

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 22 SEPTEMBER, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

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Present: Cr Anderson (Mayor/Chairman), Cr Corrigan, Cr Patterson, Cr Batros, Cr Fekete, Cr McFadden, Cr Senise.

Staff: General Manager, Director Works & Services, Director Governance & Outcomes, Director Development & Environment, Manager Development, Manager Engineering, Acting Manager Outcomes (Senior Project Officer), Manager Environment & Health, Project Officer, Project Officer, Administration Officer.

Apologies: An apology was received from Cr Winn, from this meeting.

Resolved on the Motion of Cr Fekete, seconded Cr Senise that leave of absence be granted to Cr Winn, for this meeting.

DC085/03 THE MOTION WAS **CARRIED.**

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

There were no declarations.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

There were no Public Addresses.

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**1. Development Application/Rezoning Application -
Properties: Mater Dei [Lot1 DP 217570] and
Harrington Park II [Lot 1022 DP 1019023 and Lot 203
DP 1003658]**

(File 5125.280-14 and 46960) (Director Governance & Outcomes)

Purpose of Report

To have Council resolve to prepare a Local Environmental Study and Draft Local Environmental Plan to permit limited residential development and to secure certain natural systems and cultural conservation outcomes in respect of the subject lands.

Background

Council over the past 10 months has considered reports in respect of the potential rezoning of Harrington Park II and Mater Dei to permit limited residential development and to secure certain natural systems and cultural conservation outcomes in respect of the subject lands. Specifically, on 26 August 2002, Council resolved to note the listing of Harrington Park II on the Metropolitan Development Program and to further consider the rezoning process. More recently Council, at its meeting of 28 January 2003, resolved to note the limited development opportunities on Mater Dei and to link the rezoning of both parcels in one planning exercise. Council at such latter meeting also resolved to adopt certain preliminary development principles, a copy of which forms **Annexure B of Tabled Document “DC 1”**.

Rezoning Application

The application before Council seeks to effect a rezoning of the land so as to permit the development of a series of rural residential and lifestyle housing modules in the less sensitive and generally open areas in the woodland corridor.

Management of the significant vegetation remnants and corridors is central to the development proposal. It is proposed that a series of community title schemes be established for most of the development modules. Central to the management responsibilities of the development clusters will be the management of the vegetation network. Management regimes will be critical to ensuring conservation outcomes and also management of bushfire hazards.

The development opportunities provide a source of considerable capital, a meaningful component of which will need to be tied to a funding mechanism aimed at facilitating the long term conservation of Wivenhoe, the Stables, Orielson and Harrington

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Park Homestead and certain other natural system conservation outcomes not addressed by the Community Title.

To effect a rezoning of the nature proposed requires the preparation of a relevant Local Environmental Study and Draft Local Environmental Plan.

The Site

The Study will focus upon a precinct on the Mater Dei holding described as Lot 1 DP 217570 and Harrington Park II Lot 1022 DP 1019023 and Lot 203 DP 1003658 (refer to the plan contained in **Tabled Document “DC 2”**). However, natural system and landscape/view issues extending beyond such precinct will be investigated also.

The Mater Dei component of the study area comprises some 280 hectares of generally rural land. It has frontages to both Macquarie Grove Road and Cobbitty Road, although access is only presently available from Macquarie Grove Road in the vicinity of Kirkham Lane. Both frontages have a degree of largely native vegetative screening, although the Cobbitty Road frontage is interspersed with African Olive. The property also has frontage to the Nepean River.

The site has been extensively cleared in the past for grazing activities. Large stands of remnant vegetation do, however, remain on site, with significant regrowth occurring over recent decades. The bulk of the vegetation extending from the Nepean River to Cobbitty and Macquarie Grove Roads comprises Cumberland Plain Woodland Species. The vegetation community associated with the river proper generally comprises Sydney River Flat community species.

