The Community Strategic Plan (CSP) seeks to actively manage growth by retaining Camden's heritage sites, scenic vistas, and cultural landscapes.

The proposal is consistent with the relevant directions and strategies of the CSP and is assessed with the following Key Directions:

- Key Direction 2 – Liveable: Strong and integrated connections between our people and our services.
- Key Direction 3 – Prosperous: Advancing local economic opportunities and job creation.
- Key Direction 4 – Balanced: Providing sustainable and responsible solutions that enhance our heritage and natural environment.
- Key Direction 5 – Leading: A successful advocate for our people and places.

Camden Local Housing Strategy

The Camden Local Housing Strategy was adopted by Council on 12 October 2021. The Camden Local Housing Strategy sets out a plan for housing in the Camden LGA over the next 10 to 20 years. The proposal has been assessed against the Priorities, Objectives and Actions of the Strategy. The specific priorities this proposal is considered against are as follows:

- Priority 3 – Delivering the right housing in the right location.
- Priority 4 – Increasing housing choice and diversity.

Camden Rural Lands Strategy

The Camden Rural Lands Strategy (RLS) outlines seven key planning principles that will inform land use planning decision making for Camden. The specific principles this proposal is considered against are as follows:

- Principle 1 - Protect Camden's remaining rural land.
- Principle 2 - Retain Camden's valued scenic and cultural landscapes.
- Principle 3 - Provide certainty and avoid rural land fragmentation.
- Principle 4 - Minimise and manage rural land conflict.

- Principle 5 - Enhance Camden's rural Economy.
- Principle 6 - Minimise unplanned non-agricultural development; and
- Principle 7 - Maximise opportunities for relocation of rural enterprises.

The RLS also requires that all Planning Proposals lodged for land within the Metropolitan Rural Area (MRA) is assessed against four different criteria. The specific criteria this proposal is considered against are as follows:

- Criteria 1 - The Planning Proposal must be consistent with the State and Local Strategic Plans.
- Criteria 2 - The Planning Proposal must not adversely impact on the operation of existing rural enterprises.
- Criteria 3 - Planning Proposals must be a logical extension to existing urban areas.
- Criteria 4 - Planning Proposals must not reduce the quality of scenic landscapes, vistas and ridgelines, or heritage values.

Metropolitan Rural Area

The strategic status of the Metropolitan Rural Area (MRA) was established with the adoption of the Region and District Plans in March 2018 and was not a matter for consideration for the previous Planning Proposal, which was finalised in late 2018. An objective of the Region Plan is that the environmental, social, and economic values of the MRA are protected and enhanced.

The District Plan and Council's LSPS also recognise the significance of the scenic and cultural landscape of the MRA, noting the rural hills and ridgelines of Camden create a distinct setting for neighbouring communities.

The proposal is consistent with the Region and District Plans as it does not propose residential growth or an intensification of uses within the site. Therefore, maintaining the existing environmental, social, and economic values of the MRA. The proposal also seeks to apply an environmental conservation zone to existing conservation lands and to introduce a Rural Landscape zone to visually and historically sensitive land, thus enhancing the values of land within the MRA.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State and regional studies or strategies are applicable to this Planning Proposal.

Q.6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPS)?

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified below:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- State Environmental Planning Policy (Industry and Employment) 2021.

- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

The relevant SEPPs have been addressed at **Appendix 2** to this report.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Section 9.1 Directions applicable to the Planning Proposal have been addressed at **Appendix 3** of this report.

This Planning Proposal is considered largely consistent with the applicable Directions with the exception of Direction 3.1 Conservation Zones, where a minor inconsistency has been noted. This is further discussed in **Appendix 3**.

3.3 Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

Biodiversity Impacts

It is proposed to rezone approximately 2.3ha of land that forms part of the Wivenhoe Conservation Areas from C2 Environmental Conservation to RU2 Rural Landscape on the northern boundary. The location of this land is shown in red in **Figure 5**.

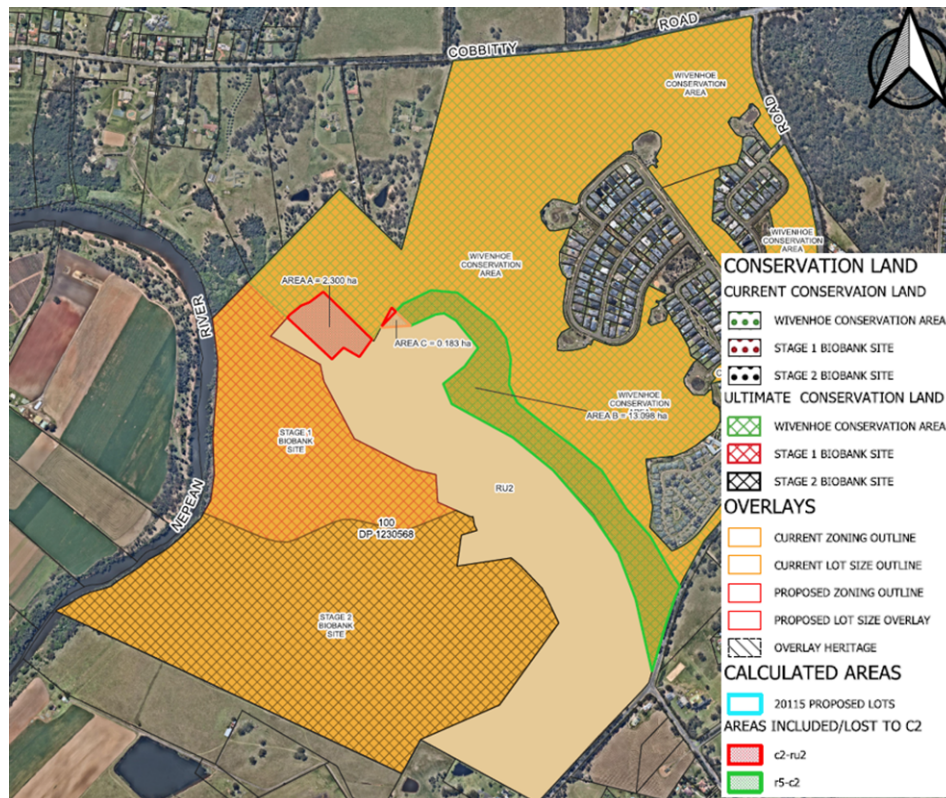


Figure 5 - Proposed zoning showing changes to the extent of the C2 Environmental Conservation zone (The area to be added is shaded green and area to be removed is shaded red)

This land is part of the Wivenhoe Conservation Lands and is mapped in the Conservation and Bushfire Management Plan Conservation and Bushfire Management Plan (CMP) (prepared by Ecological Australia dated January 2008) as being in the Heritage Management Zone shown in purple in Figure 6 below.

This part of the site also contains the Stables which forms part of Wivenhoe Heritage Item I99 listing as well as an existing dwelling that is currently leased to an onsite caretaker.

The Biodiversity Overview Report prepared by Travers Bushfire and Ecology dated 6 October 2023, provides an assessment of the site, and concludes that vegetation in this portion of land is of poor ecological/biodiversity quality and notes that the limited vegetation is of predominately European species. This has been confirmed by a site visit to the location.

The Report also considers the impact of future APZs on existing vegetation and concludes that some vegetation will need to be removed to manage bushfire risk. This is to be further considered at the development application stage and offsetting may be required at this time. The draft DCP accompanying this proposal also includes provisions for environmental conservation and APZs.

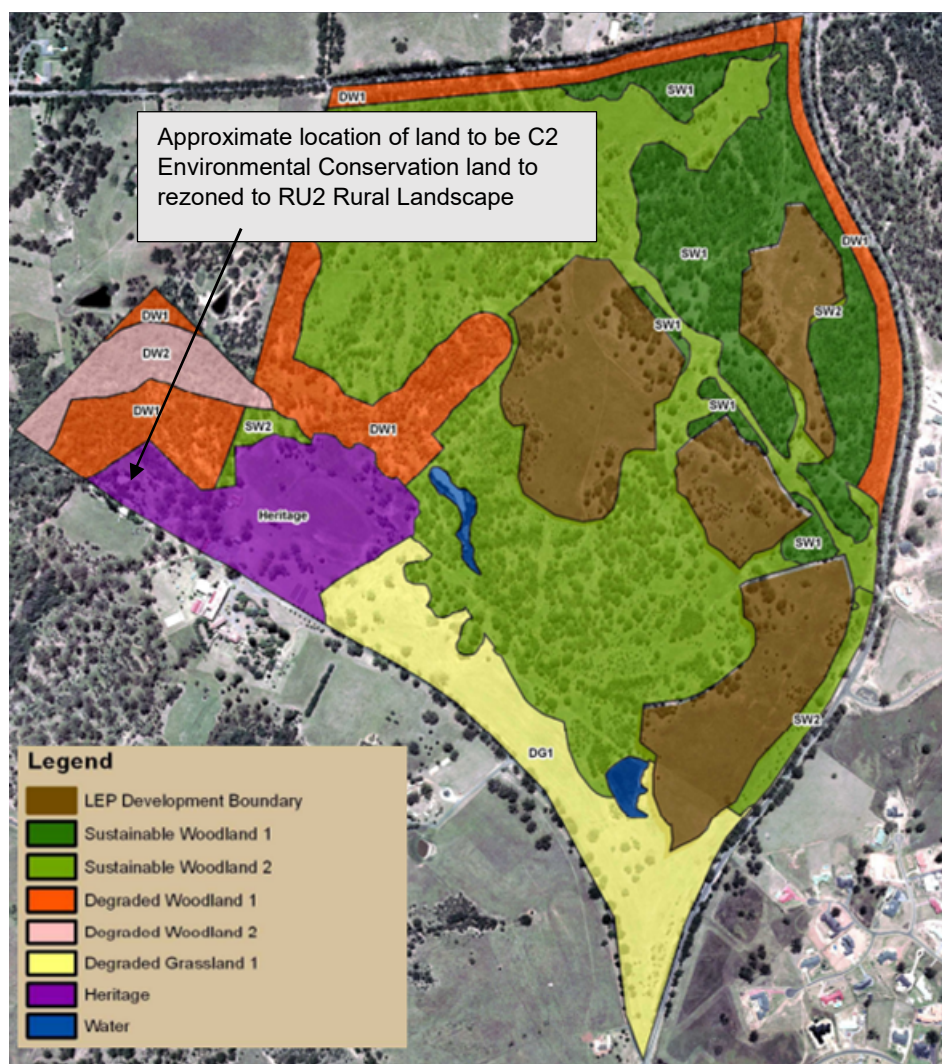


Figure 6 Excerpt from Conservation and Bushfire Management Plan for Wivenhoe - Conservation Management Zones

The rezoning of land used for recreation and drainage purposes to a RE1 Public Recreation and SP2 Drainage zone will result in a further loss of approximately 5ha from the C2 Environmental Conservation zone and 0.26 ha from the C4 Environmental Living zone. This loss is not considered to have an impact on the overall conservation values of the site due to the land already being maintained and managed for drainage and formal recreation uses (including embellishments such as picnic tables, paved walkways and maintained gardens). Aerial photos showing the current embellishment and management of all land proposed to be rezoned RE1 – Public Recreation are provided in **Appendix 10**.

The proposal also proposes a gain to the C2 Environmental Conservation in other parts of the site with the rezoning of valuable conservation land from an RU1 Primary Production and R5 Large Lot Residential zone.

The Biodiversity Overview Report concludes that the proposed zones and future super lot subdivision pose no major threats to the unique ecological values of the site and supports the Planning Proposal's commitment to on-going conservation initiatives

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Consideration of the bushfire protection, flooding and airport operations is provided below.

Bushfire Protection

The bushfire prone areas of the subject site are shown in **Figure 7**. The Bushfire Protection Assessment prepared by Travers Bushfire and Ecology dated 6 September 2023 and submitted with the proposal, concludes that future development on site can conform to the planning principles of Planning for Bushfire Protection 2019 and Ministerial Direction 4.3 'Planning for Bush Fire Protection'.

A school is listed as a 'special fire protection purpose' under Section 100B(6) of the Rural Bushfire Act 1997 and the proposed RU2 zoned convent/residual site will permit residential uses. Therefore, access, APZ's and evacuation will need to be considered in any future subdivision application.

The Assessment also provides indicative minimum Asset Protection Zones (APZ) setbacks of varying widths (shown in Figure 8) and maintenance advice for vegetation to be maintained in perpetuity within the Inner and Outer Protection areas of an APZ.

Controls for APZ's, access and emergency evacuation have been included in the draft DCP accompanying this proposal.

The proposal was referred to the NSW RFS during the initial notification stage and then during the pre-exhibition stage and no objection has been raised regarding the proposal. The RFS will also be given the opportunity to provide further comment during public exhibition.

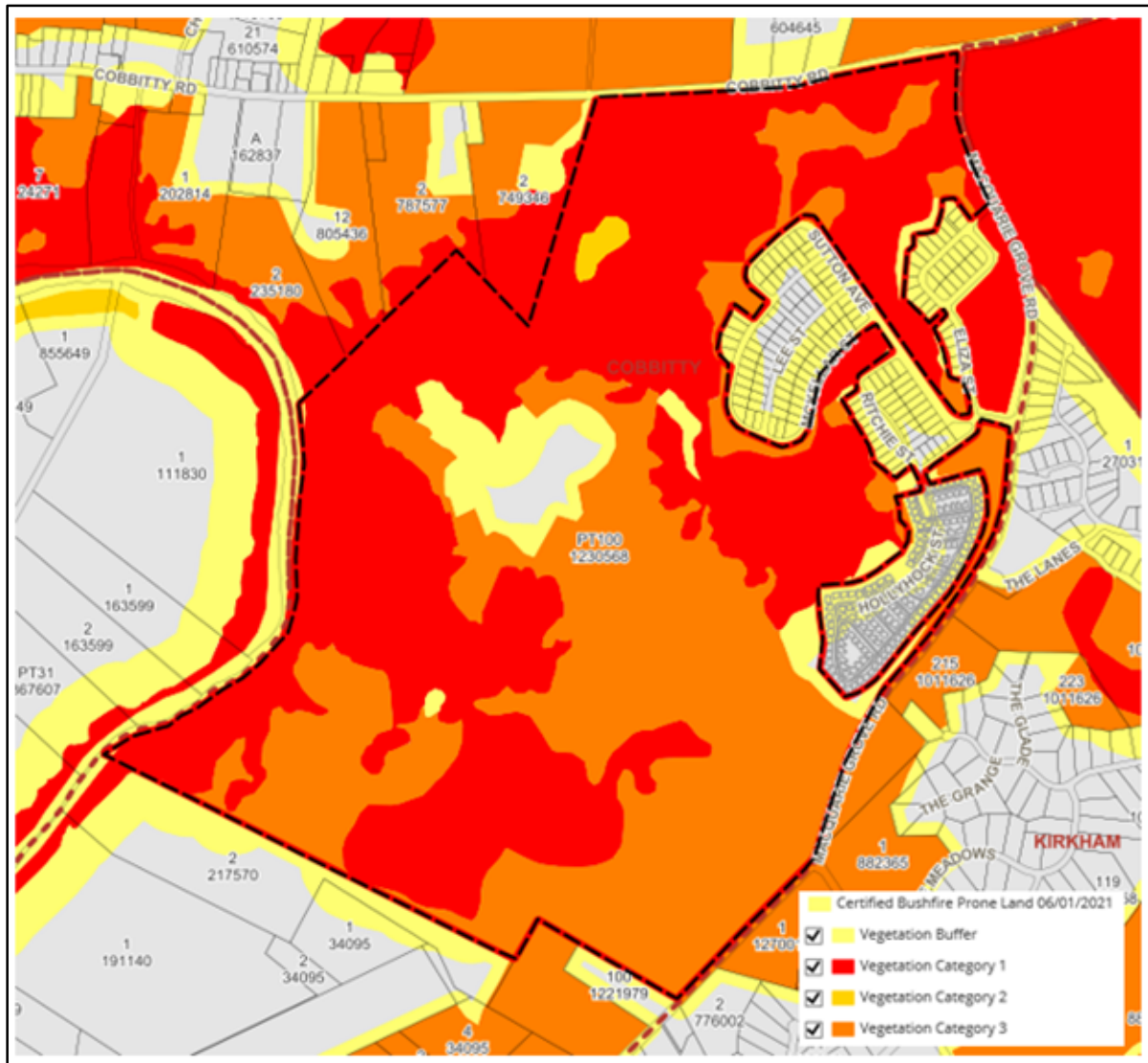


Figure 7 Bushfire Prone land map applying to the site



Figure 8 Excerpt Schedule 1 Indicative Minimum APZ setbacks (Bushfire Protection Assessment - Travers Bushfire and Ecology, 6 September 2023)

Flooding

Portions of the site are mapped as being within the 1% (1:100) and 5% (1:20) Annual Exceedance Probability (AEP) flood level and the Probable Maximum Flood (PMF) area (Nepean River Flood Study 2015). The flood extent is shown in **Figure 9**.

The portion of the site mapped as flood affected are in proximity to the Nepean River and within areas identified for a future C2 Environmental Conservation land zone and sit below the 80-metre contour outside of any of the developed areas on the site. Therefore, no buildings or evacuation routes are likely to be impacted during flooding and so no management actions are proposed.

