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| **Camden Local Environmental Plan 2010 (Camden LEP)** | | |
| **Section** | **Assessment** | **Compliance** |
| **Part 2 Permitted or Prohibited Development**  **2.3 Zone Objectives and Land Use Tables**  *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.* | The development site is zoned RE2 Private Recreation pursuant to the Camden LEP. A detailed assessment against the zone objectives is provided below. | Refer to the below assessment |
| **RE2 Private Recreation**   * *To enable land to be used for private open space or recreational purposes.* * *To provide a range of recreational settings and activities and compatible land uses.* * *To protect and enhance the natural environment for recreational purposes.* | Whilst residential accommodation and hotel and motel accommodation are both prohibited in the RE2 zone (refer to the main assessment report), the development is still consistent with the zone objectives in the following respects:   * The development will retain a significant portion of endangered species with suitable mitigation measures to ensure the adverse impacts of the development are kept to a minimum. * The development proposes the replanting of Pimelea spicata plants at a ratio of 3:1, resulting in an additional 297 plants. * Proposed trees to be removed are primarily classified with low and/or medium retention value. None of these trees have been identified with either ecological and/or heritage value. With the proposed replanting at a ratio of 4:1, the development will result in an additional 76 trees (minimum), consisting of local indigenous species. * Sufficient open space is proposed within the development site, providing both residents and visitors with the opportunity to undertake a range of recreational activities. * Proposed works will have minimal adverse impacts on Lots 3 and 5. * The development will enable land to be used for private open space. * Subject to the imposition of recommended conditions of consent, proposed land uses are considered to be compatible with surrounding land uses. | Yes – Subject to the imposition of conditions of consent. |
| **4.1 Minimum Subdivision Lot Size**  *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the*[*Lot Size Map*](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/camden-local-environmental-plan-2010)*in relation to that land.* | The development proposes a community title scheme. As such, this clause does not apply. | Not applicable. |
| **4.3 Height of Buildings**  *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.* | The development site is not subject to a height of buildings development standard. | Not applicable. |
| **5.10 Heritage Conservation**  *Development consent is required for any of the following—*  *(a)  demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance) heritage item.*  *(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*  *(c) erecting a building on land on which a heritage item is located or that is within a heritage conservation area, or*  *(d) subdividing land on which a heritage item is located or that is within a heritage conservation area.* | The development site is identified as having state heritage significance pursuant to the *Heritage Act, 1977* and Schedule 5 of the Camden LEP. The following works are proposed with this Development Application (DA):   * Refurbishment of Studley Park House and the Dining Hall in addition to the relocation of the Army Butcher Shop. The remaining structures on Lot 1 are to be removed / demolished. * Construction of a two storey hotel building and four residential flat buildings on the eastern wing of Studley Park House. * Provision of a community title subdivision to create an additional three lots.     The development is classified as nominated integrated development and therefore requires General Terms of Approval (GTAs) from Heritage NSW.  In response to the above works, this clause is applicable to the subject DA. | Applicable |
| ***Effect of proposed development on heritage significance*** *–  The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).* | As detailed in the main assessment report, the following conclusions have been drawn:   * The development has appropriately considered key significant features of the site to ensure they are maintained for future generations. Specifically, this includes the provision of key view corridors and vistas from the southern, western, and northern elevations and to the former Engine House. * The development establishes an appropriate setback from key buildings and significant view lines to ensure the density of the proposed development does not compromise the amenity of the wider heritage site. * The provision of landscaping within the development site reduces the dominance of proposed built forms from the public domain and within the adjoining golf club/course site. * The proposed colours and finishes are sympathetic to the existing heritage item (subject to recommended conditions). * The development is in accordance with the draft Conservation Management Plan (CMP) prepared for the subject site. * Council’s Heritage Advisor is satisfied that, subject to the imposition of recommended conditions of consent, the development will not compromise the significant of the site. * Heritage NSW have issued GTAs for the subject proposal.   Subject to the above assessment and imposition of recommended conditions of consent, the development is consistent with this subclause. | Yes |
| *The consent authority may, before granting consent to any development on land on which a heritage item is located, require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.* | The DA was accompanied by a draft CMP prepared for the site, which has been endorsed by Heritage NSW. The proposed development is consistent with the CMP. | Yes |
| ***Heritage conservation management plans****–The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.* | As noted above, the DA was accompanied by a draft CMP that has been endorsed by Heritage NSW. | Yes |