The Harrington Park II component of the study site comprises some 480 hectares of rural land. The site has frontages to The Northern Road, Camden Valley Way and Cobbitty Road. Over the years agriculture activities have resulted in the clearing of large areas of Cumberland Plain Woodland (CPW) for cropping and grazing activities. The remaining CPW on the site is important for its biodiversity values and provides the basis for the establishment and management of a vegetated corridor linking with Mater Dei and the river.

Existing Zoning

The subject lands are zoned Rural 1(a) and Special Uses 5(a) under Local Environmental Plan No.48. A copy of the zoning map for the study site is reproduced at **Tabled Document “DC 2”**. The minimum area of subdivision and minimum area for the erection of a dwelling under the 1(a) zone is generally 40 hectares.

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The 1(a) zoning objectives seek to provide suitable land for agriculture, enable compatible forms of development in keeping with the rural character of the locality and carried out in an environmentally sensitive manner.

The Rezoning Process

The Manooka and Elderslie and Spring Farm rezoning/masterplanning experiences have been instructional in terms of the planning process. Many valuable lessons have been learnt.

It is clear that the rezoning process should be transparent and “driven” by Council.

It is also evident that the level of environmental investigations and planning strategies required to effect a rezoning have expanded dramatically. No longer is it a case answering a land capability question and deferring detailed masterplanning to a later date. The nature of questions being asked by the community dictate otherwise.

The process proposed to be undertaken, pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 (as amended) is summarised as follows:

- Comprehensive specification, including specialist sub-studies, for a Local Environmental Study and Structure Plan to be prepared and endorsed by Council.
- Draft LEP to be prepared.
- Independent consultant to oversee compilation of LES and DLEP (funded by proponents but engaged by Council).
- Council endorsement of a detailed Local Environmental Study specification.
- Council appointment of an independent principal consultant.
- Council selection of a support personnel, to facilitate process through Council.
- Letting of a series of detailed sub-studies (consistent with LES specification).
- Completion and synthesis of findings of sub-studies and preparation of LES.
- Submission of LES and DLEP to Council for endorsement prior to public exhibition.
- Public exhibition of LES and DLEP.
- Adoption of LES and DLEP for making of LEP.

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Camden Structure Plan

The Camden Structure Plan and Natural Assets Policy identified the important qualities of vegetation and faunal habitat through the Harrington Park hills (Scenic Hills) and linking via Orielson and Mater Dei to the Nepean River riparian corridor. The desirability of reinforcing the corridor qualities and extending across the Marist Brothers' holding to the east has been highlighted. The opportunities for lifestyle housing integrating with such corridor in an unobtrusive fashion was identified as a mechanism to realise some of the corridor objectives. It is not possible to acquire and manage long term conservation of all corridor components in public ownership, although there is no doubting certain strategic components should rest in public ownership.

Opportunities for rural cluster residential development are identified in the Structure Plan generically under the following circumstances:

- ❖ As clustered development on rural heritage properties;
- ❖ As clustered development in return for non development of environmentally sensitive areas;
- ❖ In return for vegetated corridors; and
- ❖ Where wholly compatible with specialist forms of agricultural activity.

Whilst the Structure Plan also identified opportunities for limited urban modules on Harrington Park II, Council has regularly stated that these limited urban modules should not represent large extensions of a nature similar to Harrington Park II style development.

The Harrington Park II component is listed on the State Government's Metropolitan Development Program with the eastern extremity subject to some of the South West Sector (Bringelly) planning exercise. Recent correspondence in respect of the two holdings with DIPNR (state planning body) has provided qualified support to Council's proposed zoning initiatives (refer to **separate handout to Councillors**).

Before amending the prevailing zoning it is important to come to a comprehensive understanding of the prevailing environmental circumstances. In this latter regard it is appropriate that Council commission the preparation of a Local Environmental Study and Draft Local Environmental Plan.

Local Environmental Study (LES)

The principal areas to be examined in a relevant LES include:

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- Land capability generally
- Ecological assessment
- Total water cycle management strategy
- Accessibility and transport strategy
- Heritage and Scenic and Cultural Landscapes
- Land use generally
- Infrastructure generally
- Community and human services and recreation
- Urban design and sustainable development
- Structure plan and master plan principles.