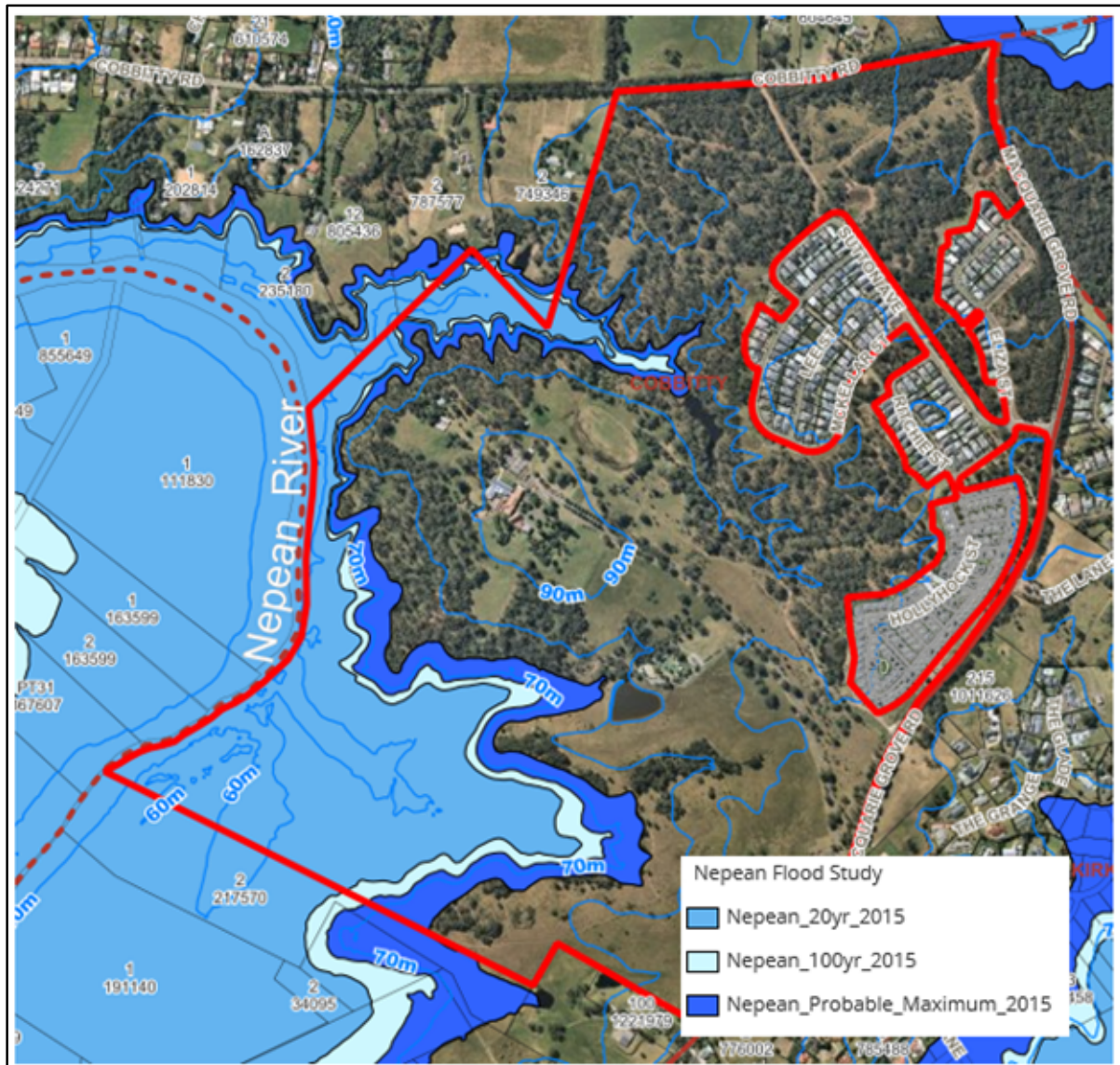


Figure 9 Flood Prone Land applying to the site

Camden Airport Operations

The subject site is impacted by the Australian Noise Exposure Forecast (ANEF) contours and Obstacle Limitation Surface (OL) and most of the site is also within the 100-year Airport noise event with flight paths directly over the Residual and Conservation Lands precincts as shown in **Figure 10**.

The Camden Airport Operations Report prepared by Rehbein Airport Consulting dated 28 September 2023 and submitted with the proposal provides an assessment of the Planning Proposal against the National Airports Safeguarding Framework (NASF) Guidelines – (A) to (I) in relation to Camden Airport.

Camden Airport have reviewed the report and proposed rezoning of land SP2 Airport Transport Facility to C2 Environmental Conservation have not raised any objections. Further consultation and approval will be sought from Camden Airport at public exhibition.

Controls relating to Camden Airport are already provided in the Camden DCP 2019 and further site-specific controls are proposed in the draft DCP and include requirements that

future development applications consider the Public Safety Area for Camden Airport which heavily impacts the residual lot.

The proposal also includes the rezoning of a small portion of unused land zoned SP2 Air Transport Facility to C2 Environmental Conservation, initial consultation with Camden Airport on this portion of the proposal has been undertaken prior to Gateway and no objections were raised.

Further consultation will be carried out with Camden Airport at Public Exhibition and approval to rezone land zoned SP2 Air Transport Facility will be sought in accordance with 9.1 Direction 5.2 Reserving Land for Public Purposes.

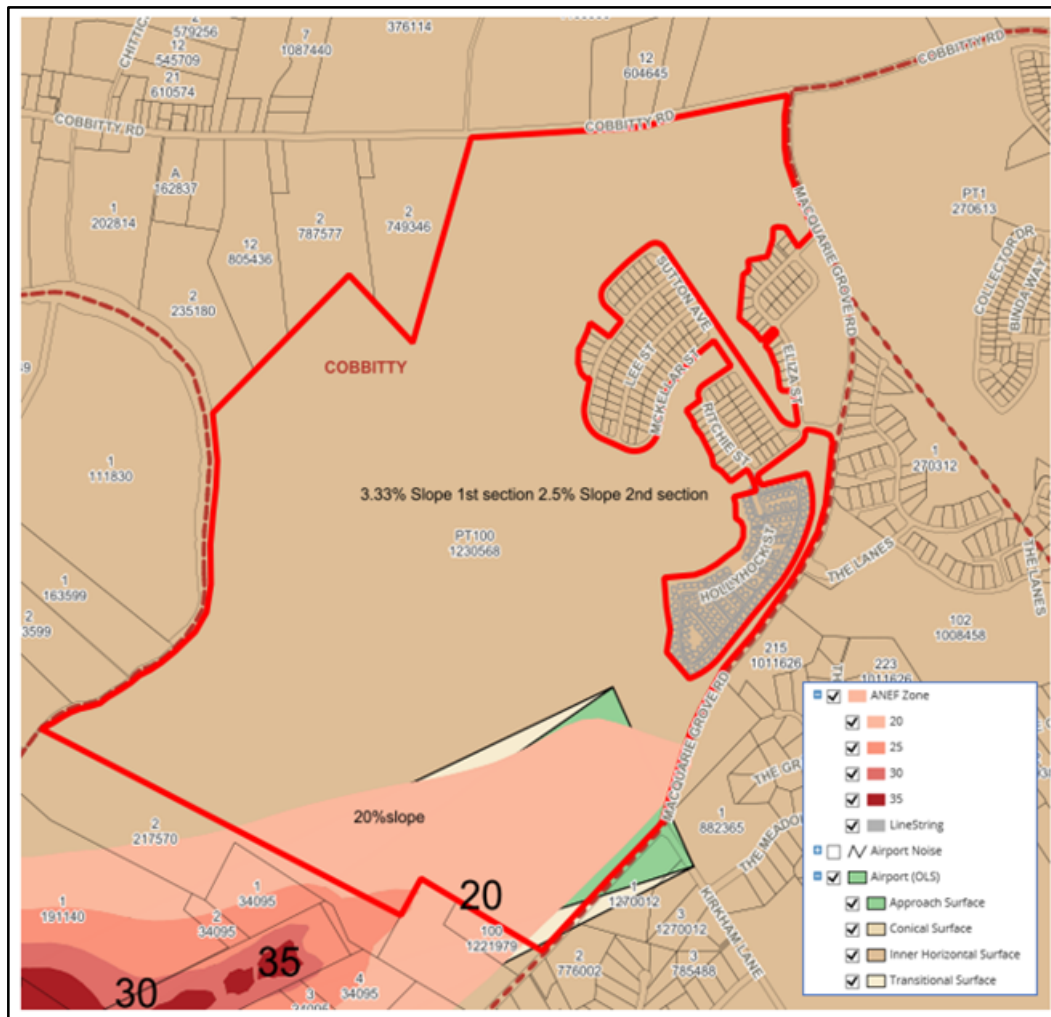


Figure 10 Camden Airport Extent of site mapped

Q10. Has the planning proposal adequately addressed any social and economic effects?

The proposal is viewed as broadly providing a positive social and economic outcome for the Camden community by supporting the future operation of the Mater Dei and Aspect schools, which provide specialist education to families living in the Camden area. This in turn supports educational and social opportunities for the students attending the schools, it supports working parents by providing educational opportunities close to home, thus reducing the need to travel outside of the LGA and it supports employment opportunities for educators living within the LGA.

The social effects on Aboriginal Cultural Heritage and European Heritage have been considered in more detail below.

Aboriginal Cultural Heritage

The Due Diligence Aboriginal Heritage Assessment prepared by Travers Bushfire & Ecology dated 12 September 2023 and submitted with the proposal and available to view as part of the Public Exhibition, has identified that there are twelve sites within the study area that are listed in the AHIMS database. These sites are within the conservation areas and so can be retained in-situ within the proposed C2 Environmental Conservation zoned land.

The Assessment also notes that there is a moderate likelihood that potential undiscovered Aboriginal heritage artefacts may be within the subject site with the most likely location for these being along the Nepean Riverbank, creek lines and the riparian zones. These areas will also be retained within the proposed C2 Environmental Conservation zone and so it is unlikely that potential items will be impacted by the proposal.

The Assessment recommends that all known Aboriginal artefacts or Potential Aboriginal Deposits (PADs) within the proposed C2 Environmental Conservation zone are to be plotted and marked in the field and on any land management or vegetation management plans. Controls have been included in the draft DCP to require that future development complies with this Assessment.

The proposal was referred to Heritage NSW during initial notification and no objections to the study or proposal have been raised. Further consultation will be undertaken with Heritage NSW at the Public Exhibition stage.

European Heritage

The site contains the Wivenhoe Heritage Item I99 and curtilage which is managed under a Conservation Management Plan (CMP). The extent of the Heritage Curtilage applying to the site is shown in Figure 11.

A Heritage Impact Statement has been prepared by Design 5 Architects dated September 2023 in support of the Planning Proposal and is available to view as part of the supporting documentation for Public Exhibition.

The Statement notes (p. 15), that the consolidation of the various cultural heritage elements under the land use zone RU2 Rural Landscape is considered appropriate on heritage grounds and notes that these elements have been critical in catering to the care of students and to the advancement of Good Samaritan Education.

The Statement also notes that the stables and neighbouring Farm Workers Cottage are presently separated from the associated heritage group of buildings as a result of the environmental zoning and the inclusion of this part of the site in the proposed RU2 zone will strengthen the ancillary relationship these elements have with the Mater Dei School.

The Statement also notes that 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.

The Statement also notes that 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 the CMP objective to conserve open grassland along the sides of the main drive and across the southern portion

of the site. The Statement recommends updates to the draft DCP to ensure the grasslands and significant views and vistas to the site from the driveway are maintained.

The Statement also recommends that any future changes to the elements within the site (post the rezoning) should be guided by the policies outlined in the CMP.

The draft DCP has been updated in consideration of the recommendations in the Statement.

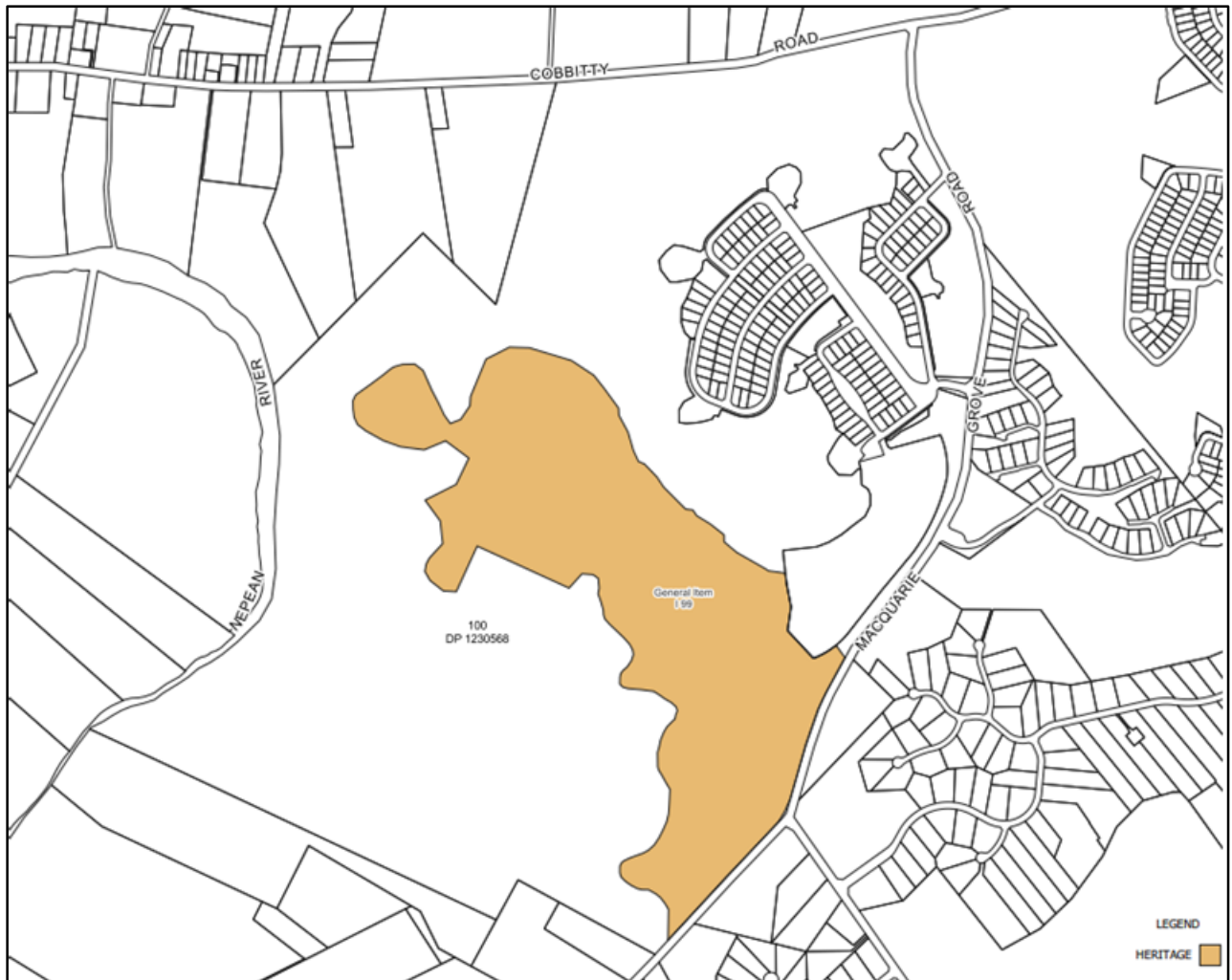


Figure 11 Wivenhoe Heritage Curtilage (Item 199)

3.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The proposal, apart from two potential additional dwelling entitlements, does not seek to introduce a new use or intensify uses at the site and so it is unlikely that it will generate an increased demand for additional public infrastructure. Further consideration on transport, traffic and site access is provided below.

Local Infrastructure – Transport, Traffic and Site Access

The proposal will facilitate a future super lot subdivision which will create at least four different ownerships. Currently only one access driveway is available into the site to service all Precincts. This access point is located along Macquarie Grove Road and forms an informal intersection with Kirkham Lane. This is shown in **Figure 12**.

The Transport Assessment prepared by The Transport Planning Partnership dated 23 June 2023 and available for viewing as part of the Public Exhibition, proposes to retain the existing single access point for the Mater Dei site, Aspect School, Conservation Lands and Convent site (residual land) with further consideration for a second access point along Macquarie Grove Road for emergency access purposes in a limited location to ensure sight distance.

The Assessment concludes that the existing access driveway for the school has restricted sight distance from the south and east and that this may contribute to future safety concerns at the intersection of Macquarie Grove Road and Kirkham Lane. However, the assessment also notes that 5-year crash history along Macquarie Grove Road has identified only one serious crash.

The Assessment also concludes that the proposal itself will not generate additional traffic to the site and so an upgrade to the access point is not required. However, a reduction in speed from 70km/hr to 60km/hr along Macquarie Grove Road will improve road safety generally and address sight distance issues at the site.

The Assessment notes that future upgrades to local roads in the proposal location will be required because of the ongoing urbanisation of Oran Park and that any such upgrade is likely to lead to the installation of a roundabout and realignment of the intersection of Macquarie Grove Road and Kirkham Lane.

As the proposal itself will not create additional traffic demand, there is no nexus between the proposal and the future upgrade to warrant land dedication or a Voluntary Planning Agreement (VPA) as part of this proposal. However, any future upgrade of the Macquarie Grove Road and Kirkham Lane intersection may be a trigger for a road widening request to the landowner.

Macquarie Grove Road Bridge and Kirkham Lane, which provides access to and from the site to the Camden town centre is prone to flooding and so during a flooding event, access can only be achieved via Cobbitty Road. Additional consideration of flooding impacts on surrounding road networks is likely to be required at the development application stage.

The draft DCP includes provisions for an additional emergency access and identifies the future intersection upgrade in section 5.2 Subdivision Planning and Design. A right of way access along the driveway will also need to be considered at the subdivision stage.



Figure 12 Access to site and informal intersection with Kirkham Lane

3.5 Section E – State and Commonwealth Interests

Q12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Preliminary consultation was undertaken with the following Government Agencies:

- NSW Rural Fire Service (RFS).
- Camden Airport.
- Heritage NSW.
- Environment Heritage Group (EHG).
- Biodiversity Conservation Trust on behalf of EHG; and
- National Parks and Wildlife Service.

Submissions were received from five agencies and no objections were raised, subject to further investigation of certain matters. These matters have been considered as part of this final Planning Proposal document and supporting studies. Agency responses are provided as attachments to the proposal.

Consultation was also undertaken with the NSW RFS at the pre-public exhibition stage following a Gateway Determination and in accordance with 9.1 Direction 4.3 Planning for Bushfire Protection.