| ***Archaeological sites****– The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the*[*Heritage Act 1977*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1977-136)*applies)—*  *(a)  notify the Heritage Council of its intention to grant consent, and*  *(b)  take into consideration any response received from the Heritage Council within 28 days after the notice is sent.* | The assessment undertaken with the preparation of the CMP notes that the site does not contain any Aboriginal objects or sites and no new areas of historical archaeological potential were identified as a result of the survey. Notwithstanding, previous identified areas of sensitivity were confirmed with regards to the archaeological potential.  As noted above, the DA was referred to Heritage NSW, where GTAs have been issued. One of the GTAs requires the preparation of an Archaeological Assessment that clearly identifies whether relics of local and/or state significance may be harmed and/or whether appropriate mitigation measures or alteration to the design should occur based on the significance of the relics that may be present. This report must be submitted with the Section 60 Application. | Yes |
| ***Conservation incentives****– The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:* | As noted in this assessment report, the development relies on the subject clause for the proposal (for the purpose of a ‘residential flat building’ and ‘hotel and motel accommodation’) to be approved. | Applicable |
| *The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent.* | The DA was accompanied with a detailed schedule of conservation works and feasibility reports, to demonstrate that the proposed development will facilitate the conservation of the item. | Yes |
| *The proposed development is in accordance with a heritage management document that has been approved by the consent authority.* | As noted above, the development has been carried out generally in accordance with the draft CMP prepared for the subject site. The draft CMP has not yet been approved by a consent authority. Accordingly, it is recommended that the Sydney Western City Planning Panel approve the CMP and DA as part of the recommendation. | Yes |
| *The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out.* | Stage 1 of the DA proposes all conservation works (identified in the draft CMP) to be carried out prior to the commencement of Stage 2 works. Conditions are recommended to ensure ongoing compliance. | Yes – Subject to recommended conditions of consent. |
| *The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance.* | As detailed in this assessment report, Council staff and Heritage NSW are satisfied that, subject to the imposition of recommended conditions of consent, the development (as proposed) will have minimal adverse impacts on the heritage significance of the heritage item and the wider setting. | Yes |
| *The proposed development would not have any significant adverse effect on the amenity of the surrounding area.* | As shown in the photomontages submitted with the DA, proposed landscaping within and around the development site will screen the bulk of the development from surrounding public areas. Subject to the imposition of recommended conditions (relating to the schedule of colours and finishes) Council staff are satisfied that the development will not affect the amenity of the heritage item via surrounding land uses (being the golf club / course) and the public domain. | Yes |
| **5.11 Bush Fire Hazard Reduction**  *The*[*Rural Fires Act 1997*](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-065)*also makes provision relating to the carrying out of development on bush fire prone land.* | The DA seeks the subdivision of land that is bushfire prone. As such, the application was referred to NSW Rural Fire Service, where GTAs were issued. Standard conditions are recommended to ensure ongoing compliance with the GTAs. | Yes |
| **6.2 Public Utility Infrastructure**  *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.* | A condition can be included in the consent to ensure compliance with this clause. | Yes – Subject to the imposition of recommended conditions of consent. |
| **7.4 Earthworks**  *Development consent is required for earthworks.* | The DA was accompanied by a cut and fill plan demonstrating the extent of earthworks required to accommodate the subject development. | Yes |
| *Before granting development consent for earthworks, the consent authority must consider the following matters—*  *(a)  the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*  *(b)  the effect of the proposed development on the likely future use or redevelopment of the land,*  *(c)  the quality of the fill or the soil to be excavated, or both,*  *(d)  the effect of the proposed development on the existing and likely amenity of adjoining properties,*  *(e)  the source of any fill material and the destination of any excavated material,* | a) The application has been supported with salinity and geotechnical assessments, which have not identified any significant underlying soil structures or faults, or occurrences of ground water.  b) The earthworks (predominately excavation) are required for the formation of basements to provide carparking for residential development and for guests / patrons of the hotel development. The earthworks will facilitate development needed to enable restoration works to be undertaken to Studley Park House and ensure its longtime viability.  (c) It is a requirement of development consent that virgin excavated and or excavated natural material may be utilised on site. Excess material to be disposed will be required to be adequately classified before it can be reused or alternatively disposed of.  (d) Proposed earthworks are located a sufficient distance from adjacent development (Camden Golf Course), with no detrimental impacts or change to natural ground surface levels at the property boundary.  (e) The development will result in a cut volume net balance deficit of 50,368m3. As identified above, only virgin excavated and or excavated natural material may be utilised on site. | Yes  Yes  Yes  Yes  Yes |