Annexure C of Tabled Document “DC 1” is an expansion of the investigations to be undertaken as part of the LES.

It is proposed that a masterplanning process external to the LES process, but drawing upon the preliminary findings occur concurrently as has occurred with Elderslie and Spring Farm so as to better inform the community of the nature of the final outcomes.

Resourcing of the Rezoning Process

This will include the funding of a principal consultant and support Council personnel together with the requisite study and plan preparation costs.

Upon completion of the preparation of the LES and DLEP all such documents will be reported to Council for endorsement prior to proceeding to public exhibition.

It should be noted that Council, in undertaking the previously mentioned planning processes, is not committed to rezone the land. At a number of stages in the rezoning process Council can amend the study area or resolve not to proceed.

Consultation

It is proposed that appropriate community consultation occur during the planning process. Similarly, statutory authorities will be consulted during the planning process.

Council should note that further formal consultation must occur during the statutory public exhibition process attached to a rezoning.

Conclusion

There is sufficient information and inherent merit for Council to support the preparation of an LES and DLEP.

Embarking on a planning process entailing Local Environmental Study and Draft Local Environmental Plan is

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accordingly promoted as a responsible action in the light of the proposal currently before Council and the DIPNR interest in development in the subject locale generally.

Recommended: That

- (i) Council resolve to prepare a Local Environmental Study and Draft Local Environmental Plan in respect of lands known as: Lot 1 DP 217570 (Mater Dei) and Lot 1022 DP 1019023 and Lot 203 DP 1003658 (Harrington Park II).
- (ii) The resourcing of the planning process be funded by the proponents.
- (iii) The Local Environmental Study and Draft Local Environmental Plan be endorsed by Council prior to proceeding to public exhibition.
- (iv) DIPNR be advised of Council's decision, pursuant to the statutory provisions of the Environmental Planning and Assessment Act 1979 (as amended).
- (v) Council advise all affected property owners and those who interface with the subject lands of the preceding resolution and of the process involved with the rezoning.

Resolved on the Motion of Cr McFadden, seconded Cr Corrigan that

- (i) Council resolve to prepare a Local Environmental Study and Draft Local Environmental Plan in respect of lands known as: Lot 1 DP 217570 (Mater Dei) and Lot 1022 DP 1019023 and Lot 203 DP 1003658 (Harrington Park II).
- (ii) The resourcing of the planning process be funded by the proponents.
- (iii) The Local Environmental Study and Draft Local Environmental Plan be endorsed by Council prior to proceeding to public exhibition.
- (iv) DIPNR be advised of Council's decision, pursuant to the statutory provisions of the Environmental Planning and Assessment Act 1979 (as amended).
- (v) Council advise all affected property owners and those who interface with the subject lands of the preceding resolution and of the process involved with the rezoning.

DC086/03 THE MOTION WAS **CARRIED.**

(Cr Batros voted against the Motion).

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**2. Manooka Valley (Spring Hill Northern Extension)
Release Area -Local Environmental Study (LES), Draft
Local Environmental Plan (LEP) and Draft Master Plan**
(File 4412/5) [Director Governance and Outcomes]

Purpose of Report

This report provides feedback on the public exhibition in July 2002 of the LES, Draft LEP, and Master Plan for the Manooka Valley Release Area. Since July 2002, Council has been seeking further detail on the Master Plan to ensure effective outcomes for the site. The report addresses the current rezoning proposal for the site detailed below in the ownership of both the Landco/Wolin and Driver Group parties and recommends action to progress the rezoning.

Site and Locality

The subject site is known as Lots 466 DP 1017742; 34,36,37 & 38 DP 28024 and 351 & 352 DP 809159, Currans Hill. The site is bounded to the north and west by private properties and St Gregory's Agricultural College and to the south by Turner Road and the northern boundary of 'Spring Hill Village'. A portion of the site, to the east of 'Spring Hill Village', extends south towards the Christian Life Centre. A location plan of the site forms **Tabled Document "DC 3"**.