The Gateway Determination outlines that consultation is required with the following agencies at public exhibition as follows:

- NSW Rural Fire Service (pre-exhibition)
- Camden Airport (lessee and/or operator)
- Heritage NSW

- Environmental Heritage Group
- Biodiversity Conservation Trust

Part 4 – Mapping

The following Camden LEP 2010 maps will need to be amended to support the Planning Proposal:

- 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 – Sheet LRA_007

The mapping amendments are illustrated in **Appendix 9**.

Part 5 – Community Consultation

The original Planning Proposal was initially notified for a period of 14 days from 28 March to 11 April 2022. Two submissions were received regarding the Planning Proposal.

Following the Gateway determination, the Planning Proposal was referred to the NSW RFS prior to public exhibition in Accordance with Ministerial Direction 4.3 Planning for Bushfire Protection, to which no objections were raised.

The Planning Proposal is being publicly exhibited in accordance with the Gateway Determination for a minimum of 28 days and exhibition material is available at:

- Council Administration Centre, 70 Central Avenue, Oran Park (Hard Copy)
- Oran Park Library; 72 Central Avenue, Oran Park (Hard Copy)
- Narellan Library, Queen Street, Narellan (Hard Copy)
- Camden Library, John Street, Camden (Hard Copy)
- YourVoice Camden website (Electronic Copy)

Notification letters have also been sent to landowners and previous submitters in the vicinity of the subject site to advise of the Planning Proposal.

Part 6 – Project Timeline

Anticipated commencement date (date of Gateway Determination)	August 2023
Anticipated timeframe for the completion of required technical information	September 2023
Timeframe for government agency consultation (pre and post exhibition as required by Gateway <u>D</u> etermination)	October/November 2023

Commencement and completion dates for public exhibition period	October/November 2023
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	January 2024
Timeframe for the consideration of a proposal post exhibition	February 2024
Date of submission to the department to finalise the LEP	May 2024
Anticipated date RPA will make the plan (if delegated)	June 2024
Anticipated date RPA will forward to the department for notification	June 2024

Part 7 – Conclusion

The Planning Proposal seeks amendments to the Land Zone Map, Lot Size Map, Land Reservation Acquisition Map and Clause 5.1 (Relevant Acquisition Authority) of the Camden LEP 2010.

The proposal demonstrates merit by:

- Applying Land use zones that match the current uses on site.
- Removing the opportunity for residential development.
- Restricting intensive agricultural uses in a conservation area that is visually sensitive and has local historical value.
- Mapping land for proposed community uses for acquisition by Council.
- Supporting the ongoing future management of the site and its various existing uses.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP& A Act 1979. Amendments to Land Use Zone and Lot Size maps is the most appropriate method to achieve the objectives of this Planning Proposal.

The Planning Proposal will have a positive outcome for the community and secure existing uses on the site into the future.

Part 8 – Appendices

Appendix 1: Assessment against Regional, District and Local Strategic Plans

Appendix 2: Consistency against State Environmental Planning Policies

Appendix 3: Section 9.1 Directions

Appendix 4: Draft DCP

Appendix 5: Camden Local Planning Panel (LPP) Meeting Minutes

Appendix 6: Camden Council Meeting Report Agenda and Minutes (8 November 2022)

Appendix 7: Camden Council Meeting Report Agenda and Minutes (11 July 2023)

Appendix 8: Gateway Determination

Appendix 9: Existing and Proposed LEP mapping

Appendix 10: Aerial photos and location of land proposed for RE1 – Public Recreation

Appendix 1: Assessment against Regional, District and Local Strategic Plans

1.1 Greater Sydney Region Plan

The Greater Sydney Region Plan (the Region Plan) was released by the Greater Sydney Commission (GSC) on 18 March 2018. The Region Plan has a vision and plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters.

Greater Sydney Region Plan		
	Consistency	Comment
Liveability		
Objective 13: Environmental heritage is conserved and enhanced	Yes	The proposal is viewed as being consistent as it seeks to conserve existing heritage on the site.
Sustainability		
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Yes	The proposal is viewed as being consistent as it seeks to provide further protection to existing conservation lands on the site through the introduction of a C2 Environmental Conservation zone and ensuring that lands within this zone are appropriate for conservation.
Objective 28: Scenic and cultural landscapes are protected	Yes	The proposal is viewed as being consistent as it seeks to conserve and protect existing scenic and cultural landscape on the site by applying an RU2 Rural Landscape zone and a C2 Environmental Conservation Zone.
Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	Yes	The proposal is viewed as being consistent as it seeks to ensure that the existing educational uses on the site continue into the future.
Objective 31: Public open space is accessible, protected and enhanced	Yes	The proposal is viewed as being consistent as it seeks to apply a RE1 Public Recreation zone to land currently used by the community as public open space. This will also assist in future management of this land and help to protect and enhance and ensure ongoing access.

1.2 Western City District Plan

On 18 March 2018, the Western Sydney District Plan (the District Plan) was released by the GSC. The District Plan guides the 20-year growth of the district to improve its social, economic and environmental assets.

Western City District Plan		
	Consistency	Comment
Liveability		
<p>Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p> <p>Objective 10: Greater housing supply.</p> <p>Objective 11: Housing is more diverse and affordable.</p>	Yes	<p>The proposal is viewed as being consistent as it seeks to rezone land from R5 Large Lot Residential to RU2 Rural Landscape and C2 Environmental Conservation to better reflect existing land use precincts on the site.</p> <p>Existing R5 zoned land has a 40ha minimum lot size and is heavily constrained and so the proposal is not considered to have an adverse impact on future housing supply.</p>
<p>Planning Priority W6: Creating and renewing great places and local centres and respecting the District's heritage.</p> <p>Objective 12: Great places that bring people together.</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced.</p>	Yes	<p>The proposal is viewed as being consistent as it seeks to provide further protection to existing conservation lands on the site.</p>
Sustainability		
<p>Planning Priority W14: Protecting and enhancing bushland and biodiversity.</p> <p>Objective 27: Biodiversity is protected urban bushland and remnant vegetation is enhanced.</p>	Yes	<p>The proposal is viewed as being consistent as it seeks to provide further protection to existing conservation lands on the site.</p>
<p>Planning Priority W16: Protecting and enhancing scenic and cultural landscapes.</p> <p>Objective 28: Scenic and cultural landscapes are protected</p>	Yes	<p>The proposal is viewed as being consistent as it seeks to conserve and protect existing scenic and cultural landscape on the site by removing the potential for intensive rural industry (as permissible in the RU1 zone) in a visually sensitive location.</p>
<p>Planning Priority W17: Better managing rural areas</p> <p>Objective 29: Environmental, social and economic values in rural areas are protected and enhanced.</p>	Yes	<p>The proposal is viewed as being consistent as it seeks to ensure that the existing educational uses on the site continue into the future.</p>
<p>Planning Priority W18: Delivering high quality open</p>	Yes	<p>The proposal is viewed as being consistent as it seeks to apply a RE1</p>

Western City District Plan		
	Consistency	Comment
space Objective 31: Public open space is accessible, protected and enhanced.		Public Recreation zone to land currently used by the community as public open space. This will also assist in future management of this land and help to protect and enhance and ensure ongoing access.

1.3 Camden Community Strategic Plan

The Connecting Camden Community Strategic Plan (CSP) 2036 acknowledges that Camden's urban landscape is changing and that there is a need to ensure that everyone has access to quality environments that are well planned and designed, maintained and built to last for future generations. The CSP also acknowledges that the green spaces, natural and rural landscapes, and waterways are special spaces with cultural and heritage values to the community.

Camden Community Strategic Plan		
	Consistency	Comment
Key Direction - Liveable LB2 - Our public spaces and places are vibrant and accessible: <ul style="list-style-type: none"> LB2.3 Identify and maintain city heritage and culture 	Yes	The Planning Proposal aims to ensure the ongoing management of existing environmental conservation land by applying a C2 Environmental Conservation zone. The proposal also seeks to apply an RU2 rural landscape zone to land zoned RU1 to restrict primary production development to land to within a heritage conservation curtilage.
Key Direction 3 – Prosperous: P2 - Our LGA provides diverse local job opportunities, supported by skills and training pathways to employment. <ul style="list-style-type: none"> P2.1 Strengthen education, training and career pathways 	Yes	The proposal supports the future operation of the Mater Dei and Aspect schools by applying lands zones most appropriate to these educational uses and allowing for the separation of these two schools, thus providing certainty into the future. This is in keeping with this Key Direction and it acts to retain school spaces in the Camden LGA.
Key Direction 4 – Balanced B1 - Our natural environment and waterways are protected, well maintained and enhanced for community engagement. <ul style="list-style-type: none"> B1.3 Manage the impact and integration of population growth responsibly within our natural environment B1.5 Maintain and enhance the natural environment 	Yes	The proposal seeks to remove a residential zone from land currently used for educational purposes and apply an RU2 Rural Landscape zone. This is viewed as being in keeping with this objective. The proposal is consistent with the ongoing protection of environmental lands on the subject site.

1.4 Camden Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was adopted by Council on 14 April 2020. The LSPS is a 20-year planning vision and includes land use, transport and sustainability objectives to demonstrate how the Camden LGA will change to meet the community's needs over the next 20 years.

Camden Local Strategic Planning Statement 2020		
	Consistency	Comment
Liveability		
Local Priority L2: Celebrating and respecting Camden's proud heritage	Yes	The proposal acts to preserve the Wivenhoe heritage precinct by introducing changes to remove unintended residential development (R5 zoned land) and secure the current use of the site into the future.
Sustainability		
Local Priority S3: Protecting Camden's Rural Land	Yes	The proposal seeks to rezone RU1 zoned land to C2 Environmental Conservation and RU2 Rural Landscape. The proposed zonings are in keeping with the current uses on the site and so it is unlikely that there will be any negative impact on the existing rural character.
Local Priority S4: Protecting and restoring environmentally sensitive land and enhancing biodiversity	Yes	The proposal seeks apply a C2 Environmental Conservation Zone for land that is used for biodiversity conservation purposes, which would represent an increase in land zoned C2 across the site. The proposal also seeks to remove unintended large lot residential development from the site.

1.5 Camden Local Housing Strategy

The Camden Local Housing Strategy sets out a plan for housing in the Camden LGA over the next 10 to 20 years.

Camden Local Housing Strategy 2021		
	Consistency	Comment
Priority 3 – Delivering the right housing in the right location		
Objective 7: Housing growth in established areas is incremental, and preserves character and heritage values	Yes	The proposal will provide two additional rural residential opportunities through the proposed rezoning of the Convent and Aspect School site to RU2 and the future subdivision of this land. This is in keeping with the existing established large lot rural residential development in the area.
Objective 8: Protect Camden LGA's Rural Lands	Yes	The proposal seeks to retain existing uses on the site and to apply a RU2 Rural landscape zone to protect the existing rural landscape quality of the site.
Priority 4 – Increasing housing choice and diversity		
Objective 9: The mix of housing types matches the changing needs and preferences of the community	Yes	The proposal seeks to rezone land from R5 Large Lot Residential to RU2 Rural Landscape and C2 Environmental Conservation to better reflect existing land use precincts on the site. Existing R5 zoned land has a 40ha minimum lot size and the proposal is not considered to have an adverse impact on housing supply.

1.6 Camden Rural Lands Strategy

The Camden Rural Lands Strategy sets out a plan to protect Camden's Rural Land outside of the South West Growth Area.

Camden Rural Lands Strategy 2018		
	Consistency	Comment
Principle 1: Protect Camden's remaining rural lands	Yes	The proposal seeks to rezone RU1 zoned land to C2 Environmental Conservation and RU2 Rural Landscape. The proposed zonings are in keeping with the current uses on the site which have a rural character. R5 zoned land is proposed to be rezoned to RU2 Rural Landscape.
Principle 2: Retain Camden's valued scenic and cultural landscapes	Yes	The proposal does not propose an intensification of the use on the site and so existing scenic and cultural landscapes will be retained.
Principle 3: Provide certainty and avoid rural land fragmentation	Yes	The proposal will result in the rezoning of land zoned as RU1 Primary Production to an C2 Environmental Conservation zone and an RU2 Rural landscape zone. The Planning Proposal also seeks to assist the separation of existing uses in these zones into the future and although this will support fragmentation of existing rural land at the site, no change to the current uses and protections on the site and so minimal impact is anticipated.
Principle 4: Minimise and manage rural land use conflict	Yes	The proposal is unlikely to result in rural land conflict as no new uses are being proposed.
Principle 5: Enhance Camden's Rural Economy	Yes	The proposal will support the operation of the Mater Dei and Aspect schools, therefore securing ongoing local employment and services in the LGA.
Principle 6: Minimise unplanned non-agricultural development	Yes	No new development is planned for the site because of the proposal.
Principle 7: Maximise opportunities for relocation of rural enterprises	N/A	Not applicable.
Criteria		Comment
Criteria 1: Planning Proposal must be consistent with the State and Local Strategic Plan.		The proposal is consistent with the Region and District Plan and with the Local Strategic Plan.
Criteria 2: The Planning Proposal must not adversely impact on the operation of existing rural enterprises.		The proposal does not seek to introduce new uses or intensify the use of the site, therefore no impact on existing rural enterprises is anticipated.
Criteria 3: Planning Proposals		The proposal does not seek to extend

must be a logical extension to existing urban areas.		the urban area and so Criteria 3 is not applicable.
Criteria 4: Planning Proposals must not reduce the quality of scenic landscapes, vistas and ridgelines, or heritage values.		The Planning Proposal will provide two additional rural residential opportunities through the proposed rezoning of the Convent and Aspect school sites to RU2 and future subdivision of this land. This is viewed as being in keeping with the existing established large lot rural residential development in the area and will have negligible impact on the quality of landscapes, vistas, ridgelines and heritage values.

Appendix 2: Consistency against State Environmental Planning Policies

SEPP Chapter Title	Assessment of Consistency with
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Refer to chapters below.
Chapter 2 Vegetation in non-rural areas	The site is within a rural area and no vegetation is proposed to be removed, therefore the SEPP is not applicable to this Planning Proposal.
Chapter 3 Koala Habitat Protection 2020	Does not apply to the Camden LGA.
Chapter 4 Koala Habitat Protection 2021	Does not apply to the Camden LGA.
Chapter 5 River Murray Lands	Does not apply to the Camden LGA.
Chapter 6 Bushland in Urban areas	Not relevant to the proposal.
Chapter 7 Canal Estate Development	Not relevant to the proposal.
Chapter 8 Sydney Drinking Water Catchment	Not relevant to the proposal.
Chapter 9 Hawkesbury-Nepean River	<p>The proposal site is within the Hawkesbury-Nepean River Catchment. The proposal seeks to introduce land zones to match the existing uses on the site.</p> <p>The proposal includes detail on the future management of wastewater at the site. This includes the construction of a rising main from the Sydney Water sewer to cater for effluent flows from Mater Dei School, Wivenhoe Villa and separately for the Aspect School with some preliminary concept plans already developed.</p> <p>On-site wastewater management systems associated with the convent cottage and farmhouse will remain operational within their respective precincts.</p> <p>The introduction of a rising main to service the schools and villa may have a positive impact on the Hawkesbury – Nepean Catchment by reducing onsite wastewater disposal.</p>
Chapter 10 Sydney Harbour Catchment	Does not apply to the Camden LGA.
Chapter 11 Georges Rivers Catchment	Only applies to a small area within the Camden LGA and the proposal site is outside of this catchment and so is not relevant to the proposal.
Chapter 12 Willandra Lakes Region World Heritage Property	Does not apply to the Camden LGA.

SEPP Chapter Title	Assessment of Consistency with
Chapter 13 Strategic Conservation Planning	No land within the site has been mapped as Avoided Land or Land for Strategic Conservation under the SEPP and so this Chapter is not relevant to the proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Does not apply to the proposal.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The proposal will not impede the provisions of this SEPP. The proposal will assist in the application of this SEPP by introducing land zones in keeping with current uses at the site.
State Environmental Planning Policy (Housing) 2021	Not relevant to the proposal.
State Environmental Planning Policy (Industry and Employment) 2021	Assessment provided under chapters below.
Chapter 2 Western Sydney Employment area	Does not apply to Camden LGA.
Chapter 3 Advertising and Signage	The proposal will not impede the application of this chapter.
State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development	Not relevant to the proposal.
State Environmental Policy (Planning Systems) 2021	Refer to chapters below.
Chapter 2 State and Regional Development	Not relevant to the proposal.
Chapter 3 Aboriginal Land	Does not apply to the Camden LGA.
Chapter 4 Concurrences and Consents	The proposal does not affect the implementation of this chapter.
State Environmental Planning Policy (Precincts-Central River City)	Does not apply to the Camden LGA
State Environmental Planning Policy (Precincts-Eastern Harbour City) 2021	Does not apply to the Camden LGA
State Environmental Planning Policy (Precincts- Regional) 2021	Does not apply to the Camden LGA
State Environmental Planning Policy (Precincts- Western Parkland City) 2021	Refer to chapters below.
Chapter 2 State Significant Precincts	Not relevant to the Planning Proposal.
Chapter 3 Sydney Region Growth Centres	The site is outside of the Camden Growth Centres boundary and so the chapter is not relevant to the Planning Proposal.
Chapter 4 Western Sydney Aerotropolis	Not relevant to the Planning Proposal.
Chapter 5 Penrith Lakes scheme	Does not apply to the Camden LGA.
Chapter 6 St Marys	Does not apply to the Camden LGA.
Chapter 7 Western Sydney Parklands	Does not apply to the Camden LGA.
State Environmental Planning Policy (Primary Production) 2021	Refer to chapters below.

