

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-365.
Application Number:	2023/526/1.
Local Government Area:	Camden.
Development:	Retention, restoration, ongoing maintenance and adaptive reuse of Studley Park House, the Dining Hall and the Army Butcher Shop (as a tennis pavilion), demolition of remaining buildings / structures on site, site remediation, vegetation removal and bushland management and construction of a two storey hotel building and four x part three and part four storey residential flat buildings with basement level car parking, community title subdivision and associated site works including the construction of a separate vehicular driveway via Lodges Road.
Capital Investment Value:	\$118,219,260.
Site Address(es):	200 Camden Valley Way & 50 and 50A Lodges Road, Narellan
Applicant:	Peter Moran
Owner(s):	Peter Moran (Lot 1) and Camden Council (Lots 3 & 5)
Date of Lodgement:	21 September 2023
Number of Submissions:	39 written submissions, all opposing the development (including two petitions).
Number of Unique Objections:	39
Classification:	<ul style="list-style-type: none"> • Regionally Significant Development. • Nominated Integrated Development. • Integrated Development.
Recommendation:	Approve with conditions.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development estimated development cost >\$30 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021. • State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • Camden Local Environmental Plan 2010. • Camden Development Control Plan 2019.

List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • Camden Local Environmental Plan 2010 assessment table. • Camden Development Control Plan 2019 assessment table. • Apartment Design Guide assessment table. • Conservation Management Plan • Recommended conditions. • Proposed Plans.
Development Standard Contravention Request(s):	Nil
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • The development will result in significant adverse traffic and parking implications for the surrounding road networks due to the proposed urban uplift. • The development will have significant adverse impacts to endangered communities listed under state and federal legislation. • The development will have adverse impacts to the overall heritage significance of Studley Park House. • The development will have adverse impacts on surrounding land uses with regards to stormwater management. • The development will compromise the acoustic amenity on surrounding land uses. • The proposal will result in an overdevelopment of the site. • The development is inconsistent with the general character of other developments in proximity to the site. • The development is not consistent with Clause 5.10(10) of the <i>Camden Local Environmental Plan 2010</i>. • The development is inconsistent with the objectives of the RE2 Private Recreation zone. • The development is not consistent with the management plans set out for Lot 3 and 5. • Not enough people were notified on the proposed development. • The development will have adverse impacts on the operation of the adjoining golf course.
Report Prepared By:	Laura Poulton, Executive Planner
Report Date:	November 2024

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for the retention, restoration, ongoing maintenance and adaptive reuse of Studley Park House, the Dining Hall and the Army Butcher Shop (as a tennis pavilion), demolition of remaining buildings / structures on site, site remediation, vegetation removal and bushland management and construction of a two storey hotel building and four x part three and part four storey residential flat buildings with basement level car parking, community title subdivision and associated site works including the construction of a separate vehicular driveway via Lodges Road at 200 Camden Valley Way & 50 and 50A Lodges Road, Narellan.

The Panel is the consent authority for this Development Application (DA) as the estimated development cost (EDC) of the development is \$118,219,260. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2023/526/1 for the retention, restoration, ongoing maintenance and adaptive reuse of Studley Park House, the Dining Hall and the Army Butcher Shop (as a tennis pavilion), demolition of remaining buildings / structures on site, site remediation, vegetation removal and bushland management and construction of a two storey hotel building and four x part three and part four storey residential flat buildings with basement level car parking, community title subdivision and associated site works including the construction of a separate vehicular driveway via Lodges Road. (the Application) pursuant to Section 4.16 of the *Environmental Planning and*

Assessment Act, 1979 by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the retention, restoration, ongoing maintenance and adaptive reuse of Studley Park House, the Dining Hall and the Army Butcher Shop (as a tennis pavilion), demolition of remaining buildings / structures on site, site remediation, vegetation removal and bushland management and construction of a two storey hotel building and four x part three and part four storey residential flat buildings with basement level car parking, community title subdivision and associated site works including the construction of a separate vehicular driveway via Lodges Road at 200 Camden Valley Way & 50 and 50A Lodges Road, Narellan.

A summary of the assessment of all relevant environmental planning instruments is provided in the table below with a detailed assessment provided later in the report.

Policy	Summary
<p><i>Heritage Act 1977</i></p>	<p>The DA was referred to Heritage NSW pursuant to Section 58 of the <i>Heritage Act, 1977</i> as the site contains a state heritage item.</p> <p>On 5 March 2024, the application was considered by the Heritage Approvals Committee (HAC). It was determined at that meeting that the application was supported in principle, subject to the imposition of deferred commencement conditions and approved conditions of consent.</p> <p>Following receipt of the General Terms of Approval (GTAs), the applicant submitted additional information and amended plans that sought to address the deferred commencement conditions recommended by Heritage NSW.</p> <p>In summary, the following changes and additional information were submitted:</p> <ul style="list-style-type: none"> - Schedule of conservation works. - Updated architectural plans which includes a revised hotel entry. - Revised landscaping plans. <p>The amended plans and additional information were referred to the HAC on 30 September 2024, where the following comments and recommendations were provided:</p> <p><i>“At its meeting on 30 September 2024, the Heritage Council Approvals Committee resolved, in accordance with Section 4.47 of the Environmental Planning and Assessment Act, 1979, to grant amended General Terms of Approval.”</i></p>

	<p>The amended GTAs remove the requirement for deferred commencement conditions, with specific conditions to re-design the temporary waste holding area and additional information to be submitted for approval with the Section 60 application.</p>
<p><i>Rural Fires Act, 1997</i></p>	<p>The DA was referred to New South Wales Rural Fire Service (RFS) for GTAs pursuant to Section 100B of the <i>Rural Fires Act 1997</i> (RF Act). No concerns were raised, subject to the imposition of GTAs issued by NSW RFS, dated 5 December 2023.</p>
<p><i>Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017</i></p>	<p>The development site contains areas of high biodiversity value under the <i>Biodiversity Conservation Act 2016</i> (BC Act). As the proposal seeks the removal of endangered species (specifically <i>Pimelea spicatas</i> and Cumberland Plain Woodlands), the DA was accompanied by a Biodiversity Development Assessment Report (BDAR), pursuant to Section 28(2) of the <i>Biodiversity Conservation Regulations 2017</i> (Biodiversity Regulations).</p> <p>The BDAR, prepared in accordance with the <i>Biodiversity Assessment Methodology 2020</i> (BAM), notes that the proposal will result in the removal of 0.68 hectares (4.03%) of Cumberland Plain Woodlands and 21 <i>Pimelea spicata</i> plants (1.7%). In addition, 78 <i>Pimelea spicata</i> plants are located within the Asset Protection Zone (APZ), which may be impacted/removed during the upkeep of the APZ in accordance with the GTAs issued by RFS and the recommendations in the Bushfire Assessment Report.</p> <p>In summary, the BDAR has concluded that:</p> <ul style="list-style-type: none"> - The 78 plants within the APZ have been assumed in the Biodiversity Assessment Method Calculator (BAMC) to be impacted but will retain as many clumps as possible as a mitigation measure. The total loss of 99 clumps is estimated at 8.13% of the total population across the development site. - Propagation and replanting of <i>Pimelea spicata</i> plants at a ratio of 3:1. This will result in the replanting of 297 <i>Pimelea spicata</i> plants. - The BAM calculations have been undertaken and are outlined in the BDAR, which included the requirement to retire: <ul style="list-style-type: none"> a) 12 ecosystem credits relating to Cumberland Plain Woodlands, b) 10 species credits <i>Meridolum Corneovirens</i>, c) Seven species credits relating to Southern Myotis, and d) 10 species credits relating to <i>Pimelea spicatas</i>. <p>Notwithstanding the above, the following avoidance measures were imposed:</p>

	<ul style="list-style-type: none"> - Amendments to the design and layout of the development footprint has significantly reduced the number of plants impacted. Further, the revised development layout is now proposing to utilise areas of cleared land and/or that contains exotic vegetation. - Selected clumps from the Managed Ecological Zone (MEZ) will be transplanted under nursery hot house conditions by the appointed nursery. - As many Pimelea spicata plants will be retained within the APZ and protected as part of the MEZ, subject to the APZ management requirements. - The conservation area is to be managed and conserve the Pimelea spicata plants in clumps to promote regeneration. - The size of the APZ has been reduced. - Prior to the commencement of demolition works, a fauna ecologist is to undertake a search for living Cumberland Plain Land snails and relocate them into the adjacent woodland area following a rainfall event. <p>Council's Natural Resources Officer has reviewed the subject DA and is supportive of the BDAR subject to recommended conditions, which include:</p> <ul style="list-style-type: none"> - Retirement of species and ecosystem credits. - Monitoring to be undertaken for a 10 year period to give greater understanding on the conservation and recovery of the species, and monitoring reports to be prepared and forwarded to relevant agencies. - Preparation of a Biodiversity Management Plan in perpetuity management. - Mitigation measures set out in the managed ecological area to be incorporated in a Biodiversity Management Plan. <p>A detailed assessment on the overall biodiversity impacts is provided within this report.</p>
<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p>	<p>The Panel is the consent authority for this DA as the development has an EDC of \$118,219,260. The EDC threshold for Council to determine the DA is \$30 million.</p>
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i></p>	<p>Lot 1 contains overhead powerlines and therefore the DA was referred to Endeavor Energy for comment, pursuant to Section 2.48 of the SEPP. No concerns were raised by Endeavor Energy, subject to the imposition of recommended conditions of consent.</p> <p>The DA was also referred to Transport for NSW (TfNSW) for comment as the proposal is classified as traffic generating, pursuant to Section 2.112 of the SEPP. TfNSW reviewed the application and made the following recommendations:</p>