The site's topography is generally gently undulating from around RL90 at its lowest to RL147.8 at its highest point, although there are some steep sections. The majority of the site vegetation has been cleared in previous farming activities, however significant tracts of Cumberland Plain Woodland remnants exist in the eastern portions of the site.

An easement for a major electricity transmission line traverses the eastern side of the site and the Sydney Water supply channel cuts through the site in a north south direction close to the eastern boundary.

Three streams run through the site and are protected under the Rivers and Foreshores Improvement Act.

Resolution to Prepare LES/ DLEP

Council in August 2000 resolved to prepare an LES and Draft LEP in respect of the subject land.

In May 2002 Council considered a report proposing the exhibition of the planning reports prepared to rezone the subject land.

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A recommendation to proceed to exhibition of these reports was deferred on the basis that the master planning for the Driver Group land was not sufficiently advanced.

Consultations with all stakeholders were subsequently held and the proposal further progressed to the point where sufficient knowledge existed for proceeding to exhibit an holistic proposal.

At its meeting on 11 June 2002, Council resolved to place on public exhibition the planning documents for the Manooka Valley Release Area. These documents comprised a Local Environmental Study (LES), Draft Local Environmental Plan (DLEP- written document and 2 map sheets) and Master Plan map. (Copies of the DLEP written document, map sheets and Master Plan are at **Tabled Document “DC 4”**).

Public Exhibition

The planning documents for Manooka Valley (DLEP and Draft Masterplan) were publicly exhibited from 17 July 2002 to 17 August 2002. In addition to this, all relevant State Government departments, service providers, local schools, Release Area land owners and occupiers and immediately adjoining land owners and occupiers were notified that the documents were available for viewing and their comments sought.

It should be noted that a proposed layout for the land above RL 112 to the west was deferred from this exhibition, along with proposed layouts for the community title areas in the east as the proponents had not finalised masterplan details at this stage.

Responses to the Exhibition

Some 11 submissions were received in response to the exhibitions, of which 3 were from the community.

Copies of all submissions have been **made available to Councillors separately** and are summarised in **Tabled Document “DC 5”** and **Tabled Document “DC 6”**.

• **Government and Service Authority Submissions**

Submissions were received from the following government agencies and service authorities:

- Sydney Water
- NSW Department of Mineral Resources
- NSW Environment Protection Authority
- NSW Department of Land and Water Conservation
- Mine Subsidence Board
- NSW Department of Education and Training

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- NSW Roads and Traffic Authority
- NSW National Parks and Wildlife Service. (Copies of these submissions have been made available to Councillors separately.)

Since the exhibition period continued assessment of the proposal has been being carried out. In particular further studies in the form of a Bushfire Protection and Attack Assessment, Geotechnical Report on the land above RL 112 and Plans of Management for the proposed Environmental Protection areas have been prepared with subsequent comments being provided by the:

- NSW Rural Fire Service, and
- NSW National Parks, and Wildlife Service.

- **Community Submissions**

Community submissions raised the following issues of objection:

- **Local traffic volumes**
- **Congestion on Narellan Road**
- **Loss of privacy**
- **Capacity of Local Schools**
- **Inconsistent with urban containment vision for Camden**
- **Air Quality**
- **Preservation of scenic landscapes**
- **Heritage significance of water supply canal.**

General discussion of the issues raised are contained within **Tabled Document “DC 7”**, as these comments affect the DLEP and Master Plan.

Master Plan

A Master plan for the site was prepared to outline the nature of the future development potential of the site. (refer to **Tabled Document “DC 8”**). The Manooka Valley development will comprise a residential subdivision, in the order of 350 lots that contains a range of lot types and size with larger urban edge lots which act as a transition/ interface between the urban development and the surrounding rural areas.

A characteristic feature of the Master Plan is the approach to water quality treatment. The strategy incorporates the principles of Water Sensitive Urban Design and both source and conveyance controls. Roof water will be collected in tanks and reused for garden watering or internal use. Up stream creek flows will be conveyed directly into the stream system. A planned suite of sediment collection sumps, bioribbons, riparian buffer zone filtration, sub-surface wetlands and stream processes have been designed to capture runoff from

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open spaces. Details of these proposals will be provided in the site-specific design guidelines.