SEPP Chapter Title	Assessment of Consistency with
Chapter 2 Primary production and rural development	Not relevant to the proposal.
Chapter 3 Central Coast plateau areas	Does not apply to the Camden LGA.
State Environmental Planning Policy (Resilience and Hazards) 2021	Refer to chapters below.
Chapter 2 Coastal Management	Does not apply to the Camden LGA.
Chapter 3 Hazardous and Offensive Development	Not relevant to the Planning Proposal.
Chapter 4 Remediation of land	No changes to existing uses on the site are proposed with the proposal and so assessment of contamination is not required.
State Environmental Planning Policy (Resources and Energy) 2021	Refer to chapters below.
Chapter 2 Mining, petroleum production and extractive industries	Not relevant to the Planning Proposal.
Chapter 3 Extractive Industries in Sydney Area	Not relevant to the Planning Proposal.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Refer to chapters below.
Chapter 2 Infrastructure	The proposal applies to privately owned land and so this chapter is not impacted by the Planning Proposal.
Chapter 3 Educational Establishments and childcare facilities	The proposal will assist in the application of this SEPP by rezoning two existing schools to a designated RU2 Rural Landscape zone.
Chapter 4 Major Infrastructure corridors	The proposal will not impact on major infrastructure corridors and so this chapter is not relevant to the Planning Proposal.
Chapter 5 Three ports- Port Botany, Port Kembla and Newcastle	Does not apply to the Camden LGA.

Appendix 3: Section 9.1 Directions

S9.1 Direction Title		Assessment of Consistency
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans		The Planning Proposal's consistency with the Greater Sydney Region Plan and Western City District Plan has been assessed in the tables above under Section 1.1. The Planning Proposal has been assessed as being consistent with the Greater Sydney Region Plan and so is consistent with this direction.
1.2 Development of Aboriginal Land Council Land		No rezoning of land owned by an Aboriginal Land Council is proposed with this Planning Proposal.
1.3 Approval and Referral Requirements		The Planning Proposal is consistent with this direction as it does not propose provisions requiring concurrence, consultation or referral of a minister or public authority outside of bushfire management and does not identify development as designated development.
1.4 Site Specific Provisions		The Planning Proposal does not introduce any site-specific provisions and so is not inconsistent with this direction.
Focus Area 1: Planning Systems - Place-based		
1.5 Paramatta Road Corridor Urban Transformation Strategy		Not applicable to the Camden LGA.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		Not applicable to the Camden LGA.
1.7 Implementation of Greater Paramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		Not applicable to the Camden LGA.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		Not applicable to the Camden LGA.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor		Not applicable to the Camden LGA.
1.10 Implementation of the Western Sydney Aerotropolis Plan		The Planning Proposal is not inconsistent with this direction.
1.11 Implementation of Bayside West Precincts 2036 Plan		Not applicable to the Camden LGA.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct		Not applicable to the Camden LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan		Not applicable to the Camden LGA.
1.14 Implementation of Greater Macarthur 2040		Not applicable to the Planning Proposal.
1.15 Implementation of the Pyrmont Peninsula Place Strategy		Not applicable to the Camden LGA.
1.16 North West Rail Link Corridor Strategy		Not applicable to the Camden LGA.
1.17 Implementation of the Bays West		Not applicable to the Camden LGA.

S9.1 Direction Title	Assessment of Consistency
Place Strategy	
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable to the Camden LGA.
1.19 Implementation of the Westmead Place Strategy	Not applicable to the Camden LGA.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable to the Camden LGA.
1.21 Implementation of the South West Growth Area Structure Plan	The site is outside of the Camden Growth Area boundary and so is not applicable to this Planning Proposal.
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable to the Camden LGA.
Focus Area 2: Design and Place	
Focus Areas 3: Biodiversity and Conservation	
3.1 Conservation zones	<p>The Planning Proposal is both consistent and inconsistent with this direction as follows.</p> <p>It is consistent in that it seeks to rezone conservation lands from an RU1 Primary Production and an SP2 Air Transport zone to a C2 Environmental Conservation zone. Thus, improving the future protection of these conservation lands.</p> <p>However, the proposal also includes the rezoning small portions of lands from a C2 Environmental Conservation zone to RU2 Rural Landscape, SP2 Drainage and RE1 Public recreation zone and a small portion of C4 Environmental Living zone to RE1 Public Recreation zone so is inconsistent with this direction.</p> <p>This inconsistency is viewed as being of minor significance due to the following considerations:</p> <ul style="list-style-type: none"> - The proposed RU2 Rural Landscape portion of the site comprises of an existing dwelling, historical stables and the vegetation is predominantly maintained European species. - The land within the proposed SP2 Drainage zone comprises of maintained drainage basins. - The land within the proposed RE1 zone comprises of maintained public recreation land that includes embellishments such as picnic tables, paved walkways and maintained landscaping. <p>The proposal is supported by a Biodiversity Overview Report (6 October 2023) which concludes that the proposed zoning poses no major threats to the ecological values of the site and is</p>

S9.1 Direction Title	Assessment of Consistency
	<p>supportive of the commitment to the ongoing conservation initiatives within the Planning Proposal.</p> <p>Consultation on this matter will be undertaken with the Environment and Heritage Group during public exhibition to inform the view of the Department of Planning and Environment who will determine the significance of this inconsistency on behalf of the Planning Secretary.</p>
3.2 Heritage Conservation	<p>The land subject to the proposal includes the Wivenhoe Heritage Item 199 and curtilage. The proposed amendments seek to protect the current uses on the site and reduce the potential for further development outside of these uses. This has been confirmed by the Heritage Assessment submitted with the proposal. Additionally, the Planning Proposal will not result in future development and the increase to land zoned for conservation will further reduce the risk of detrimental impact of land of Aboriginal Cultural significance. This has been confirmed by a due diligence assessment submitted with the proposal. Therefore, the proposal is viewed as being consistent with this direction.</p>
3.3 Sydney Drinking Water Catchments	Not applicable to the Camden LGA.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	Not applicable to the Camden LGA.
3.5 Recreation Vehicle Areas	Recreational vehicle areas are not proposed and so the Planning Proposal is not inconsistent with this direction.
3.6 Strategic Conservation Planning	<p>No land within the proposal site has been identified as Avoided Land or as a Strategic Conservation Area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and so this Direction is not applicable to the proposal.</p>
3.7 Public Bushland	The proposal applies to privately owned land and so the Direction is not applicable.
3.8 Willandra Lakes Region	Not applicable to the Camden LGA.
3.9 Sydney Harbour foreshore and Waterways Area	Not applicable to the Camden LGA.
3.10 Water catchment protection	The site is not within a regulated catchment and so the Direction is not applicable.
Focus area 4: Resilience and Hazards	
4.1 Flooding	The land subject to the Planning Proposal

S9.1 Direction Title	Assessment of Consistency
	is located on land mapped as being flood prone however a portion of the site proposed for rezoning to RU2 Rural Landscape are elevated above the flood affected areas and are outside of this mapped land. Further studies may be required to confirm that evacuation from the site and access roads will not be impacted by flooding at any future development application stage however, the Planning Proposal is viewed as being consistent with this direction at this stage.
4.2 Coastal Management	Not applicable to the Camden LGA.
4.3 Planning for Bushfire Protection	The proposal seeks to rezone land mapped as bushfire prone to an RU2 Rural Landscape zone. A Bushfire Assessment has been prepared for the proposal which concludes that appropriate bushfire management can be achieved on site. In addition to this, the site is already being used for educational purposes and the proposal is not viewed as leading to the intensification of this use on site. Consultation has been undertaken the NSW Rural Fire Service to confirm consistency with this direction.
4.4 Remediation of Contaminated Land	No additional or new uses are proposed on site. The site has already been developed for its current uses and has been in use for a number of years. Therefore, the proposal is viewed as being consistent with this direction.
4.5 Acid Sulphate Soils	The proposal will not result in an intensification of the use of the site and as the Camden LGA has not been mapped as being at risk for acid sulphate on NSW Government SEED mapping, the proposal is not inconsistent with this direction.
4.6 Mine Subsidence and Unstable Lands	The land is not within a mine subsidence area and so the direction is not applicable.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Not relevant to the Planning Proposal.
5.2 Reserving Land for Public Purposes	The Planning Proposal includes the rezoning of environmental conservation land (within a biodiversity stewardship site) zoned SP2 Air Transport Facility to an C2 Environmental Conservation zone. Preliminary consultation with Camden Airport has not raised any objections to this and approval will be sought with the Airport at public exhibition stage.
5.3 Development Near Regulated Airports and Defence Airfields	The Planning Proposal site is within the Wind Turbine Buffer and the Wildlife Buffer

S9.1 Direction Title	Assessment of Consistency
	zone of the Western Sydney Airport and within the 20 and 25 ANEF zone of the Camden Airport as well as the Approach Surface and Transitional surface of the Camden Airport OLS. However, as the proposal will not result in additional uses or density at the site no additional impact is anticipated on either airport. Therefore, the proposal is consistent with this direction. The proposal was referred to Camden Airport and no objection to the proposal was raised. Further consultation with Area Management Group for Camden Airport will be undertaken at the public exhibition stage. The proposal is viewed as being consistent with this direction.
5.4 Shooting Ranges	Not applicable to the Planning Proposal.
Focus area 6: Housing	
6.1 Residential Zones	The proposal seeks to remove the R5 Large Lot zone from the site and so this direction is not relevant to the proposal.
6.2 Caravan Parks and Manufactured Home Estates	Not relevant to the Planning Proposal.
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Not relevant to the Planning Proposal.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable to the Camden LGA.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to the Camden LGA.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	The proposal will not impact on resource and extractive industries and so the direction is not relevant to the Planning Proposal.
Focus area 9: Primary Production	
9.1 Rural Zones	The proposal seeks to rezone land zoned RU1 Primary Production to C2 Environmental Conservation zone on land already protected under a Biodiversity Stewardship agreement. This land zone is not within the zones identified within this direction and so the Planning Proposal is viewed as being consistent with this direction.
9.2 Rural Lands	Not applicable to the Camden LGA.
9.3 Oyster Aquaculture	Not relevant to the Planning Proposal.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant to the Planning Proposal

Appendix 4: Draft DCP

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MATER DEI/KIRKHAM RISE

S5.1 Introduction

The Mater Dei/Kirkham Rise (and Wivenhoe Retirement Village) site interfaces with Harrington Grove and the Kirkham low density residential lands to the west of Macquarie Grove Road (Refer to Figure 5-1). The Mater Dei site is occupied by the heritage listed building called Wivenhoe, two functioning schools and collection of associated buildings spaces and infrastructure and expansive restored woodland areas and open rural landscapes. The site is bound to the east by Macquarie Grove Road, to the north by Cobbitty Road, to the west by the Nepean River and adjoins privately owned rural lands to the south.

The Kirkham Rise site (incorporating the Wivenhoe Retirement Village) is a low-density residential development accessed off Macquarie Grove Road. It was formerly part of the Mater Dei property holding and is reflected in Figure 5.6.

Note: Wivenhoe referred to in isolation is a reference to the Wivenhoe Villa (heritage item) on the Mater Dei Site. **This schedule refers to the residue Mater Dei site and the Kirkham Rise site (which incorporates the Wivenhoe Retirement Village)**

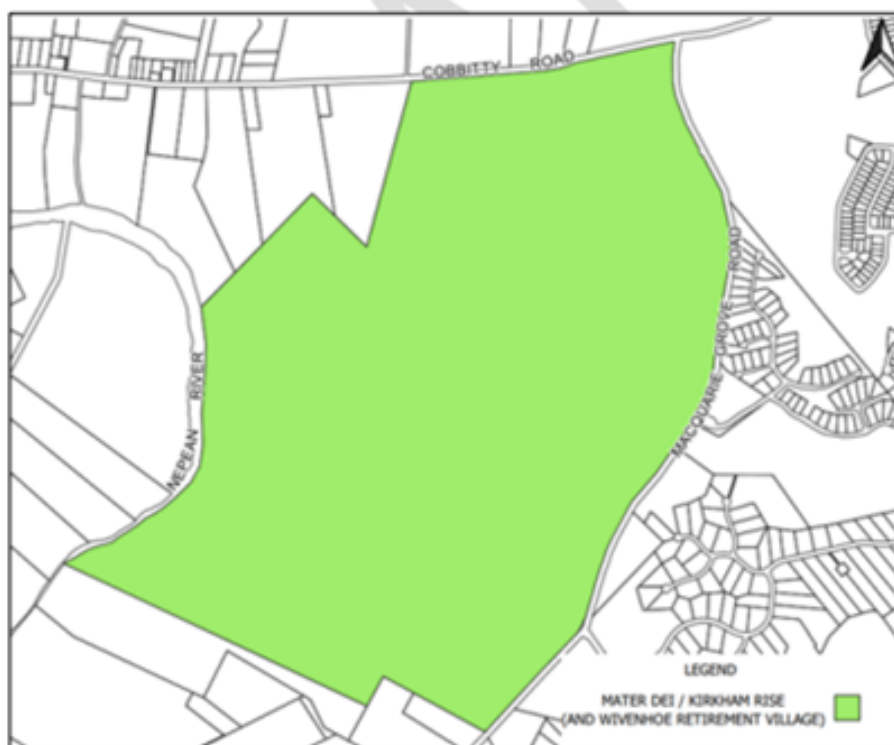


Figure 5-1: Mater Dei/Kirkham Rise (incorporating Wivenhoe Retirement Village) Location Plan

Figure 5-1: Mater Dei/Kirkham Rise (incorporating Wivenhoe Retirement Village) Location Plan

S5.2 Subdivision Planning and Design

S5.2.1 Kirkham Rise

Introduction

The public domain of Kirkham Rise has been completed. If there are any residual issues, please refer to the repealed Camden DCP 2011.

S5.2.2 Mater Dei

Introduction

The Mater Dei site is an expansive diverse character parcel of land which includes the residue land holding surrounding the Kirkham Rise and Wivenhoe Retirement Village. It has an extensive frontage to Cobbitty Road, Macquarie Grove Road and Nepean River, with access generally opposite Kirkham Lane. It is depicted in Figure 5-2 below.

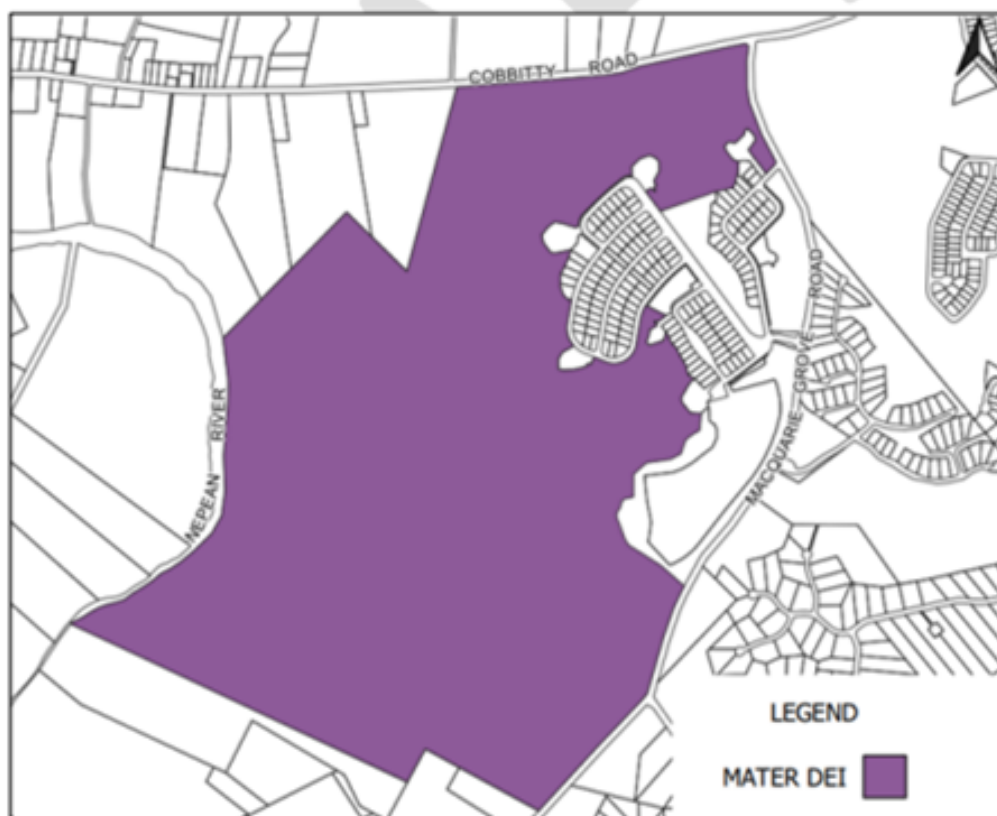


Figure 5-2 Mater Dei Site Plan

Relationship to Other Plans

Detailed planning for the Mater Dei site has been informed by a range of specialist consultant reports over the years including most relevantly:

- Wivenhoe Conservation Management Plan (1997 revised 2008) prepared by Design 5 Architects.
- Landscape Conservation Plan (2000) prepared by Design 5 Architects.
- Heritage Impact Statement (September 2023) prepared by Design 5 Architects.
- Biodiversity Overview (including Conservation Initiatives) Report (6 October 2023) prepared by Travers Bushfire and Ecology.
- Aboriginal Due Diligence Assessment (12 September 2023) prepared by Travers Bushfire and Ecology.
- Bushfire Protection Assessment (September 2023) prepared by Travers Bushfire and Ecology.
- Airport Safeguarding Assessment – Aviation Services (28 September 2023) prepared by Rehbein Airport Consulting.
- Preliminary Transport Assessment (23 June 2023) prepared by The Transport Planning Partnership.
- Addendum to Traffic and Transport Assessment (20 January 2022) prepared by The Transport Planning Partnership.

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:

- Education;
- Natural Areas Conservation; and
- Rural Residue

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.

Planning and design provisions in respect of Bushfire Hazard Management/Asset Protection zones and Access are documented in this section.

They are represented in Figure 5-3 below, with objectives and controls detailed following.