	<ul style="list-style-type: none"> - The swept path for the longest vehicle entering and exiting the site as well as moveability through the site should be in accordance with AUSROADS. - The layout of the proposed car parking areas must be in accordance with the relevant Australian Standards for heavy vehicle usage. - A construction pedestrian traffic management plan is prepared prior to the issue of a construction certificate. <p>Satisfaction with the above matters can be assured via recommended conditions of consent.</p>
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i></p>	<p>The DA proposes remediation works as previous assessments identified asbestos, polycyclic aromatic hydrocarbon and total recoverable hydrocarbon contamination in sporadic locations across the site within surface and subsurface soils. A Remediation Action Plan (RAP) has been prepared which establishes a sequential process for remediation and validation works.</p> <p>The RAP outlines the appropriate management of any unexpected finds that may be discovered during the course of remediation works. The carrying out of the recommended processes will ensure the site is made suitable for the intended land uses on site.</p> <p>As part of the assessment, it was recommended that a gas monitoring report be prepared to characterise gas conditions across the site. The report concluded the risk as low and therefore, further monitoring is not required. The Application was reviewed by Council's Environmental Health Specialist, where no concerns were raised, subject to the imposition of recommended conditions of consent.</p>
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)</i></p>	<p>The DA proposes the clearing of vegetation within a non-rural area and therefore requires development consent, pursuant to Chapter 2 <i>Clearing Vegetation in Non-Rural Areas</i> of the BC SEPP. The DA proposes the removal of 19 trees to accommodate the proposed development. The DA was accompanied by a BDAR, Vegetation Management Plan (VMP), Arboricultural Report and detailed Landscaping Plans detailing replacement planting and measures to be carried out to ensure there are no greater impacts on trees proposed to be retained.</p> <p>In addition, Chapter 9 of the BC SEPP requires the consent authority to take into consideration general planning provisions and specific planning policies, which relate to water quality and quantity, protecting flora and fauna and protecting cultural heritage and scenic qualities in the immediate vicinity of the site.</p>

	Relevant plans and consultant reports have demonstrated that the outcomes of the development are satisfactory.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)</i>	A BASIX Certificate and Capability Report has been submitted with the DA, noting that all residential units proposed will achieve the relevant targets under the BASIX SEPP.
<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)</i>	<p>As the development proposes four residential flat buildings an assessment against SEPP 65 and the Apartment Design Guideline (ADG) has been undertaken and is provided as a separate attachment to this report.</p> <p>The assessment has determined that the development is generally consistent with the relevant matters contained in this policy and the ADG, subject to the imposition of recommended conditions of consent.</p>
<i>Camden Local Environmental Plan 2010 (Camden LEP)</i>	<p>The site is zoned RE2 Private Recreation pursuant to the Camden LEP. The proposed development is classified as a '<u>residential flat building</u>', '<u>hotel or motel accommodation</u>', '<u>roads</u>', subdivision of land and associated site works.</p> <p>Apart from '<u>roads</u>,' all land uses are prohibited in the RE2 zone. Notwithstanding, the Applicant seeks consent under the conservation incentive provisions under Clause 5.10(10) <i>Heritage Conservation</i> of the Camden LEP.</p> <p>In summary, a detailed assessment by Council staff has concluded that:</p> <ul style="list-style-type: none"> - The granting of development consent will fund the restoration works and upkeep of Studley Park House (and ancillary structures), thereby facilitating its ongoing conservation. - The development is consistent with the Conservation Management Plan (CMP) prepared for the site. - The imposition of recommended conditions will ensure all conservation works (as recommended in the CMP) will be carried out prior to the occupation of the approved development. - Subject to the imposition of recommended conditions, the development will have no adverse impact to the overall heritage significance of the site. - The proposed siting and density of the development will not significantly compromise the amenity of the wider area and/or significant view corridors identified within and around the site. <p>As detailed above, the DA was referred to Heritage NSW, where it was confirmed that subject to the</p>

	<p>imposition of recommended conditions, the development is 'supported in principle'.</p> <p>A detailed assessment against all relevant clauses contained in Camden LEP is provided as an attachment to this report.</p>
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The DA was publicly exhibited and advertised for a period of 28 days in accordance with Camden Community Participation Plan 2021 (CCPP). The exhibition period was from 3 October 2023 to 6 November 2023 and 39 submissions (inclusive of two petitions) were received all opposing the development.

The issues raised in the submissions are summarised below.

a) Traffic

- The development will have significant traffic impacts on surrounding road networks during the operational and construction phase of the development.
- The provided Traffic Impact Assessment (TIA) did not consider recent development approvals in the vicinity of the subject site.
- The adverse traffic impacts will have significant safety implications on pedestrians and motorists utilising surrounding road networks and pedestrian footpaths.
- The development has not appropriately considered the number and/or size of larger vehicles entering the site during the operational phase of the development.
- Additional traffic calming measures should be considered on surrounding roads to mitigate the adverse traffic impacts.
- Work zones should not be proposed in areas that will compromise existing pedestrian pathways, cycleways and/or roads.
- The development proposes insufficient car parking spaces. Further, there are no alternative overflow car parking areas within the development site. As such, patrons / residents are likely to utilise the car parking area associated with the golf course.

b) Ecology

- The development will result in the removal of endangered species in addition to mature trees.
- The development will have significant impacts on endangered species sought to be protected.
- Noise and light pollution from the hotel and residential apartment blocks will affect the quality of habitat for species living in, foraging, and visiting the adjacent woodland.
- Removal of 12 hollow bearing trees will reduce the nesting sites available to a range of species including parrots, kookaburras, possums, and owls.
- The BDAR fails to consider regular slashing and mowing (required for the maintenance of the Asset Protection Zone) and the adverse impacts this will have on endangered species.
- Nine threatened animal species have been observed within or close to the development footprint. The construction of the development will increase the risk of collision for all these threatened species.
- The development will result in a significant loss of recreational land, woodland and open space in a rapidly growing area where there is little to no open space still to enjoy.
- The landscaping plans contain plants that are known weeds and pose a high risk of spreading into the adjoining Cumberland Plain Woodland.

- The site is zoned RE2 Private Recreation to allow for growth of endangered species. The development will compromise this.
- Management / removal of vegetation in accordance with the *Biodiversity Conservation Act 2016* requires the sound application of the avoidance principle rather than just proceeding into a biodiversity offsetting calculation and establishing biodiversity credits.
- EPBC Act. Due process would seem to require referral of potential impacts on native flora and fauna, in this case *Pimelea spicata*, to the department for consideration and a decision by the Minister or their delegate as to whether and what approval is required.

c) *Heritage*

- The development is not consistent with the CMP prepared for the site. The CMP does not permit apartment buildings, hotels and/or the like.
- The apartments will compromise the integrity of the heritage listing and the values it represents.
- The development will compromise significant views to and from Studley Park House.
- The proposed apartments will compromise the rare historic cultural landscape and the open landscape character within the site.
- The development is not in keeping with the heritage significance of the site.
- The ongoing maintenance and upkeep of the site should not rely on the approval of the proposed development.
- It is preferred to at least preserve the layout of the army buildings and retain the remaining viable structures in place to recognise their history, their importance and preserve the remaining archaeology.
- The provided heritage assessment is subjective in that it was funded by the owner.
- The arguments about the proposed development being 'within the cadastral boundaries' is not correct as the proposed residential flat buildings are located outside the heritage curtilage.
- The CMP is missing appendices B to E.

d) *Engineering / Environmental Health*

- The development will impact surrounding properties with regards to tree removal, erosion and stormwater run-off.
- The development will have significant acoustic impacts on surrounding land uses.

e) *Architectural Design / Urban Design / Character*

- The building height is excessive compared to surrounding low density developments and will therefore greatly impact the amenity of the site and the wider area.
- The development will compromise the existing rural feel of the area.
- The proposal is an overdevelopment of the site.
- The development will significantly overshadow Studley Park House.
- The DA was not accompanied by a Visual Impact Assessment.

f) *General*

- On what basis is the DA considered to be live.
- Has Council given permission for the developer to gain access across this land. When was such permission given and whose authority was any such property access granted?
- How has this DA come to be under consideration by the Western Sydney Planning Panel.

- The development is not within the public interest.
- From the external perspective, it appears that Council is involved in reviewing a private DA that includes development on community land it owns.
- The development is not compliant with the zone objectives for the RE2 Private Recreation zone.
- Lots 3 and 5 are subject to the Cumberland Plain Recovery Plan and some are subject to the Narellan Creek Local Biodiversity Corridor and the Pimelea Spicata Recovery Plan. Camden Council's current management plans do not permit the establishment of hotels, apartments and/or roads.
- The development does not comply with the height of buildings controls.
- Building height has not been correctly calculated.
- There is a concern about the appropriateness and legality of the use of community land to accommodate the private driveway.
- The use of 5.10(10) has been abused in that it will only result in a financial gain for the property owners.
- The assessment of Clause 5.10(10) should not be supported due to the adverse heritage impacts.
- The development will have adverse impacts on surrounding property prices.
- The proposed basement levels will significantly disturb the site.
- The residential buildings will increase the risk of household waste, building waste and rubbish dumped.
- Council must impose the appropriate actions to ensure Studley Park House is available to be viewed by the public.
- Not enough people were notified of the DA.
- Sources of funds during the operational phase (details of the community title scheme) should be provided to demonstrate the appropriate use of 5.10(10).
- There is minimal detail on the proposed community title scheme.
- The golf club should consider putting in more gaming machines to fund the restoration of Studley Park House.
- Council should not be wasting money on the assessment of this DA.
- Restoration works should be funded by government grants not through other developments.
- The impacts of the development on the adjoining golf course is unclear.
- The plans do not show the relocation of Holes 1 and 18, the golf pro shop or the protection of the tennis courts from wayward golf balls.
- The terms and the conditions of the sale (of the land) was that the land can only be used for recreational purposes. Further, Council cannot construct or place any building, structure, facility, vehicular access, car parking facility or other improvements where works are over \$200,000 without the written consent of the Commonwealth.
- The land (Lot 3) was dedicated to Council for recreational uses only. The Pimelea spicata within Lot 3 are protected by a conservation organisation. The access through Lot 3 is therefore contrary to the above.
- It is unclear how Council can monitor the hotel development in accordance with the Plan of Management.
- The development will have adverse financial impacts on the golf club. Specifically, the development will result in the loss of two holes. Further, the cost of redesigning the two holes will be approximately \$150,0000 (each).
- The ninth green will be overshadowed significantly.
- Waste collection should not occur during peak periods to ensure the adverse impacts on the golf course are kept to a minimum.
- The proposed redevelopment is of a size and scale that the Moran Land does not support.
- The Golf Club does not agree to any of its facilities being demolished so as to provide for greater means of access into Studley Park.