It should be noted as previously cited that this master plan did not include detail in respect of a layout for the land above RL 112 and layouts for the community title areas in the east.

Draft Local Environmental Plan

Exhibition

The DLEP (**Tabled Document “DC 4”**) as prepared and exhibited, proposes to amend Camden LEP’s 47 and 48 through the establishment of a 7(d1) (Environmental Protection (Scenic) Zone) under both LEP 47 and LEP 48 and two new zones under LEP 48 which comprise: 2(d1) (Residential “D1”(Manooka Valley) Zone) and 7(d2) (Environmental Protection (Bushland) Zone). In October 2002 Parliamentary Counsel advised that the plan could be legally made in the form it existed at the time.

Proposed Amendments to the DLEP

The exhibition and submissions have prompted the following proposed amendments to the DLEP:

- some additional zone objectives for the DLEP,
- an additional 7(d3) Bushland Conservation and Restoration Zone (zone which seeks to preserve Camden’s unique landscape character, conserve, restore and protect bushland and its scenic qualities and protect ridgelines and upper slopes, through restricting the density and visibility of residential development.)and,
- insertion of a clause which restricts the approval of an application for development on the site until Council has had regard to a Master Plan and a mechanism which makes provision for the timely supply of public facilities and infrastructure (ie Developer Agreement or Section 94 Plan).

In this latter respect it should be noted that all owners have agreed in principle to enter into a Developer Agreement. Although such requirement may be negated with the timely adoption of Council’s consolidating Contribution Plan.

Proposed Amendments to the Master Plan

The exhibited master plan has been amended to be consistent with submissions and more detailed work in terms of the previously deferred areas. The amended plan includes:

- detailed layouts for the land above RL 112; and

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- detailed layouts for the East Village community title developments.

Regional Transport Levy

The Roads and Traffic Authority have requested that new release areas not be rezoned until such time as a suitable funding arrangement is set in place for collection of contributions to the regional road network required as a result of development. This is consistent in part with Council's resolution regarding public transport and accessibility in terms of the proposed Elderslie and Spring Farm releases.

It is considered that this approach should apply to the Manooka Valley development.

The application of the regional transport levy to Manooka has been dismissed by the state government to date given the purported advanced nature of the Manooka rezoning and the 1000 lot threshold. This situation is considered to be inequitable and should be further pursued with DIPNR.

Conclusion

The rezoning of the subject land is a complex undertaking given the disparate land ownership pattern and the need to weld a common vision/approach to achieve residential and conservation outcomes.

All proposed amendments to the previously exhibited DLEP **Tabled Document "DC 9"**, DLEP map sheets **Tabled Document "DC 10"** and updated Master Plan **Tabled Document "DC 8"** are listed.

The nature of proposed amendments which have resulted from submissions and additional work are such that the amended DLEP and Master Plan should be re-exhibited.

Recommended: That:

- (i) Council resolved to re-exhibit the DLEP and Master Plan as amended for 28 days. (Refer to **Tabled Document "DC 9"** for amended documents.
- (ii) Council pursue the matter of the application of the Regional Transport Levy to Manooka with the State Government.
- (iii) All owners of land within the proposed release area and persons/bodies responsible for submissions be advised of the amendments and the decision to re-exhibit.

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*Resolved on the Motion of Cr Batros, seconded Cr McFadden
that:*

- (i) Council resolved to re-exhibit the DLEP and Master Plan as amended for 28 days. (Refer to **Tabled Document “DC 9”** for amended documents.*

- (iii) Council pursue the matter of the application of the Regional Transport Levy to Manooka with the State Government.*

- (iii) All owners of land within the proposed release area and persons/bodies responsible for submissions be advised of the amendments and the decision to re-exhibit.*

DC087/03 THE MOTION WAS **CARRIED.**

The Meeting closed 5.45pm