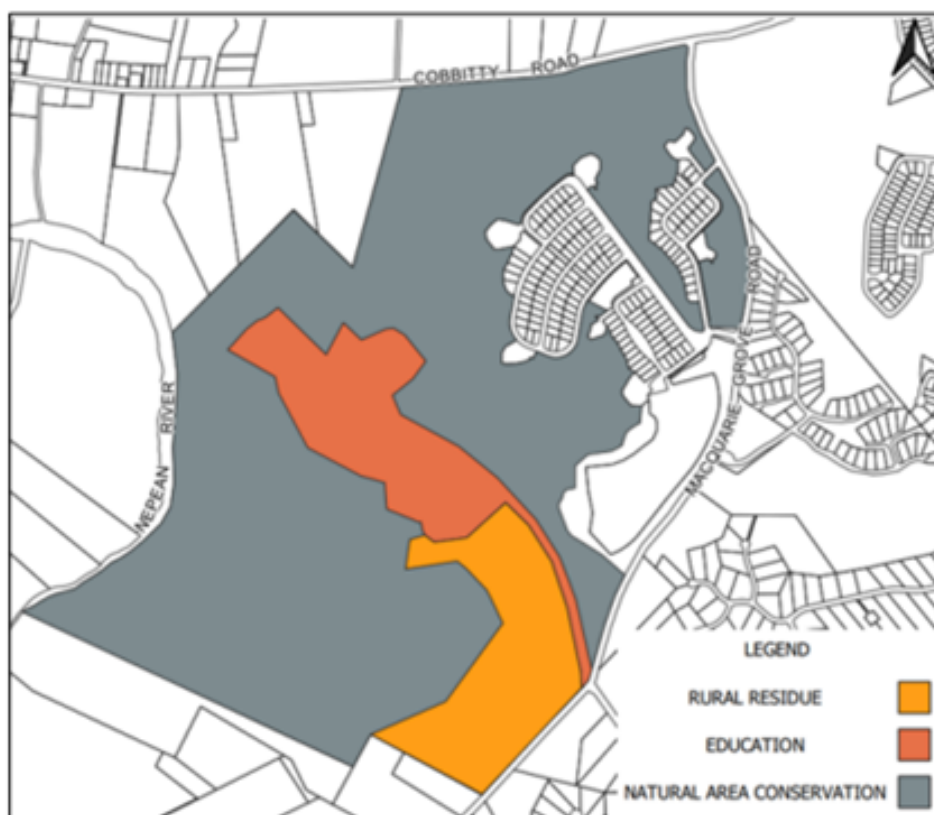


Figure 5-3: Mater Dei Landuse Precinct/Character Areas

Education

Objectives

- 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.
- To ensure development is in accordance with the Wivenhoe Heritage Conservation Management Plan 2008.

Controls

- 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.



5. Ensure compliance with all constraint management strategies, including the Wivenhoe Heritage Conservation Management Plan 2008, Chapter B3 of this DCP in respect of each heritage items and curtilage area.

Bushfire Hazard Management/Asset Protection Zones

Bushfire hazard assessment and management is most recently addressed in Travers Bushfire and Ecology 2021.

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.

Objectives

- a. To prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard.
- b. To encourage sound management of bushfire-prone areas.
- c. To ensure appropriate access to the site during an emergency.

Controls

1. Asset Protection Zones (APZ) must be established as a means of managing vegetation related hazards.
2. APZs must be established and maintained in accordance with Planning for Bushfire Protection, 2019; with indicative APZs depicted in Figure 5.5 following.
3. A separate emergency access must be established to facilitate evacuation from the education precinct during an emergency.



Figure 5-4: Indicative Asset Protection Zone of varying width (depicted in green)

Access

Objectives

- a. To ensure safe convenient access to the Mater Dei precinct.
- b. To minimise conflict between the disparate users of the Mater Dei access.
- c. To integrate access with changes to the immediate road network occasioned by surrounding growth.
- d. To ensure appropriate secondary/emergency access.
- e. To retain the visual tree lines quality of the current driveway.

Controls

1. All future development applications must be accompanied by a traffic impact assessment.
2. Any intersection upgrade must include the integration of the Mater Dei access (see indicative design in Figure 5.5).
3. Any access/driveway alterations must have regard to the Conservation Management Plan compiled by Design 5 Architects 1997 (revised 2008), Landscape Conservation Plan compiled by the same author and dated 2000 and the Heritage Impact Statement 2021, again compiled by Design 5 Architects.



Figure 5-5: Conceptual Kirkham Lane/Macquarie Grove Road Intersection Design



S5.3 Heritage, Conservation and Airport Operations

Introduction

Key distinguishing qualities of the Mater Dei site which have future development and management implications include:

- Heritage Conservation
- Airspace Operations
- Natural Areas Conservation

Objectives and controls in respect of each are detailed as follows:

Heritage Conservation

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.

A comprehensive Conservation Management Plan was compiled by Design 5 Architects in 1997 and revised in 2008 and more recently reviewed in association 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 (September 2023) to support a Planning Proposal for the future separation of uses on the site.

Objectives

- a. To preserve significance of the place and its setting.
- b. To ensure an appropriate visual and physical curtilage is provided around the heritage place to protect it and facilitate its enjoyment and understanding.

Controls

1. In accordance with the Heritage Impact Statement compiled by Design 5 Architects: The RU2 Rural Landscape zone (and any future subdivision) must include the avenue of trees and fencing each side of the driveway.
2. The tree lined driveway known as Mater Dei Road, along with open grasslands along the sides of the driveway must be conserved.
3. The site must be managed in accordance with the Conservation Management Plan compiled by Design Five Architects (1997 and revised 2008) and the Landscape Conservation Plan also compiled by Design 5 Architects (2000).

Airspace Operations

The site is located adjacent to the Camden Airport and is subject to the influence of its operational parameters.

A comprehensive report compiled by Rehbein Airport Consulting dated 31 August 2023 details preliminary considerations for further development of the site that are impacted by Camden Airport operations and form an important reference source.



Objectives

- a. To ensure the operational integrity of the Camden Airport is not compromised and relevant safety levels achieved.
- b. To ensure appropriate development envelopes are not compromised.
- c. To ensure appropriate acoustic amenity in respect of new development.

Controls

1. Development must have specific regard to the Airport Safeguarding Assessment undertaken by Rehbein Airport Consulting (31 August 2023), and include reference to the map contained at Appendix H – Public Safety Area Camden Airport and reproduced below as Figure 5-6.

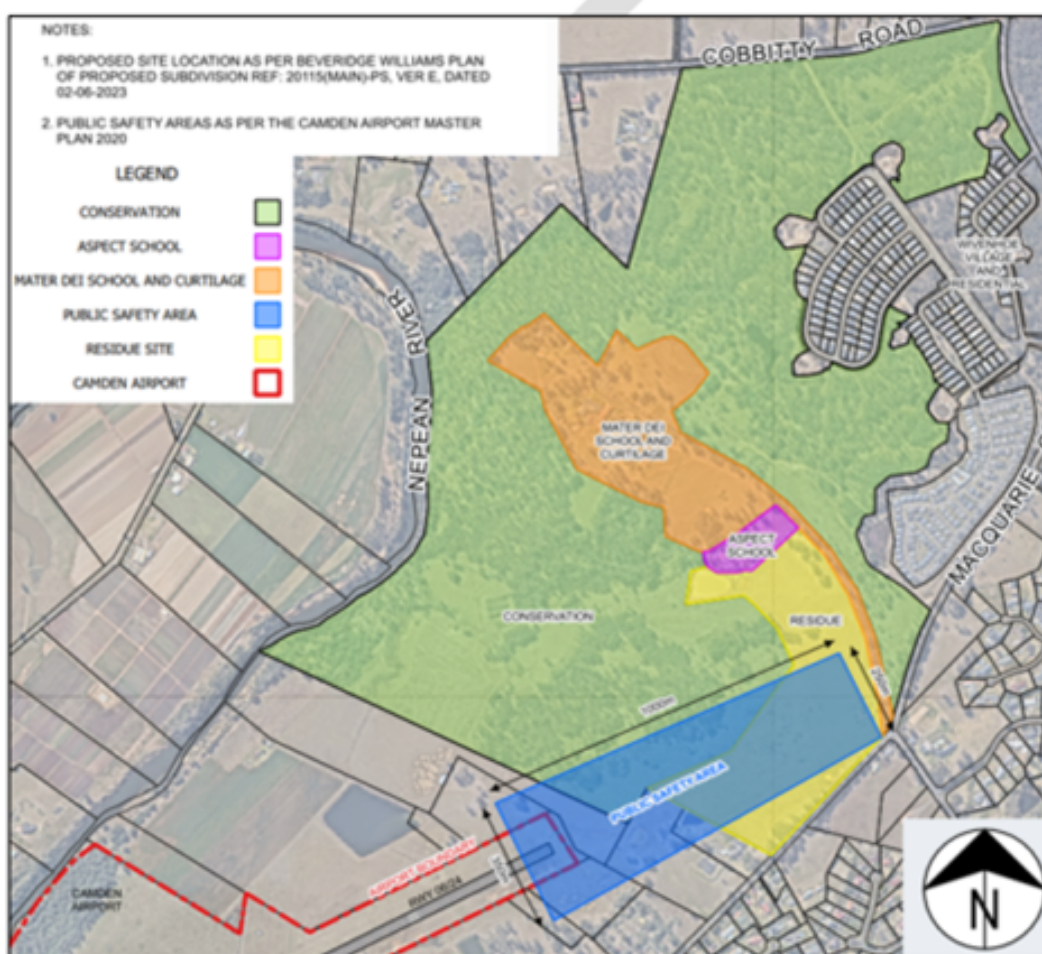


Figure 5-6: National Airports Safeguarding Framework Guideline 1 Public Safety Area Camden Airport (excerpt from Rehbein Airport Consulting (31 August 2023) 'Wivenhoe' – 229 Macquarie Road Grove, Cobbitty Airport Safeguarding Assessment – Aviation Services - Figure M21116/07

Natural Areas Conservation

The retained and rehabilitated natural areas are critical to the Mater Dei setting and local and broader biodiversity outcomes.

Objectives

- a. To conserve the ecological values of the site and ecological links to surrounding areas.
- b. To facilitate limited access and educational/interpretative actions/activities.
- c. To ensure conservation is in accordance with the Wivenhoe Conservation Management Plan 1997 and revised 2008.

Controls

1. All conservation initiatives must generally reflect the details contained in the prevailing biodiversity stewardship and biodiversity legislation.
2. A Conservation Management Plan must inform environmental protection works and the establishment of environmental facilities.
3. 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.
4. Conservation areas located in the former vineyard site to southwest of the Wivenhoe Villa are to maintain the open grassed setting to ensure views and vistas are retained to and from the Wivenhoe Villa.



S5.4 Site Specific Controls

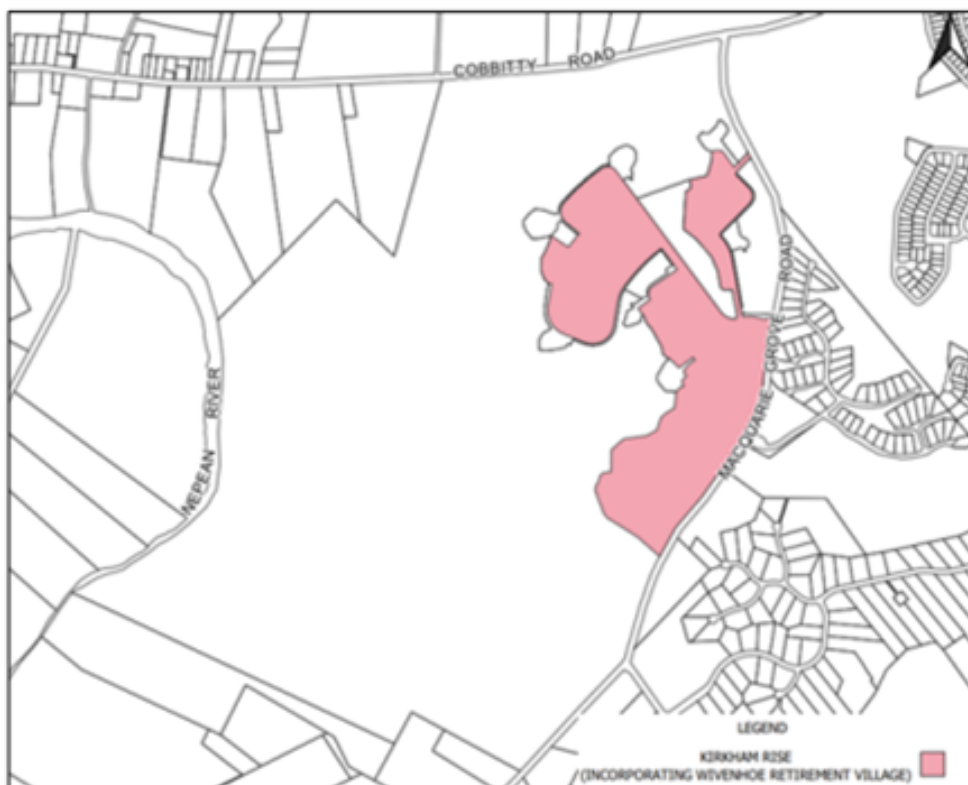


Figure 5-7 Kirkham Rise (incorporating Wivenhoe Retirement Village) Site Plan

S5.4.1 Kirkham Rise (and Wivenhoe Retirement Village)

It should be noted that the controls listed below are specific to Kirkham Rise (and the Wivenhoe Retirement Village). They must be read in conjunction with the controls in Part 4 of this DCP. In the event of any inconsistency, the controls below prevail.

Appearance

1. Homes should be designed to be of 'contemporary, eco character'.
2. Use of architectural features such as awnings, porticos and verandahs are required to ensure street presentation of the homes is in keeping with the vision for Mater Dei.

Roof Eaves

1. 600mm at a minimum on eastern and western facades.

Corner Lots



1. Should be designed to present to both street frontage and public areas.
2. Front facade feature should continue around to 40% of the secondary frontage.

Parkland Lots

1. Should be designed to appropriately address the parkland area.
2. Architectural features are to be replicated to secondary frontages with front a parkland.
3. Blank walls to the parkland are not permitted.

Roofing

1. Roof designs must be a minimum pitch of 20°.
2. Skillion roofs can have a minimum pitch of 5°.
3. Highly reflective roofing material are not permitted.

Colours and Materials

1. Colours should be low in contrast and sympathetic to the natural environment. Rendered masonry, stone, timber, steel and painted/rendered brickwork should be the predominant external materials.

Fencing

1. Open fencing is preferred wherever possible.
2. Front fencing is not allowed.
3. Brush mat fencing is prohibited.
4. Rear and side boundary fences once behind the building line can be a maximum height of 1.8m but on bush front lots must return with open post and rail or post and wire for the rear 6m of the lot.

Maximum Driveway Width

1. 4.0m wide at the property verge but can be splayed within the property boundary to allow for adequate vehicle manoeuvrability.

Rainwater Tanks

1. Each dwelling must have a tank of at least 5,000ltr.



2. If the home contains a swimming pool, the water tank must be connected to the pool to assist in topping up the pool.
3. Water tanks in the APZ cannot be constructed of plastic.

Kirkham Rise Guidelines

1. Kirkham Rise Design Guidelines volume 1, November 2010 and as amended, should be referenced for further detailed design requirements

Table 5-1: Summary of residential accommodation controls – Kirkham Rise

SETBACKS	
Front setback (min)	4.5m; average of 5.5m
Secondary street setback (min)	4.5m
Side setback ground floor (min)	1.5m
Side setback second floor (min)	4.5m
Rear setback ground floor (min)	6m
Rear setback second floor (min)	10m
Garage setback (min)	1m behind principal building line and 5.5m from front boundary; third garage to be set back 2m behind principal building line.
Architectural element front setback encroachment (max)	1m
Rear lane setback (min)	1m. Notwithstanding this, the rear lane setback can be reduced to 0.5m only if it can be adequately demonstrated to Council's satisfaction, that the development can facilitate waste collection in a safe and orderly manner.
Public reserve setback (min)	3m
HEIGHT	
As per LEP 2010 and Part 4 of this DCP	



PRIVATE OPEN SPACE, LANDSCAPING AND SITE COVERAGE	
Site coverage (max) – lots less than 450m ²	<p>Single storey development - 60%</p> <p>Two storey development – 50% ground floor, 35% upper floor</p>
Site coverage (max) – lots 450m ² or greater	<p>Single storey development - 50%</p> <p>Double storey development – 30%</p>
Front yard paved surfaces (max)	40%
Landscaped area (min)	30%
Landscaped area (min) within the front setback	40%
Principal private open space (PPOS) (min)	24m ² with a minimum dimension 4m
Gradient of PPOS (max)	1:10
Solar access to PPOS (min)	<p>Direct sunlight must reach at least 50% of the PPOS of both the subject dwelling and of any adjoining dwelling for not less than 3 hours between 9:00am and 3:00pm on 21 June.</p> <p>Dwellings must be orientated to maximise solar access to living rooms having regard to future and existing site constraints.</p> <p>At least one window to a living area of dwellings on neighbouring properties must receive a minimum of 3 hours of direct sunlight between 9am and 3pm on 21 June.</p>
GARAGE DESIGN	
Garage door width (max) – lots 7-15m wide	60% of front elevation width
Garage door width (max) – lots greater than 15m wide	50% of front elevation width



S5.4.2 Mater Dei Rural Residue

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.

Objectives

- a. To maintain the rural landscape character and general visual amenity of the area.
- 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.
- d. To ensure development complies with the Wivenhoe Conservation Management Plan dated 1997 and revised 2008.

Controls


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

- End of Schedule -



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Appendix 5: Camden Local Planning Panel Minutes – 20 September 2022



Camden Local Planning Panel

CC01 Mater Dei / Wivenhoe Planning Proposal

The Panel has considered the Council Officers' report and inspected the site of the Planning Proposal.

The Panel considers the proposed zones and planning controls reflect the opportunities and attributes of this land holding. The Planning Proposal will ensure the important ecological and heritage values of the site will be protected and will continue to be appropriately managed in the future.

The Panel supports the amendments recommended by Council officers. These amendments:

- reflect an existing agreement between Council and the landowner under which Council will take ownership of drainage and public recreation/open space areas associated with the existing Kirkham Rise residential development; and
- correct an apparent anomaly in relation to land currently zoned SP2 Air Transport Facility.