- The Golf Club is not empowered to dispose of the land the subject of the proposed roadway and, in any event, it is not willing to dispose of any part of its land entitlements.
- It is inconsistent with covenants on the land. As the development is to consist of restaurants, bars and function room that is intended to service patrons well exceeding those of the private hotel (such that the restaurants and bars will in effect operate as stand-alone businesses), the proposed development is inconsistent with the covenant on the land.
- A bar and dining area with 108 seats over three distinct dining areas is intended to service significantly more patrons than the planned maximum capacity of the hotel rooms.

Based on the assessment, it is recommended that the DA be approved, subject to the conditions attached to this report.

AERIAL PHOTO



Figure 1 – Aerial image of the subject site/s (outlined in the red) and surrounding allotments.

THE SITE

Site Description

The development is proposed over three lots being 200 Camden Valley Way (Lot 1 in DP 859872) & 50 and 50A Lodges Road, Narellan (Lot 3 and 5 in DP 859872) (refer to **Figure 1** above).

Most of the works proposed as part of the DA are within Lot 1 which has a total site area of 5.532 hectares and is privately owned. Lot 1 is surrounded by Camden Golf Course (Lots 3 and 5), which is owned by Camden Council and leased by the Camden Golf Club.

There are two right of carriageway easements that traverse Lot 5 (i.e. over parts of the golf course site at the northern and southern ends) that allow for direct vehicular access

to Lot 1 (i.e. Studley Park House) via Camden Valley Way and Lodges Road (see **Figure 2** below).

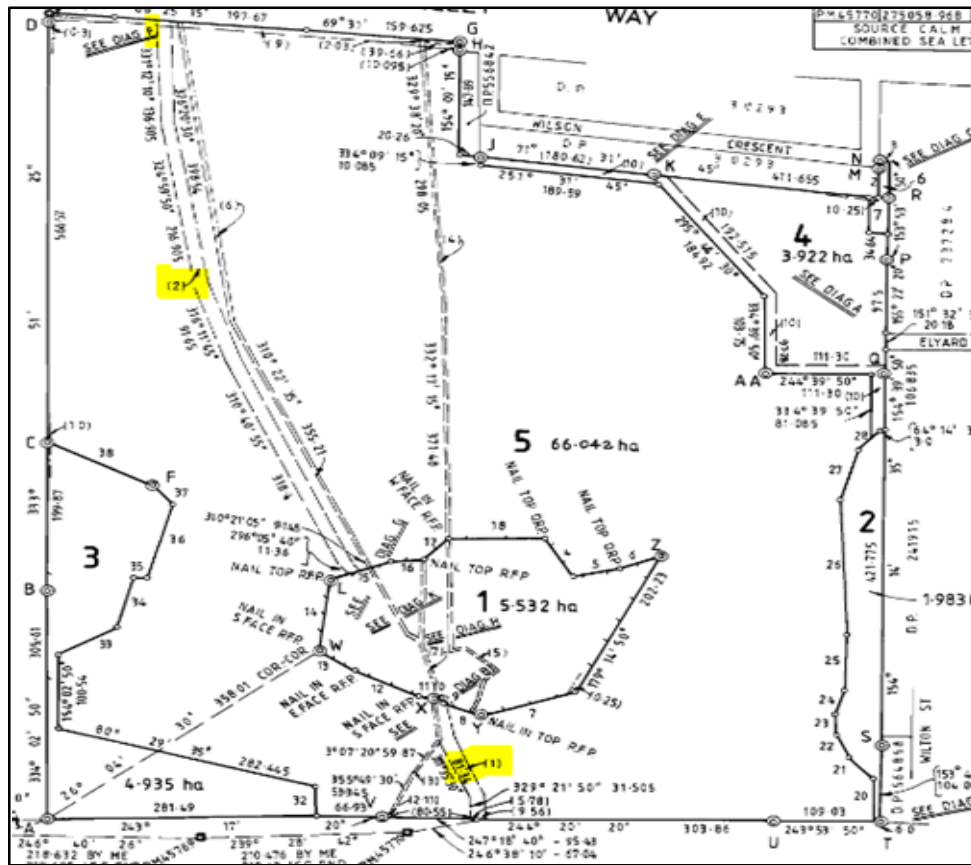


Figure 2 – Deposited plan of the subject lots. The right of carriageway easements are highlighted in yellow and provide a legal right of access to Lot 1 (i.e. Studley Park House) from both Camden Valley Way and Lodges Road

Lot 1 – Studley Park House (privately owned land)

Lot 1 is an irregularly shaped allotment and is identified as having state heritage significance pursuant to the *NSW Heritage Act, 1977* (SHR No. 00398) and Schedule 5 *Environmental Heritage* of the Camden Local Environmental Plan 2010 (Camden LEP).

Specifically, there are six buildings located within Lot 1 and the heritage curtilage of Studley Park. The main building is known as Studley Park House, which is an example of Victorian Italianate architecture. The remaining buildings on Lot 1 include the Dining Room / Theatrette, Army Dining Hall, Army Butcher Shop, Army Mess, Army Mess and Kitchen, Army Student Quarters, Army Ablutions Building and the Army RAP Building (see **Figures 7 to 12** below). The siting of these buildings within the development site and their significance to the overall heritage item are demonstrated in **Figure 3** below.

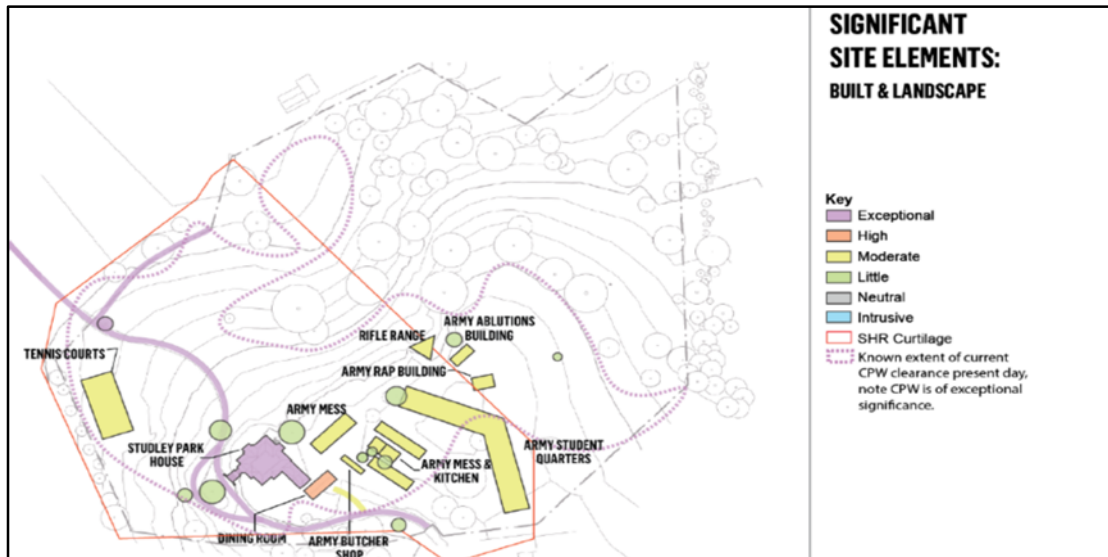


Figure 3 – Significance plan of built forms within the development site. Source: Figure 384 CMP.

The siting and the distinctive form of Studley Park House with its prominent tower, creates a highly visible and recognisable feature in the landscape (see **Figure 7** below). As Studley Park House is situated at the highest point of the ridge on the western section of Lot 1, there are significant views and vistas to other historical homesteads and areas in the immediate vicinity, including Kirkham Stables, Camelot and Orielton and surrounding streets and reserves including Camden Valley Way, Lodges Road, Hilder Street and Kirkham Oval. Views to the east are limited and do not greatly contribute to the heritage significance of the site (see **Figures 4** and **5** below). All significant views and vistas to and from the site are identified in Table 15 *Significant Views and Vistas* of the draft CMP for Studley Park (see **Figure 6** below).

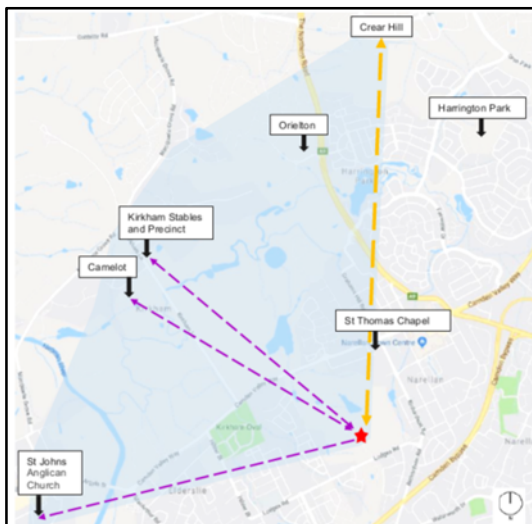


Figure 4 – Approximate location of the development site (red star) and nearby heritage listed items identified with state significance.