These amendments are appropriate.

The Panel agrees that the inconsistency of the Planning Proposal with Ministerial Direction 3.1 (Conservation Zones) is justified, for the reasons outlined in the Council officers' report.

PANEL'S ADVICE

The Panel supports the planning proposal as recommended to be amended by Council officers being progressed to a gateway determination.

Voting Numbers:

The Panel voted 4-0 in favour of the advice.

MINUTES

CAMDEN LOCAL PLANNING PANEL MEETING HELD ON | 20 September 2022

Appendix 6: Camden Council Meeting Report and Minutes – 1 November 2022



Ordinary Council

ORD01

ORD01

SUBJECT: MATER DEI / WIVENHOE PLANNING PROPOSAL
FROM: Acting Director Planning & Environment
EDMS #: 22/463535

PROPERTY ADDRESS Part Lot 100 DP1230568
229 Macquarie Grove Road, Cobbitty

PROPONENT Graham Pascoe – Pascoe Planning Solutions

OWNER Sisters of the Good Samaritan

PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal for land at 229 Macquarie Grove Road, Cobbitty. The draft Planning Proposal seeks to amend the Camden Local Environmental Plan (LEP) 2010 to introduce more appropriate land use zones for the current uses on the site and apply new minimum lot sizes to facilitate the separation of these uses.

This report recommends that Council endorse the draft Planning Proposal and forward it to the Department of Planning and Environment (DPE) for Gateway Determination.

The draft Planning Proposal and supporting draft Development Control Plan (DCP) are provided as **attachments** to this report.

Councillors were briefed on the draft Planning Proposal on 31 October 2022.

BACKGROUND

In October 2021, Pascoe Planning Solutions lodged a Planning Proposal on behalf of the landowners, the Sisters of the Good Samaritan.

The site is currently zoned under Camden LEP 2010 as R5 Large Lot Residential, RU1 Primary Production, C2 Environmental Conservation and SP2 Air Transport Facility. A minimum lot size of 40ha applies to those parts of the site that are zoned R5 Large Lot Residential and RU1 Primary Production.

A portion of the site contains the Wivenhoe heritage item comprising the house and gardens, outbuildings, stables, servant's quarters and a coach house.

The site represents the residue holding following the Kirkham Rise residential development and the Wivenhoe Seniors Living Village.

The site comprises of the following precincts:

- Mater Dei School Precinct, the Mater Dei Chapel, the Stables and Wivenhoe Villa;
- The Aspect School (Autism Spectrum Australia);
- The Convent/residue area;
- Wivenhoe Environmental Conservation Area and Biodiversity Stewardship Areas Stages 1 and 2;

BUSINESS PAPER

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ORD01

- Supporting infrastructure for the Kirkham Rise residential development and Wivenhoe Seniors Living Village including:
 - Parks and walkways (including one embellished small pocket park); and
 - Several detention basins used for drainage.

The distribution of these uses across the site is shown in **Figure 1**.

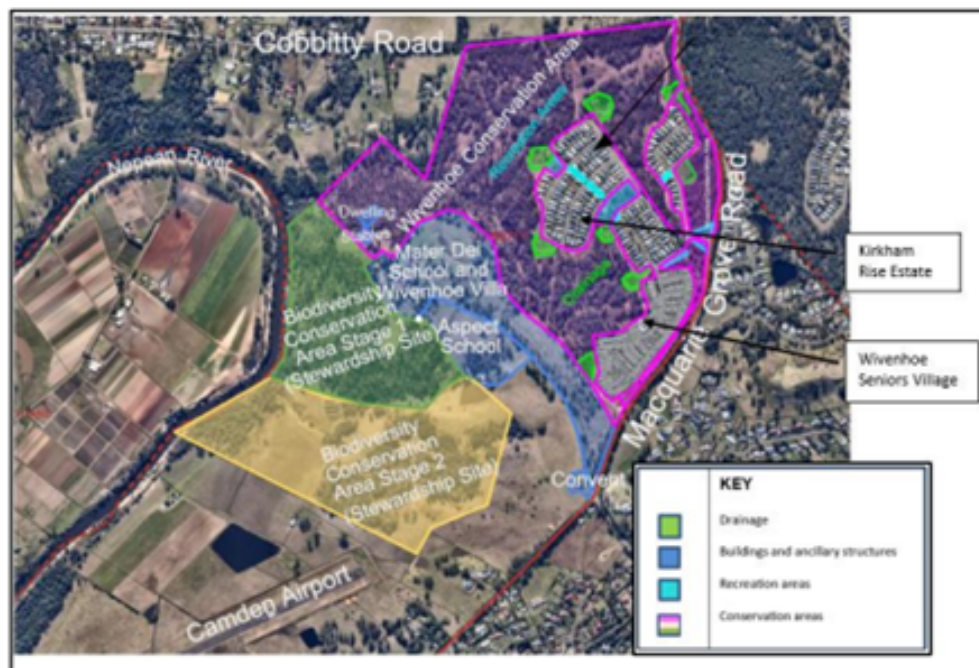
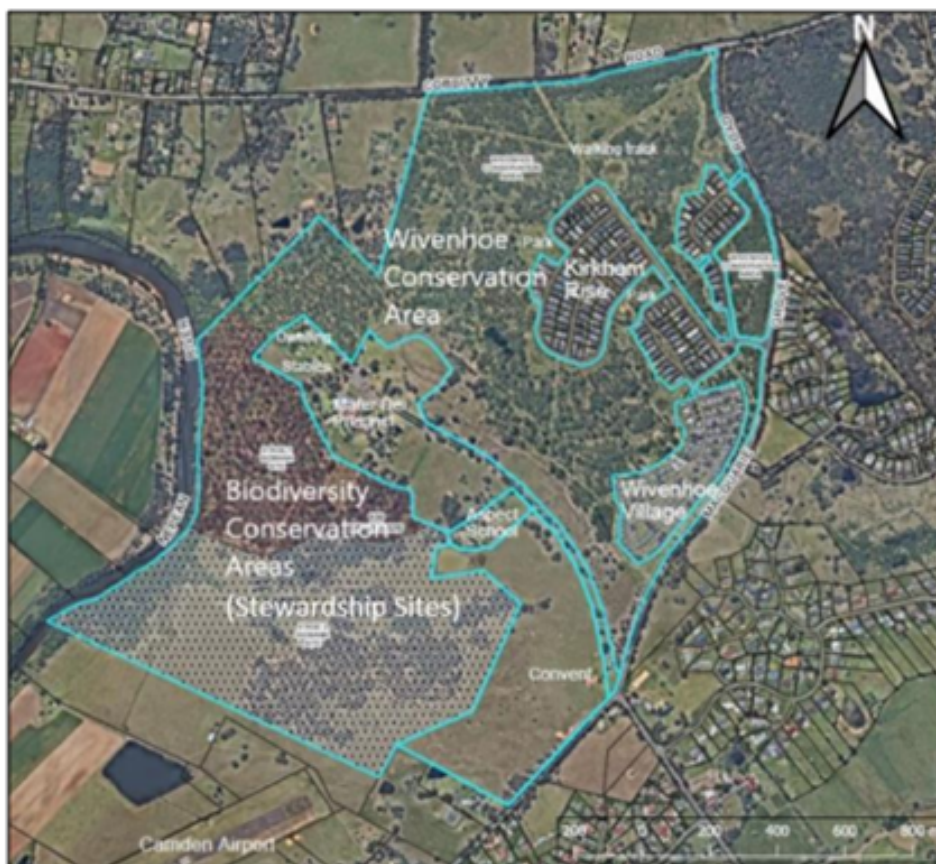


Figure 1 - Site Plan showing approximate location of land uses

The intent of the proposal is to apply land use zones that are in keeping with the current uses on the site and to facilitate the separation of the Mater Dei School, Aspect School, Conservation Lands and Convent Precinct onto separate allotments as shown in **Figure 2**.



ORD01

Figure 2 - Indicative Future Subdivision Layout

Site Context

The subject land is located within the rural residential area of Cobbitty and is bounded by the Nepean River to the west, Cobbitty Road to the north and Macquarie Grove Road to the northeast and southeast. Camden Airport adjoins part of the property boundary to the southwest of the site. Vehicular access to the site is via a central driveway accessed from Macquarie Grove Road.

The site comprises approximately 246ha of sloping land with large portions of the site covered by critically endangered Cumberland Plain Woodland with much of the site mapped as being bushfire prone.

The site is within Camden Airport's Australian Noise Exposure Forecast 20 year and 25-year zone, Inner Horizontal Surface, Approach Surface, Transitional Surface and Obstacle Limitation Surface.



ORD01

Planning Proposal History

The Kirkham Rise and Wivenhoe Village sites were rezoned for residential purposes in September 2007 and three other approved Planning Proposals have also been associated with the site:

- April 2011: The first Planning Proposal resulted in the rezoning of the land within the Wivenhoe Village site to R2 Low Density Residential zone to facilitate the development of seniors living housing.
- January 2013: The second Planning Proposal resulted in some minor adjustments to land zoning boundaries surrounding the Kirkham Rise and Wivenhoe Estates.
- April 2014: The third Planning Proposal resulted in an amendment to the description and heritage curtilage of Wivenhoe.

Development within the Locality

Kirkham Rise and Wivenhoe Village were developed as part of a 210-lot subdivision that was approved in February 2009. The consent also approved the construction of 12 drainage basins and recreational areas located on the subject site.

As part of the subdivision, a Voluntary Planning Agreement (VPA) was entered into between Council and the Trustees of the Sisters of the Good Samaritan which included active and passive recreational areas, monetary contributions, heritage conservation and ongoing environmental conservation works.

Existing Conservation Protection over parts of the site

A substantial portion of the site has significant biodiversity value as shown in **Figure 1**. These mapped areas are already subject to conservation protection measures, which include two Biodiversity Conservation Areas (Stage 1 and 2) which is subject to Biodiversity Stewardship Agreements and the Wivenhoe Conservation Area which is subject to a Conservation Management Plan.

Future of the site and land dedication matters

The Sisters of the Good Samaritan (Sisters) plan to exit the site in 2023, leaving Mater Dei school to be managed by Good Samaritan Schools. The Sisters are putting plans in place for the future management of the site and to ensure that the conservation lands continue to be managed appropriately.

The Sisters have been in separate negotiations with Council and National Parks and Wildlife Service (NPWS) to dedicate parts of the site to each organisation. At its meeting held on 13 October 2022, Council resolved (in summary) to enter into a deed of agreement with the Sisters of the Good Samaritan for the transfer of some of the conservation land surrounding Kirkham Rise.

Current and future land dedication matters do not have implications for the subject Planning Proposal.



Initial Notification

The draft Planning Proposal was placed on initial notification for a period of 14 days from 28 March to 11 April 2022.

Letters were sent to adjoining and nearby properties and notices were placed on the Your Voice Council website. Two submissions were received objecting to the draft Planning Proposal. The issues raised in these submissions are summarised below:

- Concern that the reduction of land size (minimum lot size) will lead to subdivision and further development;
- Protection of the site's biodiversity;
- Impacts on local native fauna that live on the site;
- Concern that the site provides a corridor for wildlife and offers food and shelter, and this will be lost if the site is rezoned; and
- The importance of the site to native animals due to other land elsewhere being lost to bushfire.

Initial consultation with public agencies was also undertaken, with five agency submissions received, which raised no objection, subject the further investigation of certain matters. An agency response summary table is provided as an **attachment** to this report.

The draft Planning Proposal, specialist studies and draft DCP have been updated in response to these submissions.

A formal public exhibition will occur subject to endorsement of the draft Planning Proposal and receipt of a Gateway Determination. Submitters to the initial notification stage will be advised of any future public exhibition.

MAIN REPORT

Summary of Proposal

The purpose of the draft Planning Proposal is to introduce zones that are more appropriate to the current uses on site and to apply new minimum lot sizes to facilitate the future separation of these uses as follows:

- Mater Dei Precinct (including school, stables, and workers cottage);
- Aspect School Precinct;
- Convent Precinct; and
- Conservation Lands Precinct.

The proposal also seeks to correct a zoning anomaly in regard to land zoned SP2 Air Transport Facility and to apply an SP2 Infrastructure Drainage and RE1 Public Recreation zone to lands proposed to be dedicated to Council.



ORD01

The proposal is accompanied by proposed amendments to the Camden Development Control Plan 2019 (draft DCP). The amendments propose to incorporate a site identification and layout plan identifying the future use precincts and new controls to address site access, Asset Protection Zones (APZs) and site constraints including Camden Airport and heritage.

Proposal's Vision

The vision for the site is to enable the Sisters of the Good Samaritan to withdraw from the site whilst ensuring that the current uses of the site are protected into the future.

The intention for the Mater Dei Precinct is that the site will continue to be operated by Good Samaritan Schools and there will be the option for the Aspect School to purchase the smaller school site.

The intention for the Convent Precinct is that it will form a residual lot that can be sold to fund the draft Planning Proposal and future subdivision.

Zoning and permissibility

A comparison between the existing and proposed zoning and lot sizes is provided in **Tables 1 and 2** and as illustrated in maps provided as an **attachment** to this report.

Zoning (LZN)	Existing	Proposed	Proposed land area (ha)
	RU1 Primary Production (117.0ha)	SP2 Infrastructure – Educational Establishment	10
		C2 Environmental Conservation	81.9
		RU2 Rural Landscape	25.1
	C2 Environmental Conservation (98.7 ha)	SP2 Infrastructure – Educational Establishment	2.3
		C2 Environmental Conservation (no change)	91.4
		SP2 Infrastructure - Drainage	2.8
		RE1 Public Recreation	2.2
	R5 Large Lot Residential (26.0ha)	SP2 Infrastructure – Educational Establishment	13.1
		C2 Environmental Conservation zone	12.9
	SP2 - Air Transport Facility (3.0ha)	C2 Environmental Conservation zone	3.0

Table 1 - Comparison between existing and proposed zoning



	Existing	Proposed	Proposed Land Area (ha)
Minimum Lot Size	AB2 (40ha) (143.0 ha)	Z1 (2ha)	2.2
		AB2 (20ha)	46.0
		None (C2 zone)	94.8
	None (C2 zone) (98.7ha)	AB2 (20ha) (SP2 -Educational Establishment zone)	2.4
		None (RE1 & SP2 – Drainage zones) and C2 zone	96.3
	None (SP2 - Air Transport Facility) (3.0ha)	None (C2 zone)	3.0

Table 2 - Comparison between existing and proposed minimum lot sizes

Draft Development Control Plan

The draft Planning Proposal is accompanied by an amendment to Schedule 5 of the Camden Development Control Plan 2019 (draft DCP) and applies to land within the subject site. The draft DCP is included as an **attachment** to this report.

Specialist Studies

The Planning Proposal was supported by various specialist studies, as listed in **Table 3**, which are included under **separate cover** to this report.

Specialist Study	Author	Date
European Heritage Assessment	Design 5 Architects	30 September 2021
Aboriginal Due Diligence Assessment	Travers Bushfire & Ecology	22 September 2021
Bushfire Protection Assessment	Travers Bushfire & Ecology	3 September 2021
Camden Airport Operations Report	REHBEIN Airport Consulting	September 2021
Transport Assessment	Transport Planning Partnership	October 2021
Transport Assessment Addendum	Transport Planning Partnership	20 January 2022
Biodiversity Overview (updated) (Including Conservation Initiatives) Report	Travers Bushfire & Ecology	8 August 2022
Wivenhoe Biodiversity Overview and Management (appendices 1 -7)	Travers Bushfire and Ecology, Eco Logical Australia, OEH	7 October 2021, Jan 2008, Oct 2016, July 2012, May 2016, May 2012

Table 3 - Specialist studies



ORD01

A table summarising the key findings of the specialist studies and Council officer comment is provided as an **attachment** to this report.

Camden Local Planning Panel

On 20 September 2022, the Camden Local Planning Panel (the Panel) considered the draft Planning Proposal and draft DCP. The Panel considered the proposed zones and planning controls reflect the opportunities and attributes of the land holding and the proposal will ensure the important ecological and heritage values of the site will be protected and will continue to be appropriately managed in the future.

The Panel supported Council officers' recommended amendments to the Planning Proposal to:

- Reflect an existing agreement between Council and the landowner under which Council will take ownership of drainage and public recreation/open space areas associated with the existing Kirkham Rise residential development; and
- Correct an apparent anomaly in relation to land currently zoned SP2 Air Transport Facility.

The Panel also agreed that the inconsistency of the Planning Proposal with the Minister for Planning Direction 3.1 (Conservation Zones) is justified, for the reasons outlined in the Council officers' report.

The draft Planning Proposal has been amended in accordance with the recommendations of Council officers and the Panel.

Assessment against Key Strategic Documents

The draft Planning Proposal has been assessed against key strategic documents, including the Greater Sydney Region Plan, Western City District, Community Strategic Plan and the Local Strategic Planning Statement. The proposal is generally consistent with the objectives of these key strategic documents, with a detailed assessment provided as an **attachment** to this report

On balance, it is considered that the draft Planning Proposal demonstrates sufficient planning merit to proceed to Gateway Determination for the following reasons:

- It proposes land use zones that are in keeping with the current uses on the site.
- The removal of the R5 Large Lot Residential zone from the site is consistent with the rural character and heritage qualities of the site.
- It secures additional Environmental Conservation zoned land for the Camden Local Government Area.
- It provides a logical solution to secure the future ongoing use of two existing educational establishments in the Camden area that provide education services to children and their families.
- It will have minimal impact on the existing area as the proposal does not seek to change or increase the uses on the site.



- It is in keeping with Council's strategic plans and policies.

Next Steps

Subject to Council endorsement, the draft Planning Proposal will be submitted to the DPE for a Gateway Determination.

Subject to a favourable Gateway Determination, the draft Planning Proposal and draft DCP will be placed on public exhibition. Council is also requested to grant delegation to the General Manager to adopt the draft DCP, subject to no unresolved submissions being received and the proposal being finalised. If unresolved submissions are received, a further report to Council will be prepared. If no unresolved submissions are received, the draft Planning Proposal will be submitted to DPE for finalisation and the draft DCP will be adopted.