Source: Conservation Management Plan (Figure 243).

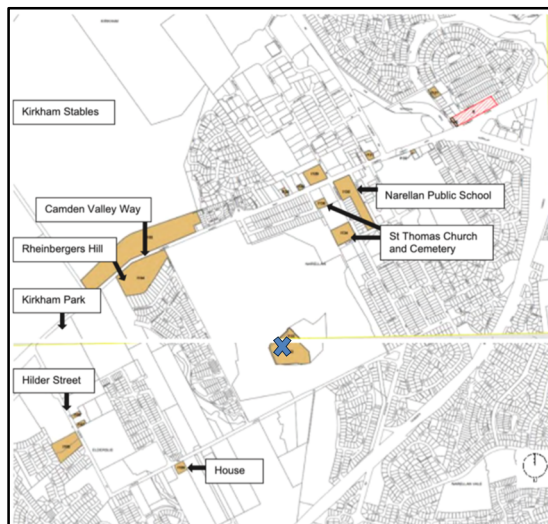


Figure 5 – Approximate location of the development site (blue cross) and nearby heritage listed items identified with state and local significance.

Source: Conservation Management Plan (Figure 258).

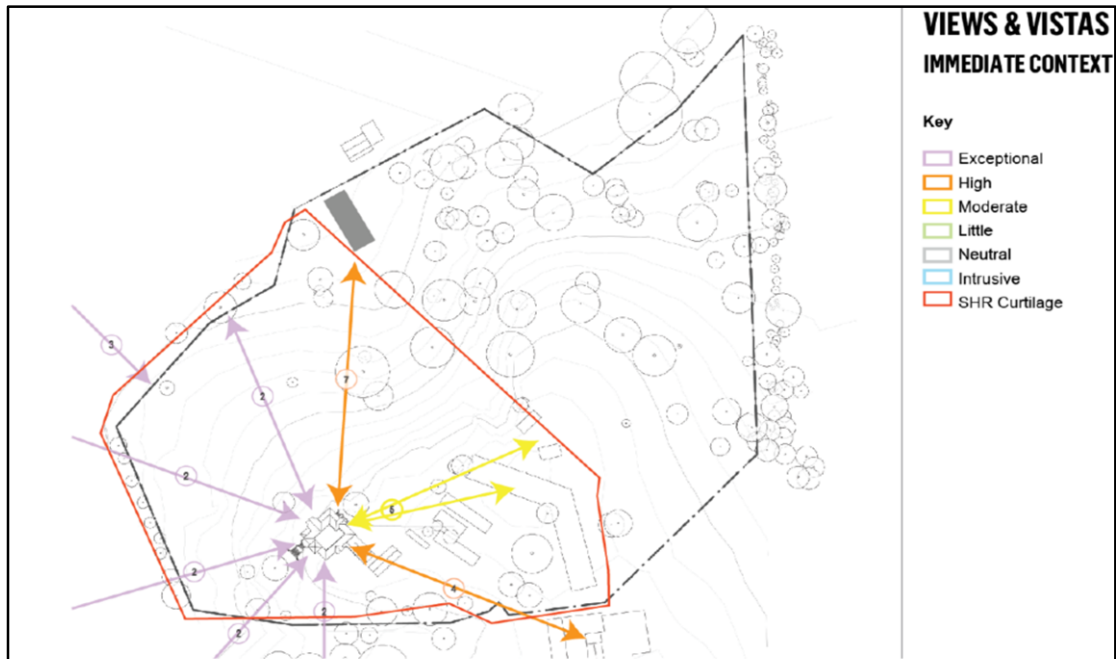


Figure 6 – Significant views and vistas within the development site.
 Source: Studley Park Conservation Management Plan (Figure 394).

Lot 1 in its existing context is shown in **Figures 7 to 12** below.



Figure 7 – Studley Park House and the Dining Hall via the southern end of the site.



Figure 8 – Army Mess and Kitchen and Army Student Quarters.



Figure 9 – Western end of Studley Park House.



Figure 10 – Views from the tower looking north.



Figure 11 – Rear of the Golf clubhouse looking northwest.



Figure 12 – Existing northeastern elevation of Studley Park House.

Lots 3 and 5 (Community land owned and managed by Camden Council)

Lot 3 primarily consists of vegetation and does not contain any buildings or structures. Lot 5 contains the golf clubhouse (see **Figure 13** below), golf pro shop and an eighteen-hole golf course.



Figure 13 – Camden Golf Club House.

Lots 3 and 5 are community land owned and managed by Camden Council under a deed agreement with the Commonwealth. Under the terms of the deed the Council must:

- Use the land only for recreation purposes.
- Comply with any statute or other law affecting the land or Council’s occupation or use of the land.
- Maintain the land in good a clean condition.

Section 10.1 of the Deed also states that:

“10.1 The Council must not without the prior written approval of the Commonwealth, which approval may be given or refused in the Commonwealth’s absolute discretion: -

10.1.1 sell or transfer the land until the option period has expired.

10.1.2 construct or place any building, structure, facility, vehicular access, car parking facility or other improvement under on or above the land except where the total cost of such construction or placement does not exceed \$100,000 (“minor works”) to the intent that the Council shall not be required to obtain the Commonwealth’s written approval to minor works.”

Under the terms of the Deed the minor works amount (i.e. \$100,000) is subject to CPI, which is now circa \$200,000.

The Applicant has provided a cost summary of the works proposed on Lots 3 and 5, which are:

- Lot 3 - \$105,540 (driveway works and tying into the existing roundabout); and
- Lot 5 - \$312,615 (remainder of driveway, the pro shop relocation and alterations to the golf course).

As the works on Lots 3 and 5 are valued at more than \$200,000, the approval of the Commonwealth is required prior to carrying out these works.

The requirements of the deed do not impact on the Panel's ability to consider the DA as planning law is not concerned with land title or real property law. That said, appropriate conditions are recommended to ensure the relevant Commonwealth approval is obtained prior to any works commencing.

Endangered Species

All three lots contain endangered species and are mapped as biodiversity values land under the BCC (see **Figure 14** below). These species include:

- One threatened flora species, being *Pimelea spicata* plants.
- One critically endangered ecological community, being Cumberland Plain Woodland (CPW).
- Nine threatened fauna species including Little Eagle, Little Lorikeet, Grey-Headed Flying Fox, Eastern Coastal Free-Tailed Bat, Eastern False Pipistrelle, Greater Broad-Nosed Bat, Southern Myotis and Cumberland Plain Land Snail.

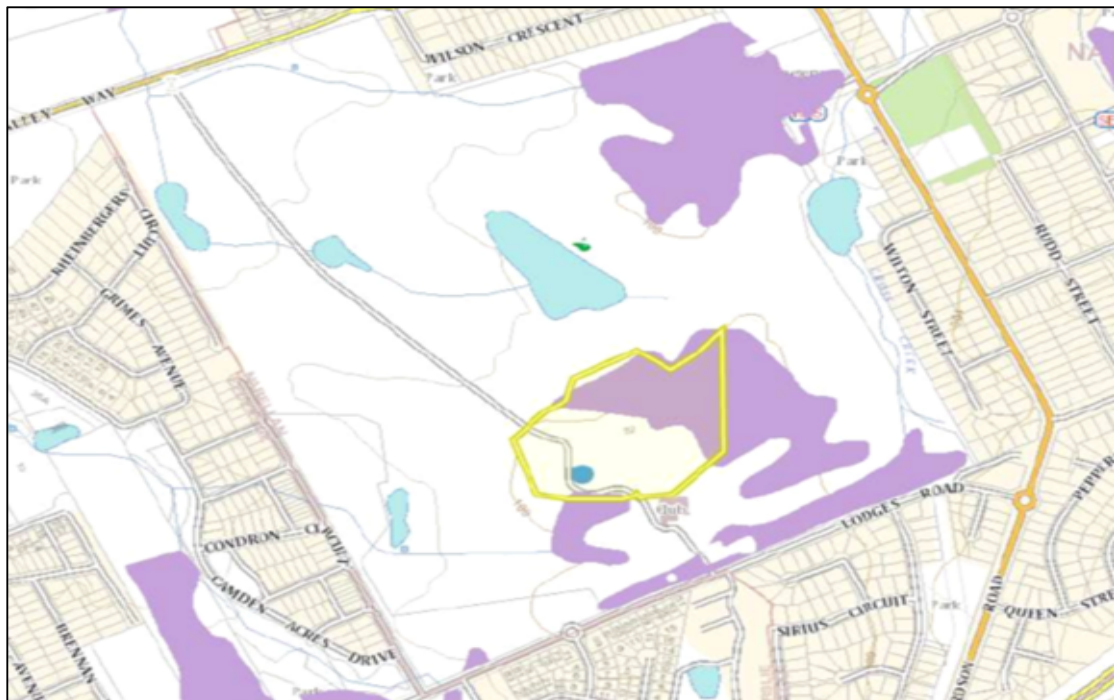


Figure 14 – Biodiversity land map. Areas identified with high biodiversity value are coloured in purple. Lot 1 is outlined in yellow.

Planning Context and Surrounds

The development site is zoned RE2 Private Recreation (see **Figure 15** below) and is not subject to a maximum building height control pursuant to the Camden LEP.

Beyond the site, land is generally zoned R1 General Residential, R2 Low Density Residential and RE1 Public Recreation (see **Figure 16** below). These surrounding lots generally contain a mix of residential accommodation types and educational establishments. These lots are generally subject to a maximum building height of 9.5m.

The development site is located in proximity to a number of educational establishments including Narellan Public School and Yandelora School to the east, Marwarra Public School to the southwest and Elderslie Public School and Elderslie High School to the west. The development site is also located approximately 800m west of Narellan Town Centre, which has been identified as a key strategic centre for the Camden Local Government Area. The site is approximately 270m northwest of an existing bus stop (on Lodges Road), which provides a single service from Campbelltown to Camden South via Camden (single loop). This service also provides access to both Campbelltown and Macarthur train station/s.

ZONING PLAN

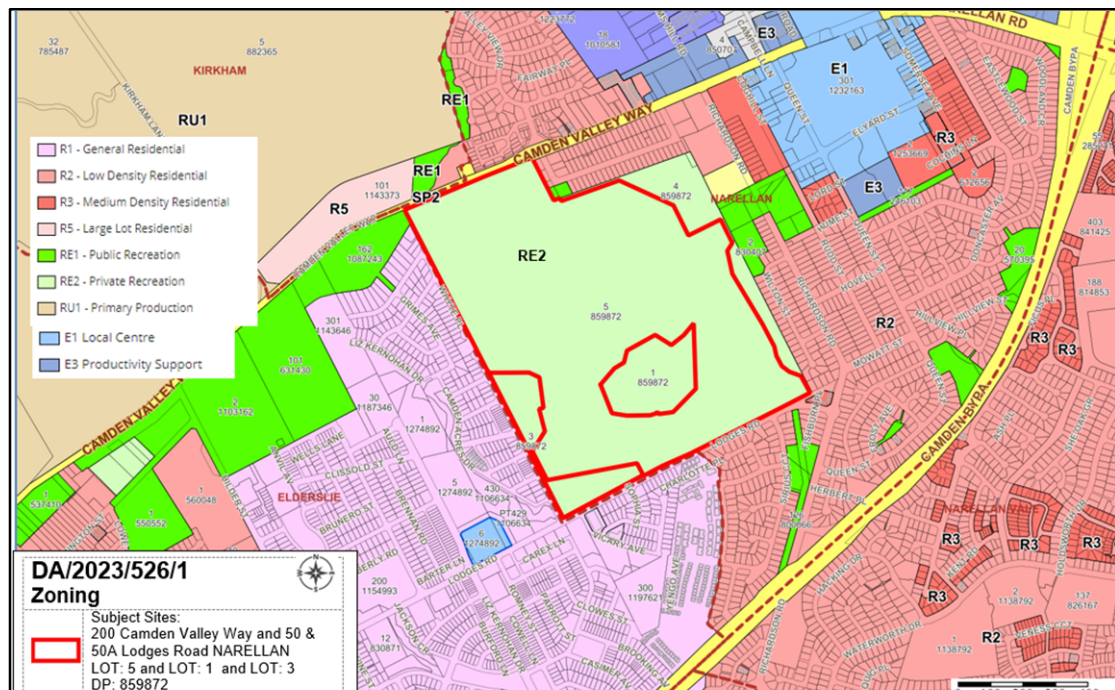


Figure 15 – Zoning map. The site is outlined in red.

BUILDING HEIGHT

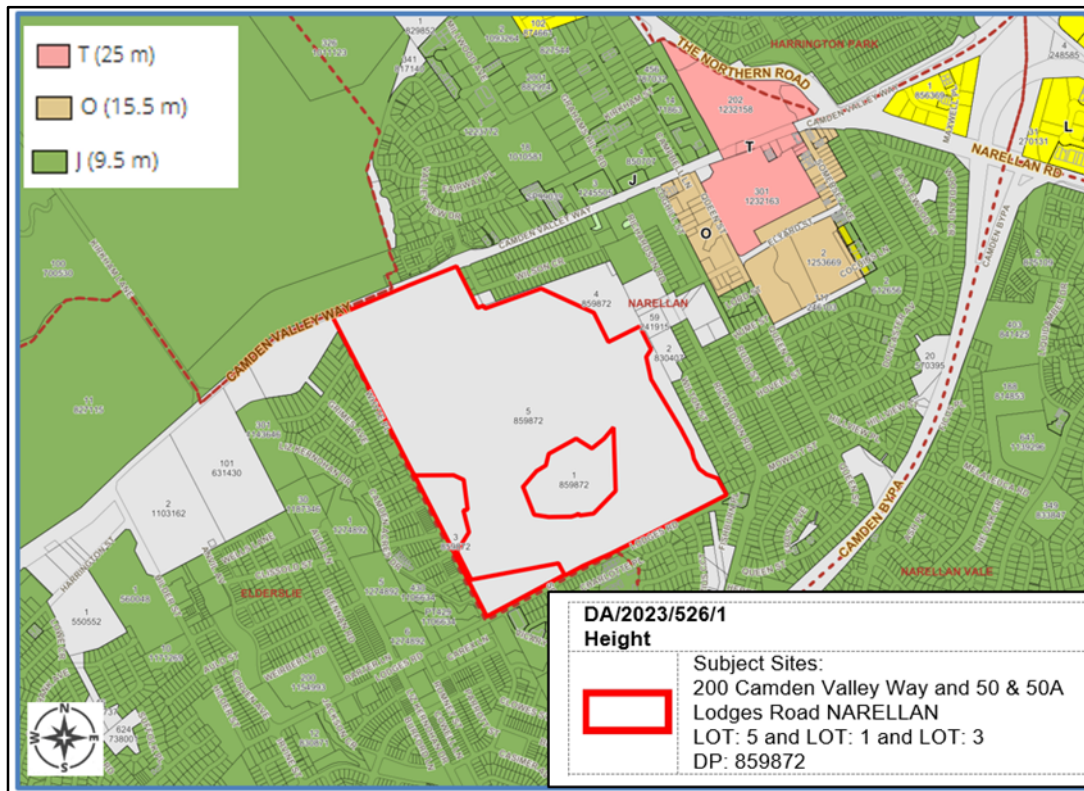


Figure 16 – Height of buildings map. The site is outlined in red.

HERITAGE

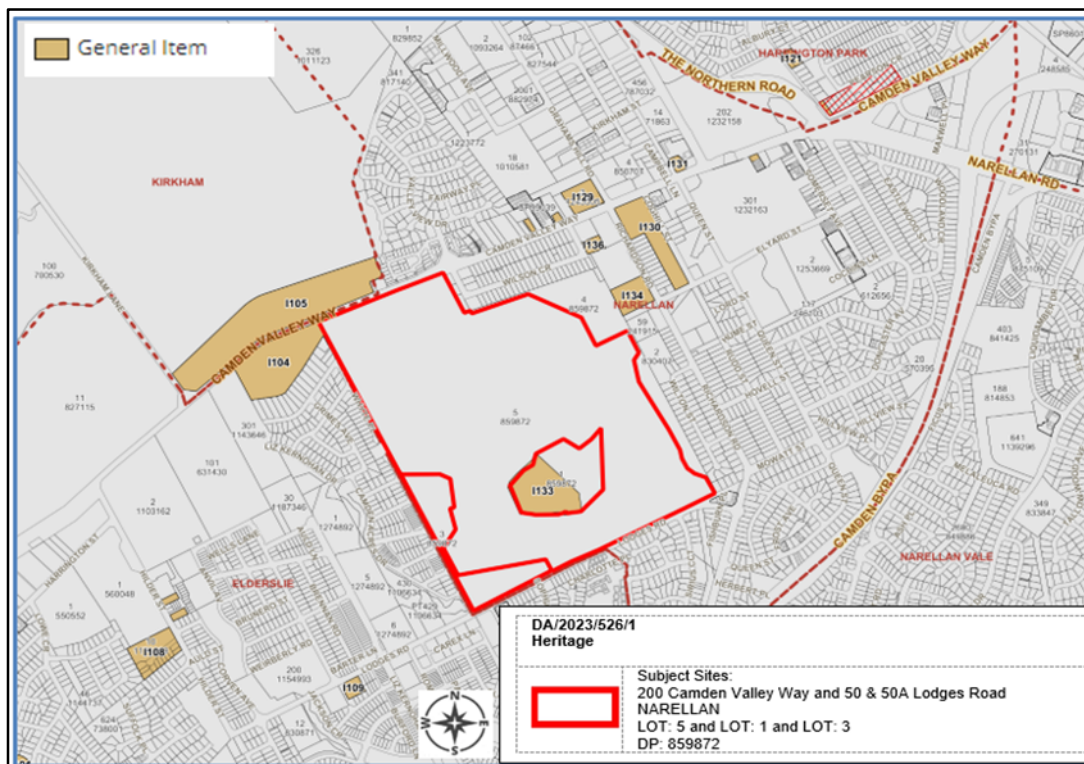


Figure 17 – Heritage map. The site is outlined in red.