Recommended Community Participation Methods

On 14 September 2021, Council endorsed the Camden Community Participation Plan 2021 (CPP). The CPP identifies that where a draft Planning Proposal demonstrates strategic merit, the Gateway report to Council will recommend the community participation methods for the public exhibition period.

Subject to Council endorsement and a favourable Gateway Determination, it is recommended that the following community engagement methods be undertaken at public exhibition of the draft Planning Proposal:

- Notification letters to landowners and adjacent properties (approximately 170 letters); the extent of the notification area for this proposal provided as an attachment to this report;
- Signage to be provided at the site advising that the proposal is on exhibition; and
- Social media posts directing the community to Council's Your Voice website for further information on the proposal.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

The draft Planning Proposal seeks to amend the Camden LEP 2010 to rezone land to SP2 Infrastructure Educational Establishment, C2 Environmental Conservation, RU2 Rural Landscape, SP2 Infrastructure Drainage, RE1 Public Recreation and introduce a new 20ha and 2ha minimum lot size to parts of the site. The proposal seeks these amendments to ensure that the land zones applying to the site are in keeping with the current and future uses on the site and to support the future separation of these uses.

The draft Planning Proposal is supported by a draft DCP which proposes amendments to Schedule 5 Mater Dei of the Camden DCP 2019.

Council officers have assessed the draft Planning Proposal and consider the proposal demonstrates planning merit to proceed to Gateway Determination, as outlined in this report.



ORD01

RECOMMENDED

That Council:

- i. endorse the amended draft Planning Proposal for land at 229 Macquarie Grove Road Cobbitty (Part Lot 100 DP1230568) to be forwarded to the Department of Planning and Environment for Gateway Determination;**
- ii. endorse the draft Camden Development Control Plan 2019 for the purposes of public exhibition;**
- iii. subject to no unresolved submissions being received, grant delegation to the General Manager to adopt the proposed changes to the Camden Development Control Plan upon notification of the Camden LEP 2010 amendment;**
- iv. subject to receiving favourable response from the Department of Planning and Environment, proceed to public exhibition for the draft Planning Proposal in accordance with the requirement of the Gateway Determination and the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021;**
- v. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for the plan to be made; or**
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or**
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.**

ATTACHMENTS

- 1. Planning Proposal Request**
- 2. Draft Development Control Plan**
- 3. Assessment against Strategies, SEPPs and Ministerial Directions**
- 4. Summary of Specialist Studies and Officer Comment**
- 5. Agency Response Table**
- 6. Maps**
- 7. Notification Map**
- 8. Technical Studies Mater Dei PP - Under separate cover**



Ordinary Council Resolution

▲ Motion: Moved Councillor Campbell, Seconded Councillor McLean that Council:

- i. endorse the amended draft Planning Proposal for land at 229 Macquarie Grove Road Cobbitty (Part Lot 100 DP1230568) to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the draft Camden Development Control Plan 2019 for the purposes of public exhibition;
- iii. subject to no unresolved submissions being received, grant delegation to the General Manager to adopt the proposed changes to the Camden Development Control Plan upon notification of the Camden LEP 2010 amendment;
- iv. subject to receiving favourable response from the Department of Planning and Environment, proceed to public exhibition for the draft Planning Proposal in accordance with the requirement of the Gateway Determination and the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*;
- v. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for the plan to be made; or
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD164/22 THE MOTION ON BEING PUT WAS CARRIED

Appendix 7: Camden Council Meeting Report and Minutes – 11 July 2023



Ordinary Council

ORD02

ORD02

SUBJECT: MATER DEI / WIVENHOE AMENDED PLANNING PROPOSAL (PRE PUBLIC EXHIBITION)

FROM: Director Planning & Environment

EDMS #: 23/322432

PREVIOUS ITEMS: ORD01 - Mater Dei / Wivenhoe Planning Proposal - Ordinary Council - 08 Nov 2022

PROPERTY ADDRESS Part Lot 100 DP1230568, 229 Macquarie Grove Road, Cobbitty, Part Lot 394 DP 1184159, A Lee Street and A McKellar Street, Cobbitty

PROPONENT Graham Pascoe – Pascoe Planning Solutions

OWNER Sisters of the Good Samaritan

PURPOSE OF REPORT

The purpose of this report is to advise Council of an amended Planning Proposal (amended proposal) for land at 229 Macquarie Grove Road, A Lee Street and A McKellar Street, Cobbitty.

It is recommended that Council endorse the amended proposal for resubmission to the Department of Planning and Environment (DPE) for Gateway Determination.

The amended proposal, including associated maps and amendments to the draft Development Control Plan (DCP), are provided as **attachments** to this report.

BACKGROUND

At its meeting on 8 November 2022, Council resolved to endorse a Planning Proposal for the subject land for submission to DPE for Gateway Determination.

The proposal seeks to amend the Camden LEP 2010 by rezoning parts of the site and varying the minimum lot sizes to facilitate the separation of the various uses on the site.

As noted in the previous report, the Sisters of the Good Samaritan (Sisters) intend to leave the site, with the Mater Dei school to be managed by Good Samaritan Schools. The Sisters are planning for the future ownership and management of the various uses on the site, including the conservation land.

For some time, the Sisters have been in negotiations with Council and National Parks and Wildlife Service (NPWS) regarding land across the site. At its meeting on 11 October 2022, Council resolved to enter a deed of agreement with the Sisters to transfer some land surrounding the Kirkham Rise residential development to Council. Prior to this (in 2021), Council resolved to enter a deed with the Sisters to transfer some open space and drainage land.



On 11 May 2023, the DPE advised Council that the Planning Proposal is not supported in its current form. The DPE's key concern relates to potential land acquisition obligations for the State Government for the land proposed to be rezoned SP2 Educational Establishment.

The DPE also requested Council:

- Address the acquisition provisions for the proposed open space and drainage land; and
- Correct a boundary error between the conservation land and the rural residue precinct to reflect the boundary shown in the biodiversity stewardship agreement for that part of the site.

The DPE requested the proposal be amended to address these concerns.

Councillors were briefed on the amended Planning Proposal on 27 June 2023.

MAIN REPORT

The DPE's key concern relates to the proposed application of the SP2 Educational Establishment zone for the education precinct, as it may trigger a future land acquisition obligation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

As a result, an amended proposal has been prepared, in consultation with the proponent and the Sisters.

Amended Planning Proposal

The current draft zoning plan and amended draft zoning plan are shown in **Figures 1 and 2**.

The amended proposal replaces the proposed SP2 Educational Establishment zone with RU2 Rural Landscape zone. The existing land uses are consistent with the objectives of the RU2 Rural Landscape zone, including to permit non-agricultural uses that are compatible with the environmental and conservation values of the land. Schools and related land uses are a permissible use in the RU2 Rural Landscape zone.

It is noted that a 'dwelling house' is a permissible use in the RU2 Rural Landscape zone and accordingly the amended proposal will provide a dwelling entitlement for the school site/precinct (although this is not the stated aim of the Planning Proposal). Given the unique circumstances of the site, the RU2 Rural Landscape zone is considered the most appropriate zone (in lieu of the SP2 Educational Establishment zone).



ORD02

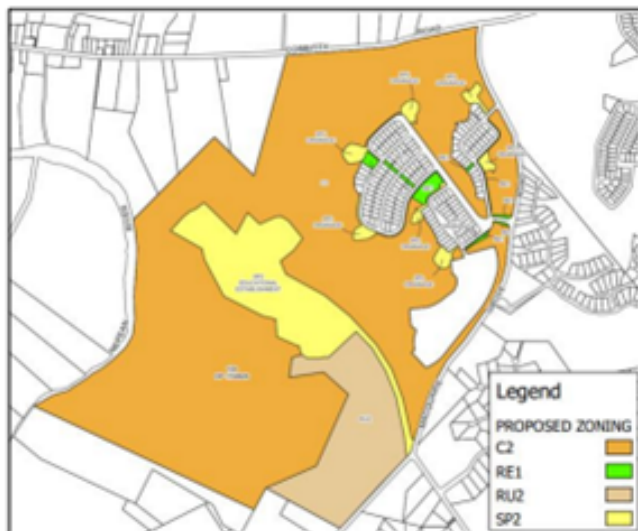


Figure 1: Current Council endorsed draft zoning map



Figure 2: Amended draft zoning map



Open Space and Drainage Land

The DPE has advised that the application of the SP2 Drainage and RE1 Public Recreation zones should include a land acquisition authority and corresponding Land Reservation Acquisition (LRA) map. The amended proposal identifies Council as the land acquisition authority for the relevant open space and drainage land.

As noted above, the open space and drainage land is subject to a deed for its transfer to Council. The proposal has been amended to identify two additional pieces of linear open space that are also subject to the deed.

Zone Boundary Adjustment

The amended proposal includes an adjustment to the zone boundary of the C2 Environmental Conservation and RU2 Rural Landscape zones. The adjustment is a result of the location of fencing on the site and occurred when the site was surveyed for the Planning Proposal. The correct boundary forms part of the Biodiversity Stewardship Agreement (BSA) for the site and the Planning Proposal has been amended to be consistent with the BSA.



Figure 3: Amended Zone boundary



ORD02

The amended proposal does not change the proposed minimum lot sizes. **Table 1** provides a comparison between the previous and amended Planning Proposal.

LEP Provision	Previous Planning Proposal	Amended Planning Proposal
Lot Size Map	20ha 2ha	No change
Land Zoning Map	SP2 Educational Establishment	RU2 Rural Landscape
	C2 Environmental Conservation	No change
	RU2 Rural Landscape (rural residue precinct)	No change
	SP2 Drainage RE1 Public Recreation	No change
Land Reservation Acquisition Map	Nil	Proposed SP2 Drainage and RE1 Public Recreation zoned land
Clause 5.1 Relevant Acquisition Authority	Nil	Note Camden Council as the acquisition authority for SP2 Drainage zoned land (RE1 zoned land is already identified in this clause)

Table 1: Comparison between original and amended Planning Proposal

Notification

The amended Planning Proposal is substantially the same as the original proposal with no additional impact on neighbouring land. As a result, the amended Planning Proposal has not been notified.

If a favourable Gateway Determination is received from the DPE, the amended Planning Proposal will be placed on formal public exhibition.

Specialist Studies

The specialist studies submitted with the original proposal will need updating to reflect the amended proposal. The studies will be updated prior to public exhibition (subject to a favourable Gateway).

Draft Development Control Plan (DCP)

The draft DCP has been updated to reflect the adjustment to the C2 Environmental Conservation and RU2 Rural Landscape zone boundary. All other DCP provisions remain relevant for the amended proposal. Subject to the proposal proceeding, the draft DCP will be revised to reference updated specialist studies, prior to public exhibition. The amended draft DCP is provided as an **attachment** to this report.



Assessment against Key Strategic Documents

The amended Planning Proposal has been assessed against key strategic documents, including the Greater Sydney Region Plan, Western City District Plan, Local Strategic Planning Statement and Community Strategic Plan and is generally consistent. A detailed assessment is provided as an **attachment** to this report.

Assessment of Planning Merit

It is considered that the amended Planning Proposal has sufficient planning merit to proceed to Gateway Determination for the following reasons:

- The removal of the R5 Large Lot Residential zone from the site is consistent with the rural character and heritage qualities of the site (discussed in the previous Council report);
- The proposed RU2 Rural Landscape zone will protect the rural and scenic qualities of the land, allow schools and associated development to occur and remove the potential for land acquisition issues for the State Government;
- The proposal secures Environmental Conservation zoned land for the Camden LGA;
- The proposal allows the continuation of the schools, which provide needed education services to local children and their families;
- The proposal has minimal impact on the existing area as the proposal does not seek to change or increase the uses on the site;
- The proposal is not inconsistent with Council's strategic plans and policies; and
- The proposal rezones land previously agreed to be transferred to Council.

Next Steps

Subject to Council endorsement, the Planning Proposal will be resubmitted to the DPE for a Gateway Determination.

Subject to a favourable Gateway Determination, the amended Planning Proposal will be placed on public exhibition concurrently with the draft DCP. If unresolved submissions are received during the public exhibition, a further report to Council will be prepared. If no unresolved submissions are received, the amended Planning Proposal will be submitted to the DPE for finalisation.

Recommended Community Participation Methods

On 14 September 2021, Council endorsed the Camden Community Participation Plan 2021 (CPP). The CPP identifies that where a Planning Proposal demonstrates strategic merit, the Gateway report to Council will recommend the community participation methods for the public exhibition period.

Subject to Council endorsement and a favourable Gateway Determination, it is recommended that the below community engagement methods be undertaken during public exhibition:

- Notification letters to landowners and adjacent properties;
- Signage to be provided at the site advising that the proposal is on exhibition; and
- Social media posts directing the community to Council's Your Voice website for further information on the proposal.



ORD02

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

The amended Planning Proposal seeks to replace the proposed SP2 Educational Establishment zone with a RU2 Rural Landscape zone, identify land on the Land Reservation Acquisition map and note Council as the acquisition authority under Camden LEP 2010.

The amended Planning Proposal will facilitate a separation of current land uses and apply land use zones that are in keeping with the current uses.

The amended Planning Proposal demonstrates strategic and site-specific planning merit and therefore is recommended to proceed to Gateway Determination.

RECOMMENDED

That Council:

- i. **endorse the amended draft Planning Proposal for land at 229 Macquarie Grove Road Cobbitty (Part Lot 100 DP1230568), A Lee Street and A McKellar Street, Cobbitty (Part Lot 394 DP 1184159) to be submitted to the Department of Planning and Environment for Gateway Determination;**
- ii. **endorse the amended draft Camden Development Control Plan 2019 for the purposes of public exhibition;**
- iii. **subject to no unresolved submissions being received, forward the amended Planning Proposal to the Department of Planning and Environment for the plan to be made; or**
- iv. **if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or**
- v. **should the amended Planning Proposal not receive a Gateway Approval, notify the proponent that the Planning Proposal will not proceed.**

ATTACHMENTS

1. Mater Dei/Wivenhoe - Amended Planning Proposal prepared for Council Report (with tracked changes)
2. Mater Dei/Wivenhoe Amended Planning Proposal Maps
3. Mater Dei/Wivenhoe Planning Proposal - Assessment against Strategies, SEPPs and Ministerial Directions
4. Mater Dei/Wivenhoe Planning Proposal - Advice from DPE and Gateway Determination
5. Mater Dei/Wivenhoe Revised Draft DCP



ORD02 MATER DEI / WIVENHOE AMENDED PLANNING PROPOSAL (PRE PUBLIC EXHIBITION)

Motion: Moved Councillor Campbell, Seconded Councillor C Cagney that Council:

- i. endorse the amended draft Planning Proposal for land at 229 Macquarie Grove Road Cobbitty (Part Lot 100 DP1230568), A Lee Street and A McKellar Street, Cobbitty (Part Lot 394 DP 1184159) to be submitted to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the amended draft Camden Development Control Plan 2019 for the purposes of public exhibition;
- iii. subject to no unresolved submissions being received, forward the amended Planning Proposal to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- v. should the amended Planning Proposal not receive a Gateway Approval, notify the proponent that the Planning Proposal will not proceed.

ORD99/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.

Appendix 8 – Gateway Determination



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2023-1254): Amend Camden Local Environmental Plan 2010 by amending planning controls at 229 Macquarie Grove, Cobbitty.

I, the Director Western at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Camden Local Environmental Plan 2010 to amend Camden Local Environmental Plan 2010 to align land use zone zones with current uses on the subject site and to introduce new minimum lot size controls should proceed subject to the following conditions:

1. Prior to exhibition;
 - a. the planning proposal is to include a proposed land reservation acquisition map addressing the proposed special use and public recreation zones, with associated commentary within the proposal;
 - b. the supporting studies/reports are to be amended, where necessary, to refer to the proposed application of the RU2 Rural Landscape Zone, removing reference to the former proposed SP2 Educational Establishment Zone;
 - c. review the content of *Table 2 Proposed amendments to the Camden LEP 2010 Land Zone and Lot Size Maps*
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023).

Exhibition must commence within 3 months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Rural Fire Service
 - Camden Airport (lessee and/or operator)
 - Heritage NSW
 - Environmental Heritage Group
 - Biodiversity Conservation Trust

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 28 days to comment on the proposal.

Note: consultation with the NSW Rural Fire Service is required prior to exhibition to satisfy the requirements of section 9.1 direction 4.3 *Planning for Bushfire Protection*.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make the plan.
6. The planning proposal must be reported to council for a final recommendation at least 6 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is 12 months from the date of the Gateway determination.