ENVIRONMENTALLY SENSITIVE LAND

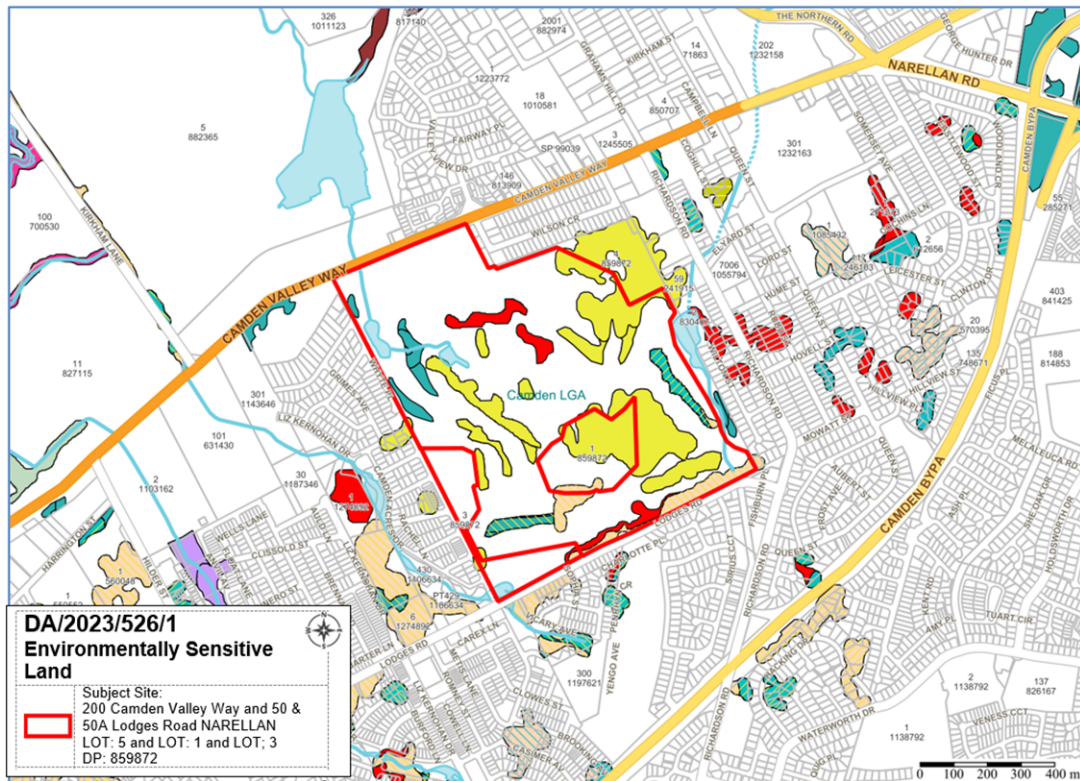


Figure 18 – Environmentally sensitive land map. The site is outlined in red.

HISTORY

DA/2019/886/1	Concept DA for the redevelopment of Studley Park House to be carried out over two stages. This DA was withdrawn on 23 April 2020.
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THE PROPOSAL

The DA seeks approval for the following works:

- Retention, restoration and ongoing maintenance of Studley Park House and the Dining Hall and adaptive re-use of these buildings for hotel purposes (five rooms).
- Adaptive reuse and relocation of the 'Army Butcher Shop' as a tennis pavilion.
- Relocation of the golf pro shop.
- Demolition of all other existing buildings (contained within Lot 1).
- Site remediation works.
- Vegetation removal and bushland management.
- Construction of a two storey hotel building to accommodate a total of 44 hotel rooms with basement level and at-grade car parking containing a total of 104 parking spaces (inclusive of nine accessible spaces, nine spaces at village green and six spaces to the southwest of Studley Park House).
- Construction of four x residential flat buildings containing 148 residential apartments (40 x 1 bedroom, 93 x 2 bedroom, and 15 x 3 bedroom) with associated basement car parking, containing 209 car parking spaces.
- Community title subdivision to create four lots as follows:

- Lot 1 – Community association lot which includes Studley Park House (all land with the exception of the proposed residential flat buildings and hotel accommodation).
 - Lot 2 – Residential Flat Buildings C and D.
 - Lot 3 – Residential Flat Buildings A and B.
 - Lot 4 – Hotel Building.
- Construction of a new vehicular access via Lodges Road.
 - Retention of the existing vehicular access via Lodges Road for Golf Course service and vehicle egress only.
 - Retention of the existing vehicular access via Camden Valley Way.

The above development is proposed to be carried out in two stages as follows:

- **Stage 1** – Restoration works to Studley Park House with associated works including the construction of new vehicular access arrangements, reconfiguration of the golf course, relocation of the golf pro shop, the construction of a 44 bed hotel with basement car parking and the provision of a community title subdivision and easements with associated site works including earthworks and landscaping.
- **Stage 2** – Construction of four residential flat buildings with the associated site works.

The proposed site plan is shown below in **Figure 19**.

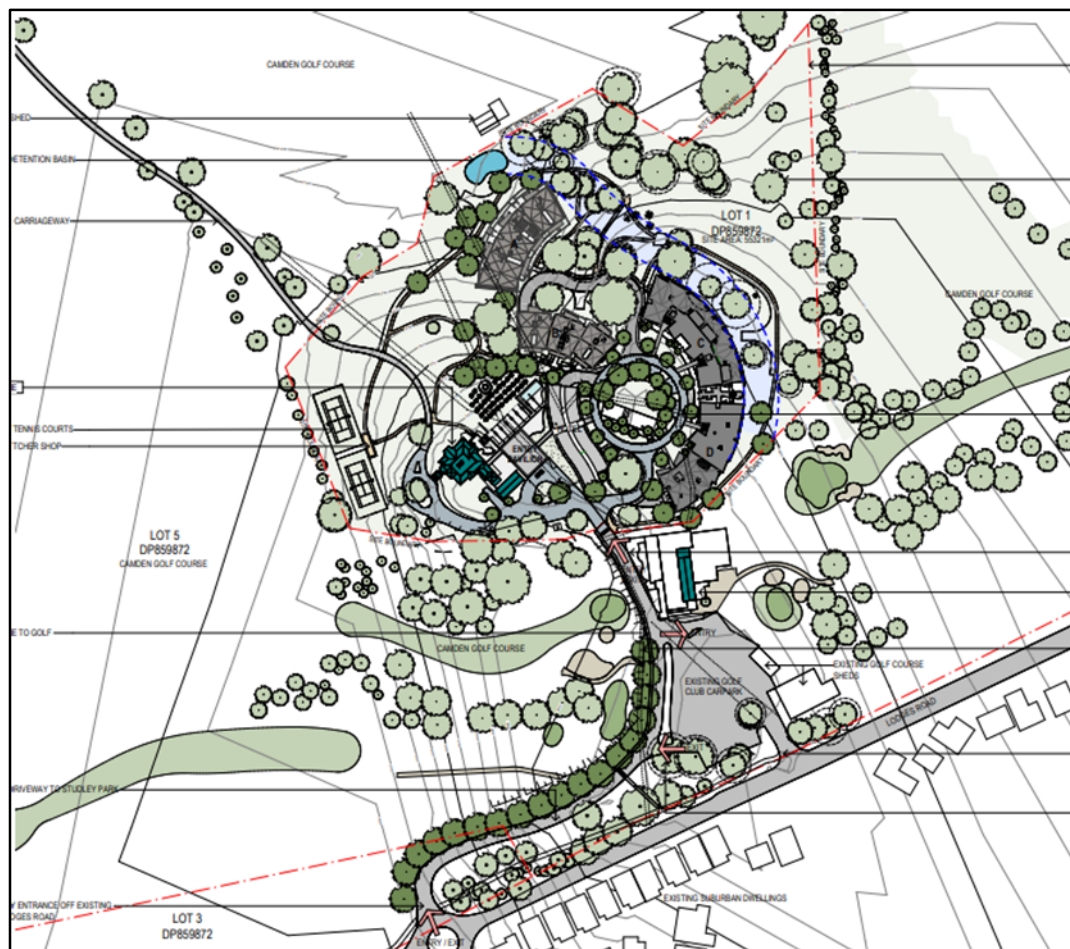


Figure 19 – Site plan of the proposed development.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 23 October 2023. The following discussion provides an assessment of how the issues / matters raised by the Panel at the briefing have been addressed:

1. *The panel requested further clarification on what the new development would look like and for this to be demonstrated in the form of an elevation or walk through to better understand the context.*

Officer Comment: Renders of the proposed development from several different vantage points have been prepared and are contained in the submitted Architectural Design Report lodged with the application.

2. *The panel queried if the black fences shown were proposed or existing to which the applicant advised they're existing on site.*

Officer Comment: The boundary fences shown on the relevant plans are existing on site.

3. *Council advised they are arranging for legal advice regarding Clause 5.10 of the LEP and the application of heritage controls to the site / if the CMP applies to the whole site.*

Officer Comment: With regards to the use of Clause 5.10(10) of the Camden LEP, the legal advice obtained by Council confirmed that:

- Clause 5.10(10) does not apply to just the building footprint associated with the heritage item. This conclusion was drawn from the decision in *Howe Architects Pty Ltd v Ku-Ring-Gai Council (2021)* in which commissioner O'Neill held that *'land on which such a building is erected ... is the cadastral lot identified by Schedule 5 (and the Heritage Map to LEP 2021) and is not confined to the footprint of the building that is the heritage item.'*
- The DA may rely on Clause 5.10(10) in relation to the proposed development that falls within Lot 1 and the portion of Lot 5 within the heritage curtilage if it can satisfy the relevant matters under this subclause have been met.

Based on the above legal advice and the assessment in this report, it has been determined that Clause 5.10(10) has been correctly applied for the subject development.

4. *The panel advised a site inspection would be necessary after completion of public notification. The panel agreed a mid-assessment briefing / site inspection would be beneficial for this development.*

Officer Comment: A site inspection has been arranged to be carried out prior to final consideration of this DA.

5. *The panel requested to be updated once the legal advice is received and if there are any major issues identified in the referral responses.*

Officer Comment: No significant issues arise in respect to the use of Clause 5.10(10) of CLEP 2010 or from the internal and external referrals received.

6. The panel tentatively identified February for a final briefing.

Officer Comment: The assessment of the DA was delayed given the applicants need to respond to issues raised by Heritage NSW.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the EDC of the development is \$118,219,260. The EDC threshold for Council to determine the DA is \$30 million pursuant to Schedule 6 *Regionally significant development* of the Planning Systems SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Endeavour Energy

The DA was referred to Endeavour Energy for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the site contains overhead powerlines.

Endeavour Energy raised no objections to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour Energy's technical guidelines and requirements is recommended as a condition of consent.

Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the Transport and Infrastructure SEPP as, pursuant to Schedule 3 of the SEPP, the development meets the thresholds for traffic generating development.