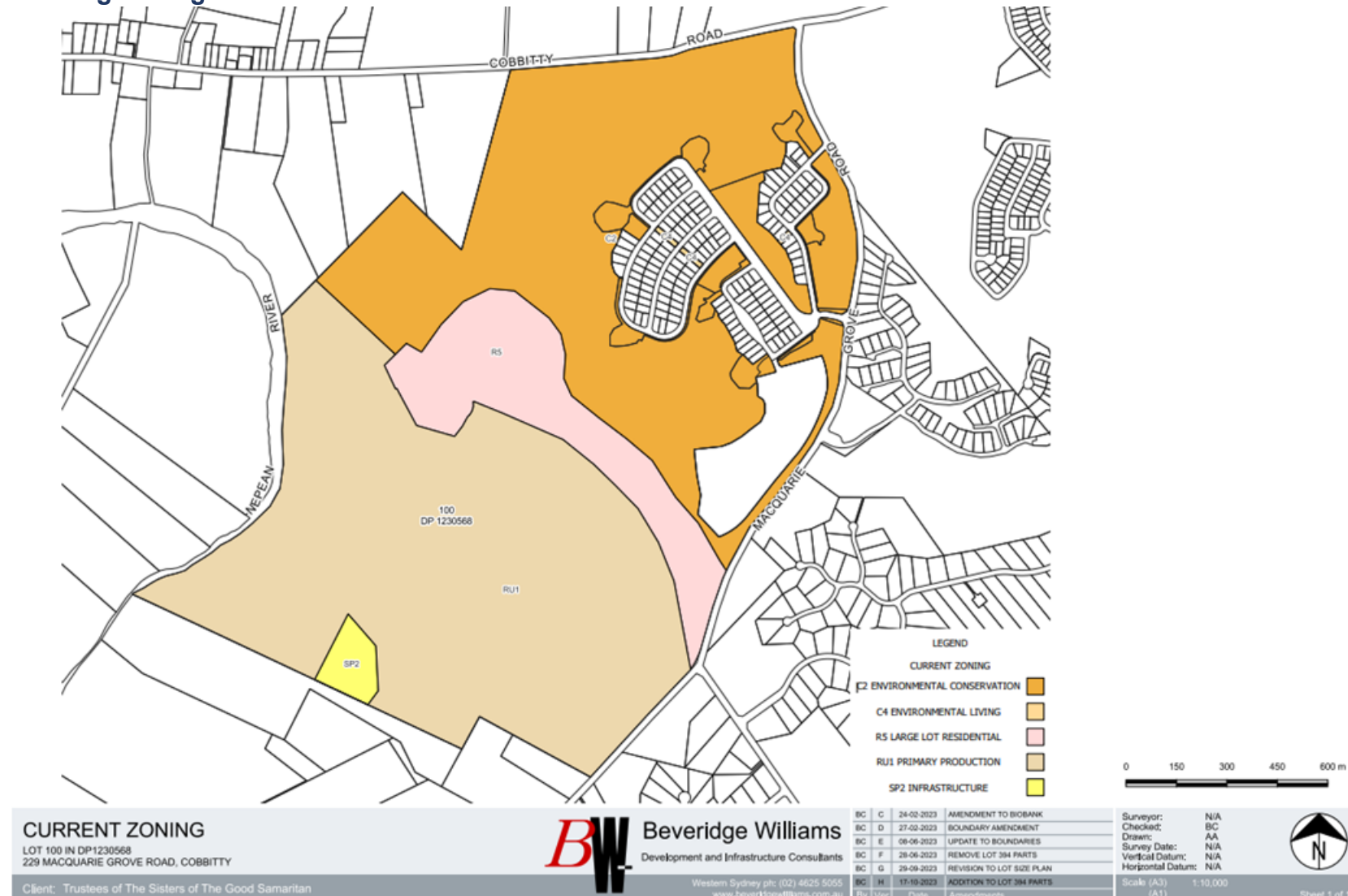
30 August 2023

Adrian Hohenzollern
Director Western
Metro West
Department of Planning and Environment

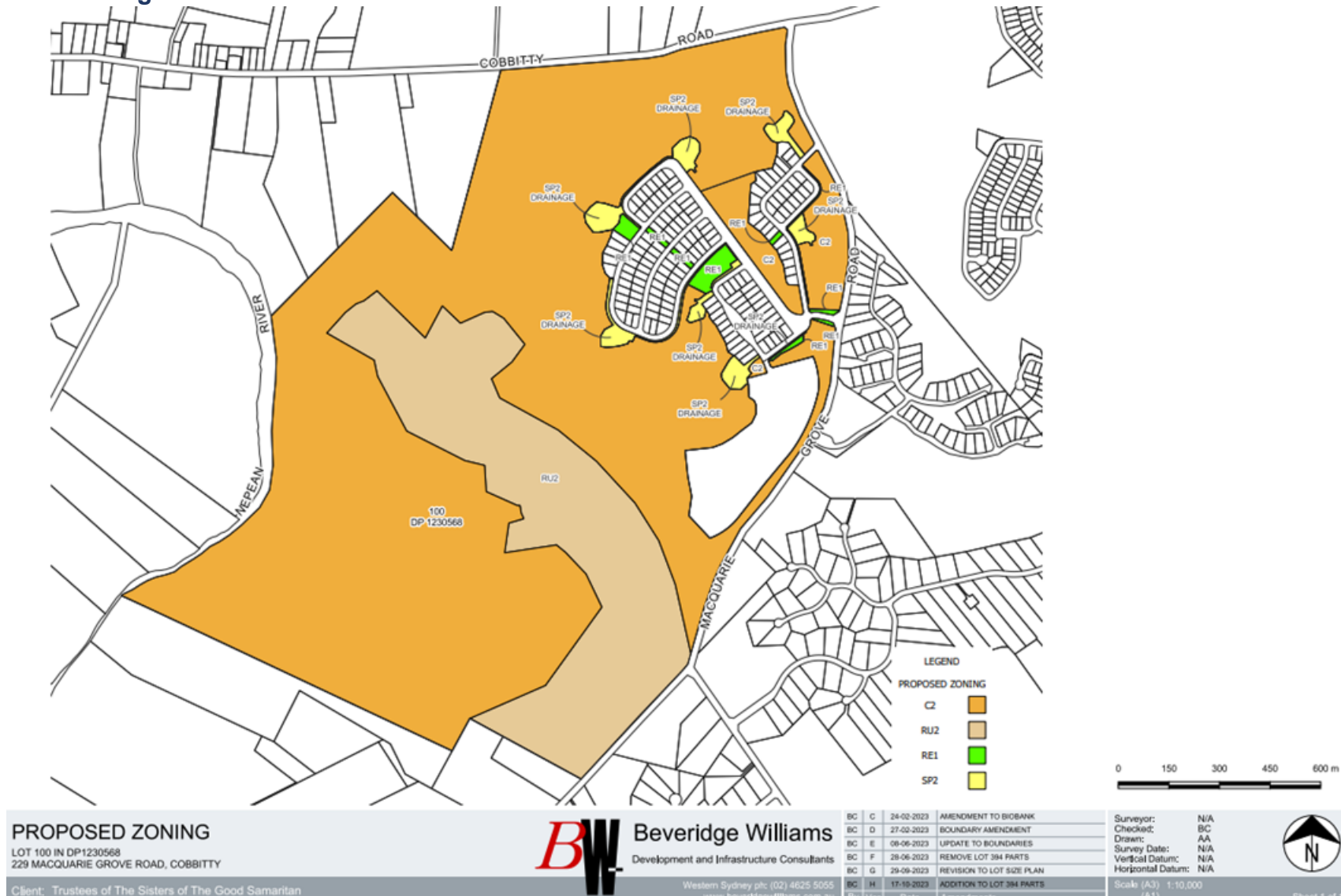
Delegate of the Minister for Planning and
Public Spaces

Appendix 9: Existing and Proposed LEP Mapping

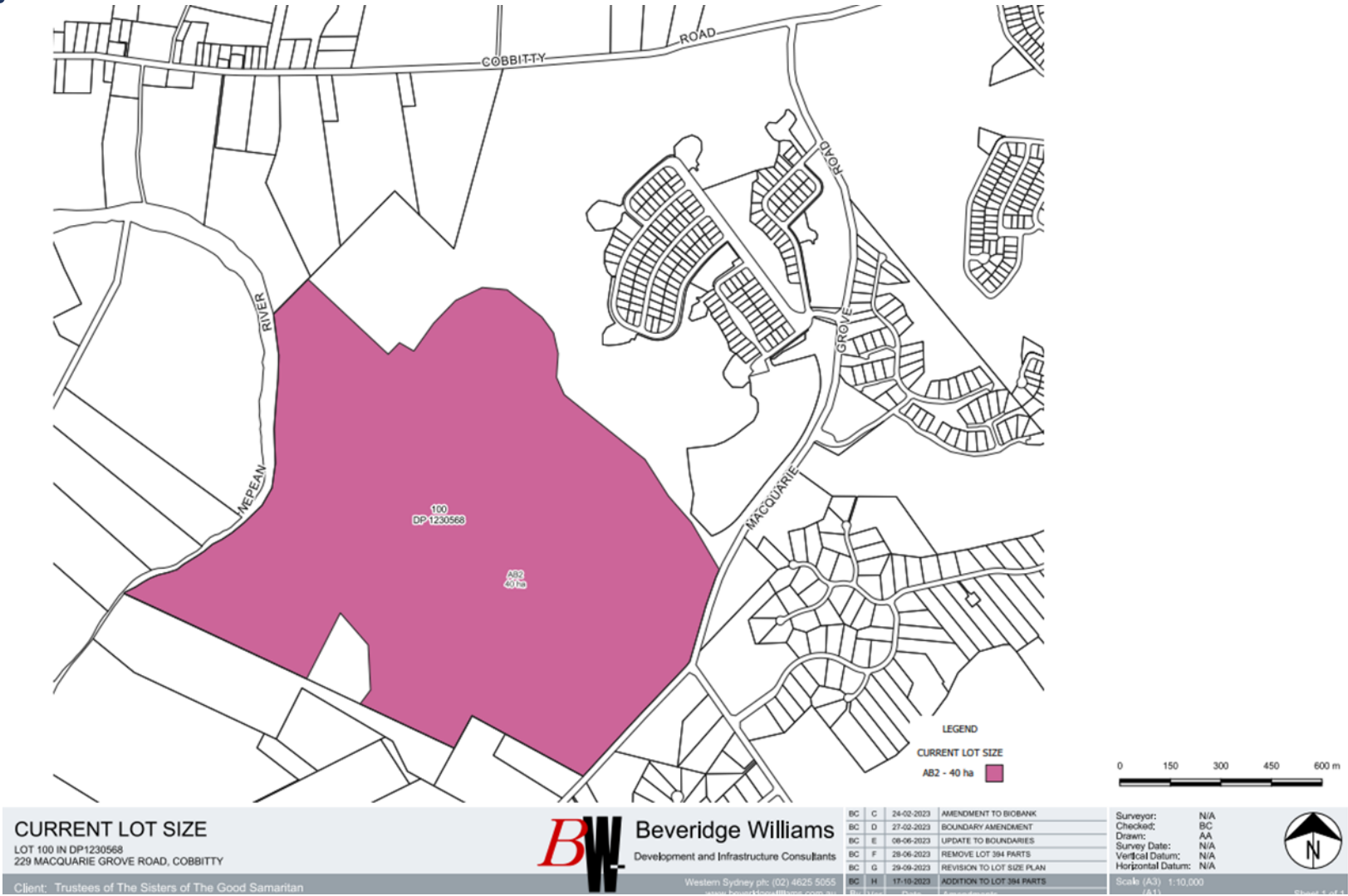
Existing Zoning



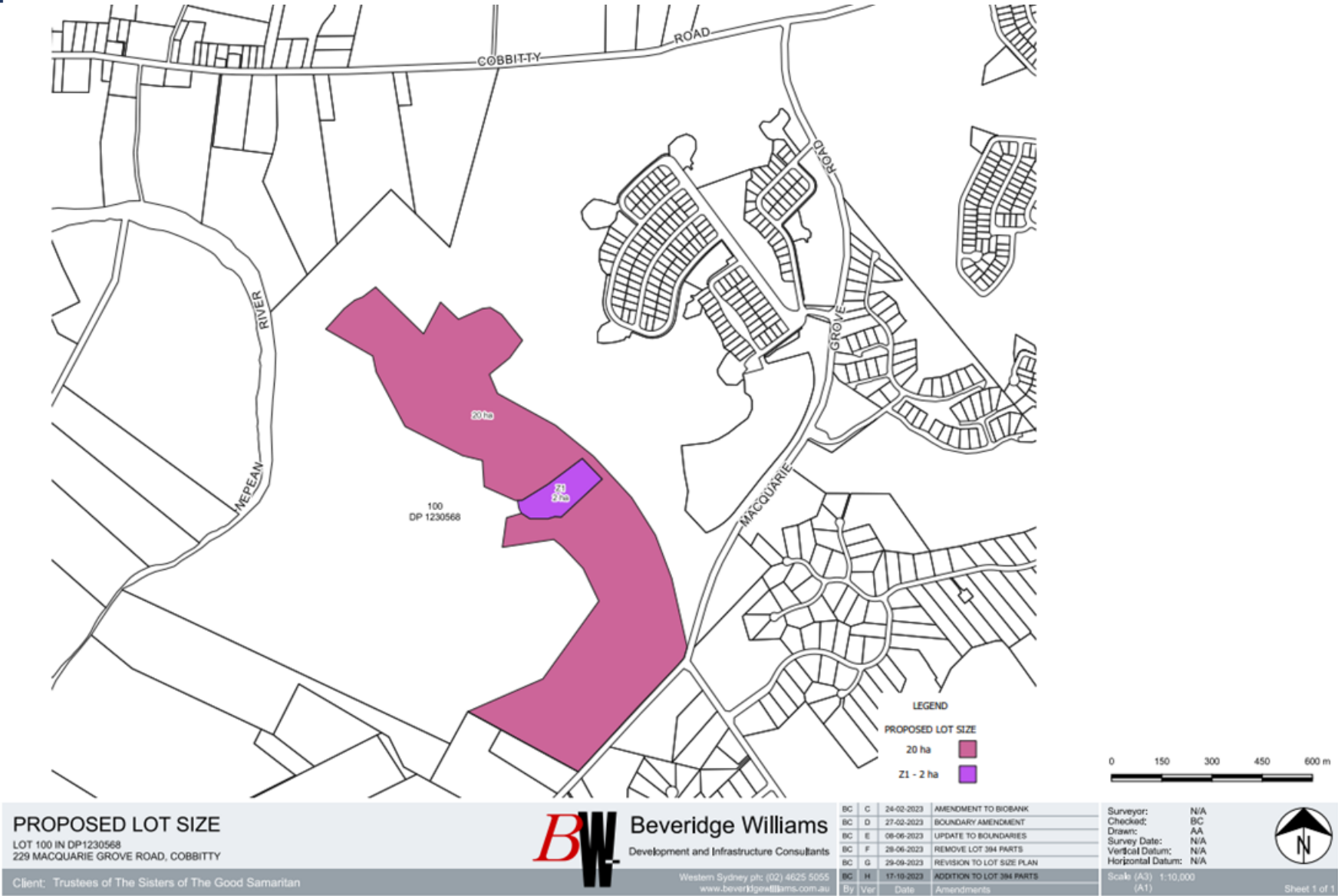
Proposed Zoning



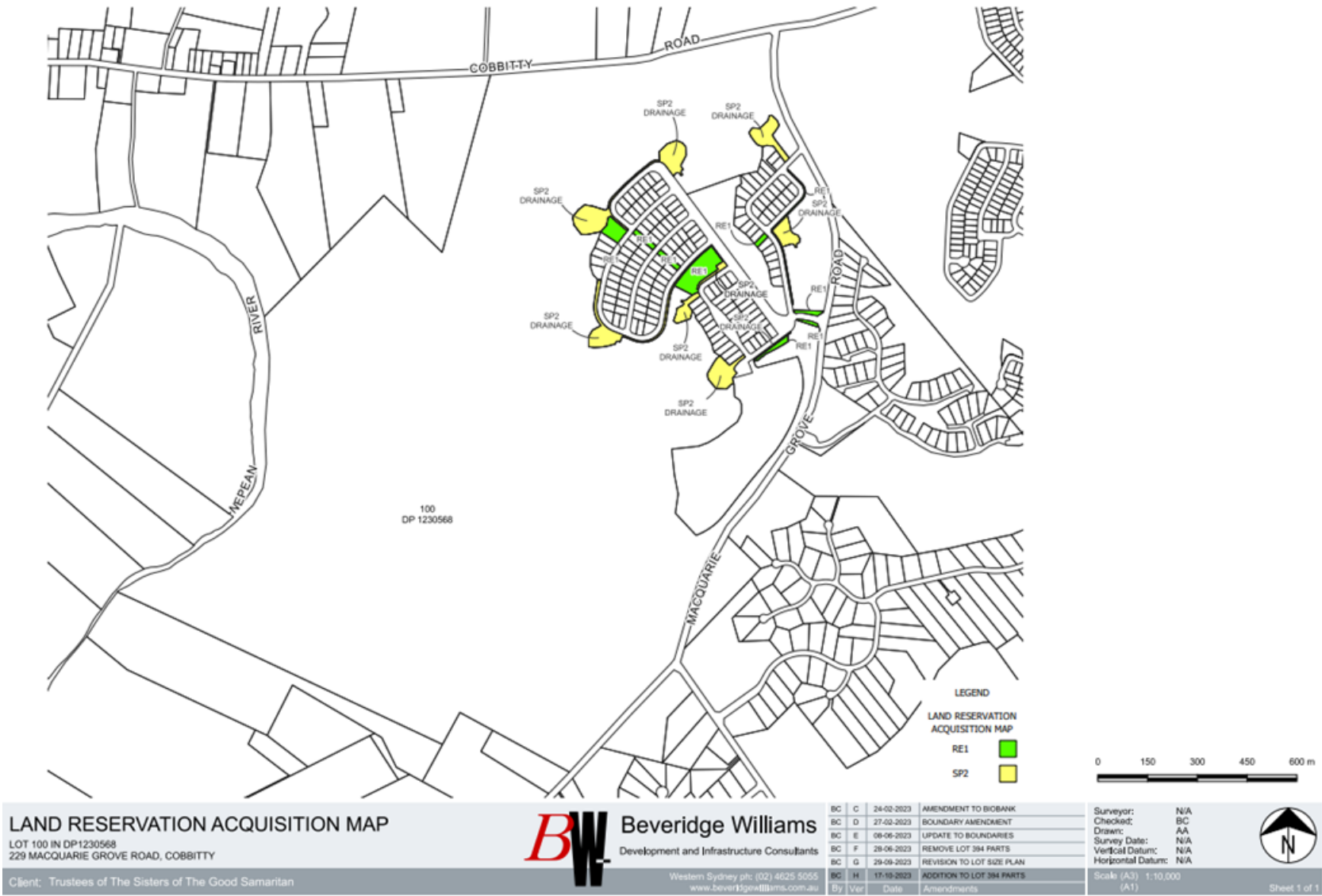
Existing Lot Size



Proposed Lot Size



Proposed Land Acquisition Map



Appendix 10: Aerial Photos and location of land proposed for RE1 Public Recreation Zone showing current embellishment





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