TfNSW reviewed the subject DA and provided the following comments for Council's consideration in the determination of the application:

1. *The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site as well as maneuverability through the site should be in accordance with AUSTRROADS. In this regard, a plan should be submitted to Council for approval, which shows that the proposed development complies with this requirement.*

Officer Comment: Section 2.6.4 *Off-Road and Driveways* of AUSTRROADS specifies that the minimum design vehicle a development site should cater for must be representative of the predominant, or critical vehicle type expected to use the facility / service the site. The information provided with this DA has indicated that an 8.8m Medium Rigid Vehicle (MRV) will be the largest vehicle transversing through the site, apart from waste vehicles. Swept path diagrams have been submitted in the revised Traffic Impact Assessment (TIA) demonstrating that a MRV can safely transverse through the site.

Notwithstanding the above, waste collection will occur via a 10.5m long vehicle. The vehicle will pick up waste from the allocated collection zone only which is off the port-cochere at the front entrance. To demonstrate this movement can safely occur, swept path diagrams have been submitted, demonstrating a Heavy Rigid Vehicle (HRV) can safely manoeuvre to the allocated collection area, without conflicting with surrounding structures and/or passing vehicles.

In response to the above, Council staff are satisfied that:

- The largest vehicle to transverse through all areas of the site is an 8.8m long MRV.
- Suitable swept path diagrams have been submitted, demonstrating the vehicle can safely transverse within the site, without conflicting with other passing and/or parked vehicles and/or surrounding structures.
- A HRV can safely transverse in and out of the site to the port-cochere in a forward direction to the allocated collection area.
- Only a B99 vehicle will enter the basement levels. For this reason, swept paths for an MRV and/or HRV is not required for any of the basement levels.

To minimise the potential for conflict, conditions are recommended to ensure ongoing compliance with the above. Specifically, the conditions address the following:

- A MRV and HRV is not permitted to enter any of the basement levels approved within the development site.
- A HRV is only permitted to utilise the newly proposed access road (via Lodges Road) and the internal road that provides direct access into Building E Porte-Cochere, as demonstrated in Drawing No. TX.11, Revision D, dated 22 December 2021, prepared by Traffix Traffic and Transport Planners, titled '*Swept Path Analysis Building E Porte Cochere 12.5m Heavy Rigid Vehicle*'.

- The proposed new access driveway must be constructed as the first element within Stage 1 to minimise the use of the existing driveway for heavy vehicles during the construction phase of the development.

The DA was reviewed by Council's Traffic Engineer where no concerns were raised on the above.

2. *The layout of the proposed car parking area associated with the development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking restrictions may be required to be maintain the required sight distances at the driveway.*

Officer Comment: The plans submitted with the DA indicate that compliance with the minimum standards have been met. A standard condition is recommended requiring ongoing compliance with Council's Engineering Design Specifications and the recommendations made by TfNSW.

3. *A construction pedestrian traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

Officer Comment: A Construction Management Plan was submitted with the DA, noting the following:

- Proposed construction hours.
- Proposed operational measures during the construction phase of the development. This includes the proposed maximum number of truck movements into the site.
- Traffic management arrangements required during the construction phase.
- Parking protocols.

A condition is recommended requiring the preparation of a Construction Management Plan in accordance with Council's Engineering Design Specifications and the relevant Australian Standards. Subject to the above assessment, the development is consistent with the relevant clauses contained in the Transport and Infrastructure SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. The Resilience and Hazards SEPP also provides a Statewide planning approach to the remediation of contaminated land.

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that the site is able to be made suitable for the development with regards to contamination. If the site does require remediation, the consent authority must be satisfied that it will be remediated before the land is used for the proposed development.

The DA was accompanied by a Preliminary Site Investigation (PSI), which concluded that the site has historically been used as an army base. It was also concluded that there was historical evidence to show that a quarry was present on site and was temporarily used as a rifle range. Further, the dilapidated buildings on site contain hazardous building materials including asbestos and lead-based paint, which are currently observed to be in very poor condition.

Whilst the information made available in this report demonstrates that the site can be made suitable for the proposed development, several Areas of Environmental Concern (AEC) were identified that warrant further investigation to characterise the risks posed by these potential sources of contamination. For this reason, a remediation action plan (RAP) was required.

The RAP provides a sequential process for remediation and validation works, to support the proposed development, pursuant to the Resilience and Hazardous SEPP. In summary, the remedial process will include the excavation of impacted materials, followed by waste classification and off-site disposal pursuant to the relevant guidelines and state policies. This process will be carried out over seven stages.

The RAP also provides protocols for the appropriate management of any unexpected finds that may be discovered during the course of remediation and construction works. Subject to the carrying out of these processes, the site can be made suitable for the proposed development.

Council's Environmental Health Specialist has accepted the recommendations in the RAP and that the site can be made suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)

The aims of this policy are to protect the biodiversity values of trees and other vegetation in non-rural areas. Notwithstanding, Council may grant consent to the clearing of vegetation in non-rural areas if the relevant matters have been satisfied under applicable Environmental Planning Instruments (EPIs) and Development Control Plans.

The development proposes the removal of 19 trees within Lot 1. The DA was accompanied by a BDAR and Vegetation Management Plan which assessed the impacts of these works and the likely impacts to surrounding vegetation proposed to be retained. Further, detailed landscaping plans were submitted with the DA, specifically noting the proposed location of soft landscaping across the development site.

In summary, the following conclusions were drawn:

- The DA proposes the removal of 19 trees within Lot 1. Of these trees, one has been identified with high retention value, six have been identified with medium retention value and 12 have been identified with low retention value. None of these trees have been identified with either heritage and/or ecological value.
- Lots 1, 3 and 5 contain nine threatened fauna species, one threatened flora species and one critically endangered ecological community.
- The proposed development will have direct impacts on 0.68 hectares of CPW and 21 *Pimelea spicata* plants. An additional 78 *Pimelea spicata* plants are located within the APZ which have been assumed in the BAMC to be impacted however, will be retained in clumps where possible as a mitigation measure.

- The propagation and replanting of *Pimelea spicata* plants is proposed at a ratio of 3:1 (297 plants).
- Selected clumps from the MEZ will be transplanted under nursery hot house conditions by the appointed nursery.
- Slashing, mowing and trittering in the MEZ and areas managed under the Vegetation Management Plan will be restricted to allow for the retention of *Pimelea spicata* plants in clumps where possible.
- The entire land (excluding the MEZ and Vegetation Management Plan areas) is to be managed as an inner protection zone, in accordance with Appendix 4 of Planning for Bushfire Protection.

Council's Natural Resources Officer has reviewed the subject DA and is supportive of the BDAR subject to recommended conditions, which include:

- Retirement of species and ecosystem credits.
- Monitoring to be undertaken for a 10 year period to give greater understanding on the conservation and recovery of the species, and monitoring reports to be prepared and forwarded to relevant agencies.
- Preparation of a Biodiversity Management Plan for in perpetuity management.
- Mitigation measures set out in the managed ecological area to be incorporated in a Biodiversity Management Plan.

In addition to the above, Chapter 9 of the BC SEPP requires the consent authority to take into consideration general planning provisions and specific planning policies, which relates to water quality and quantity, protecting flora and fauna and protecting cultural heritage and scenic qualities in the immediate vicinity of the site. For the above reasons, the development is generally consistent with Chapter 2 of the BC SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP).

The BASIX SEPP is applicable for all types of residential accommodation to encourage sustainable development. As the DA was lodged prior to 1 October 2023, the BASIX SEPP is applicable to the DA. A BASIX Certificate and Capability Report has been submitted with the DA, noting that all proposed residential units will achieve the relevant targets under the BASIX SEPP.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 aims to improve the quality of residential apartments across New South Wales. The policy is accompanied by the ADG which details how to apply the nine design principles to new residential apartments and therefore achieve good design outcomes. A detailed assessment against the ADG is provided as a separate attachment to this report, detailing that the proposal is largely compliant.

When the development is considered against the nine design principles, it is considered that the subject development will result in a good design outcome for the site, where the adverse impacts upon the wider site and surrounding land uses are expected to be minimal.

An assessment against the nine design principles is provided below:

Principle 1: Context and Neighbourhood Character

The development site is located in proximity to the core of the Narellan strategic centre, where there is an opportunity for future residential, commercial and community growth. Noting this, the development will provide a greater range of housing typologies within the Narellan area, that in future will be supported by a range of public transport services including buses and trains. Further, there are existing road networks that directly connect to adjoining key areas including Macarthur, Campbelltown, and Leppington.

The development appropriately responds to the existing topographical and heritage features of the site by siting proposed residential flat buildings on the eastern end of Lot 1. Siting the buildings in this location will not compromise any significant view lines that have been identified to and from Studley Park House and will ensure that overall amenity is not compromised. Further, the development is appropriately setback from the public domain, minimising adverse amenity impacts on the wider streetscape.

As the wider area will continue to undergo significant urban growth, it is considered that the development is generally consistent with envisioned characteristics of the area, whilst still ensuring significant features of the site will not be compromised.

Principle 2: Built Form and Scale

As noted above, proposed built forms are located on the eastern end of Lot 1 to ensure significant views (via the northern, southern and eastern elevation) will not be compromised (see **Figures 20-25** below). The built forms appropriately respond to the topography of the site and are well articulated to enhance the overall solar amenity within and around the site. Overall, it is considered that the development appropriately responds to the existing and projected characteristics of the site and wider area.



Figure 20 – Existing view of Studley Park House and the grounds via the northern elevation.



Figure 21 – Photomontage of Studley Park House and the grounds via the northern elevation (proposed).



Figure 22 – Existing view of Studley Park House and the grounds via the northern view from the golf course boundary.

Figure 23 – Proposed view of Studley Park House and the grounds via the northern view from the golf course boundary.



Figure 24 – Existing view of Studley Park House via the western elevation (via the golf course boundary).

Figure 25 – Photomontage of the western elevation (proposed) via the golf course boundary.

Principle 3: Density

The immediate surrounds of the site generally consists of single and two storey residential developments. As Narellan has been identified as a key strategic centre within the Camden LGA, it is envisioned the wider area will grow substantially, resulting in the delivery of various housing typologies in addition to creating a wider range of employment opportunities and public transport services.

As noted above, the development has appropriately responded to the existing characteristics of the site, specifically with regards to key heritage, landscaping and topographical features. For this reason, it is considered that the development is appropriate to the existing streetscape context whilst also contributing to the projected future character of the area.

Principle 4: Sustainability

The development proposes the use of low maintenance materials and colours in addition to implementing environmentally sensitive design features, enabling the buildings to be more energy efficient and environmentally friendly. Further, the siting of proposed buildings will ensure future residents receive maximum solar amenity and cross ventilation, enabling the overall design to meet the relevant targets under the BASIX SEPP.

Principle 5: Landscape

The development aims to enhance the natural environment, by preserving as many endangered species and mature trees as possible, whilst enabling a development outcome that contributes to the current housing needs of the wider area without compromising the existing heritage character of the site.

In summary, the following conclusions have been drawn:

- The development will significantly revitalise the existing characteristics of the site through the proposed restoration works to heritage listed buildings and replanting across the development site.

- The development will maintain existing view corridors identified within the site, contributing to the overall heritage characteristics of the site.
- Proposed residential flat buildings are appropriately setback and result in building heights that will minimise adverse amenity impacts within and outside the subject site.
- The placement of buildings will retain a significant portion of endangered species and mature planting identified with high significance across the site. Further, proposed mitigation measures will result in a significant increase in planting across the development site, resulting in a better outcome with regards to the landscape amenity. Specifically, this includes the replanting of 297 *Pimelea spicata* plants and 76 indigenous species.

Principle 6: Amenity

The internal configuration of all units proposed is accessible for all age groups and degrees of mobility. Further, communal areas (including corridors and lifts) provide direct access to unit entries, preventing opportunities for confinement, maximising safety for all.

As noted in the assessment against the ADG (provided as a separate **attachment** to this report), the development achieves compliance with relevant amenity requirements including solar amenity and cross ventilation to all habitable spaces (internal and external). The internal configuration of units is efficient and effective for future residents through the provision of sufficient storage spaces and open living areas with direct access to allocated principal open space areas (balconies / courtyards).

External communal spaces and internal pedestrian pathways are directly accessible from key entry points and are sufficiently embellished to encourage regular usage by residents. The overall design achieves a high level of amenity, maximising the quality of life for future residents.

Principle 7: Safety

The residential flat buildings incorporate a number of design features to maximise the safety of residents, including:

- Proposed open space and living areas on the ground floor (ancillary to units on the ground floor) are screened with landscaping to further encourage pedestrian activity along the frontage, whilst still clearly differentiating public and private areas.
- Building entrances are clearly identifiable via public areas through the use of varying colours and materials and articulation.
- Propose pedestrian pathways generally align with the perimeter of residential buildings, encouraging regular activity.
- Lighting has been proposed on the ground floor.
- The provision of a balcony and/or courtyard that are orientated to surrounding public spaces, permitting direct overlooking.

In response to the above design outcomes, the development will maximise passive surveillance, whilst still ensuring the privacy of future residents will be maintained at all times.

Principle 8: Housing Diversity and Social Interaction

The development proposes a mix of one, two and three bedroom units, that range from 65m² to 122m² of internal floor area. These unit types and configurations accommodate various family compositions with different needs.

Overall, proposed units have included the following design features to achieve maximum housing diversity and social interaction:

- A maximum of 33 adaptable units (23% of units proposed), with ancillary accessible spaces allocated.
- A range of communal and shared outdoor spaces, that are directly accessible from building entrances and are well lit. This will encourage regular usage throughout the day.
- Single level apartments that have the ability to be more accessible to suit a variety of potential residents / users over the period of the occupancy.
- The ability to utilise commercial internal spaces within Studley Park House, which will encourage regular social interactions with residents and visitors of the site.

Principle 9: Aesthetics

The design and layout of the development appropriately responds to the heritage and ecological features of the site, by ensuring adverse impacts are kept to a minimum.

In summary:

- The development will not compromise any significant views to and from Studley Park House that have been identified as significant.
- The development utilises colours and finishes that appropriately reflects the heritage characteristics of the site. Notwithstanding this, Council's Heritage Officer and Heritage NSW have both recommended the imposition of a condition, requiring the submission of an amended colour scheme and palette of materials in consideration of using more natural and earthy colour tones that lessen the use of white or light coloured materials and finishes to ensure the new residential and the hotel buildings blend in within the landscape and do not compete with the prominent white colour of the Studley Park House.
- Ensuring buildings are appropriately setback to ensure the development does not compromise the amenity of any significant features of the site, including Studley Park House, subject to conditions of consent.

Camden Local Environmental Plan (Camden LEP)

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Site Zoning

The subject site is zoned RE2 Private Recreation pursuant to clause 2.2 of the Camden LEP.

Permissibility

The development is classified as a '*residential flat building*', '*hotel or motel accommodation*', '*roads*', and '*subdivision of land*' (by way of a community title scheme).

Whilst '*roads*' are permitted with development consent, a '*residential flat building*' and '*hotel or motel accommodation*' are both listed as prohibited land uses in the RE2 Private Recreation zone.

The proposed development is permissible by virtue of the heritage incentive provisions contained in clause 5.10(10) *Heritage conservation* of the Camden LEP. This clause permits development for any purpose of a building that is a heritage item or of the land on which a building is erected for any purpose even though development for that purpose would otherwise not be allowed by this plan.

To allow for the use of this clause, the proposal must be compliant with all relevant subsections contained in clause 5.10(10) of the Camden LEP. A detailed assessment against all relevant subsections contained under clause 5.10(10) is provided below.

- (a) *The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent.*

Officer Comment: The CMP identifies Studley Park House as 'exceptional significance' and the Dining Hall as to having 'high significance', which requires special consideration for any future development. The remaining buildings on site are identified with 'moderate significance' or 'little significance' due to their poor physical condition and limited architectural merit and/or archaeological potential.

The CMP does allow for change and/or further development if the proposal does not adversely impact the sites overall heritage significance. The development has been designed with consideration of retaining and restoring the Dining Hall, the Army Butcher Shop and Studley Park House for adaptive re-use. For this reason, a hotel development with ancillary uses has been identified as the most appropriate land use for the site, as it would not require substantial physical changes to the fabric of the buildings and will provide the community the opportunity to embrace and enjoy the heritage buildings.

To accommodate the required restoration and ongoing conservation works in addition to delivering the proposed adaptive re-use (that is most sensitive and appropriate to the site), substantial funds are required. A cost breakdown of the (minimum) required restoration and ongoing conservation works has been submitted with the DA. Noting the outcomes of these reports and the existing internal arrangement of the building, the maximum number of hotel rooms that can be provided within Studley Park House is five (as proposed).

Further, it is also noted that the internal arrangement is not conducive to the modern requirements of ancillary spaces that are generally required for a hotel development. As such, the Dining Hall is proposed to consist of a staff office and break out spaces where there is direct pedestrian linkage to Studley Park House. To further assist in the overall feasibility of the site, a separate two storey hotel building with a maximum of 44 beds is proposed on the northeastern end of Studley Park House with an associated bar and dining area. The economic feasibility report submitted with the DA had noted that should the above hotel and restaurant development be delivered (as proposed), there would be a negative profit of \$8.2 million (equating to a negative 23%

development margin). Consequently, it was concluded that the above development will not be viable, and the site cannot be developed for these uses alone.

For this reason, additional land uses are proposed on site that will complement the overall heritage and ecological significance of the heritage item. Land uses including commercial and industrial were not considered appropriate as generally, a larger footprint would be required which is likely to have significant impacts to the overall heritage, amenity and ecological values of the site. For this reason, the provision of four x part three and part four storey residential flat buildings (containing a maximum of 148 units) is proposed on the western end of Lot 1. The proposed apartments will deliver a high residential yield over a compact footprint, where the adverse impacts to the heritage item and surrounding ecological values will be kept to a minimum. The Applicant has justified that the provision of the residential flat buildings will subsidise the net loss from the hotel and restaurant development whilst also fund the ongoing maintenance costs associated with the heritage grounds.

To ensure the calculations and the relevancy of costings in feasibility reports (submitted with the DA) are accurate, Council engaged in an independent / third party economic consultant (AEC Group) to undertake a peer review analysis. The analysis reviewed and provided commentary on:

- the methodologies used,
- data and conclusions drawn in the report,
- findings in the report, including the qualitative benefits indicated in the project, and
- omissions (if any) from the report that should have reasonably been included.

The peer review analysis prepared by AEC Group concluded the following in relation to the Hill PDA report:

- The analysis lacks a benchmarking of neighbouring accommodation providers in proximity to the subject development. These details would provide additional context on the ratings and occupancy of neighbouring hotels to highlight how accommodation proposed is either different from the current offerings and/or would be producing additional visitor nights rather than potentially diverting market share away from operating accommodation providers.
- There is no benchmarking of neighbouring restaurants including styles, service styles, operation hours, prices and profitability to support the food and drink assumptions. Minimal details on the proposed restaurant were provided with the DA including number of seats, meal periods and restaurant capture rates of hotel guests.
- There is no reference to a typical hotel accommodation market demand study having been undertaken to inform the financial forecasts for the hotel operations. Consequently, there is no supporting information to support the hotel and restaurant trading forecasts.
- The report did not consider the projected demand or need for residential development.
- The report does not indicate what star rating the accommodation aspect of the redevelopment will be. There is mention that the development will be a 'boutique hotel', which can perform slightly above the market however, the average daily rates and occupancies posted in the report do not indicate such performance. Further, it is considered that the construction costs budgeted appear to indicate a budget style offering which is unlikely to attract the premium performance associated with a luxury boutique hotel.

- There is no reference to the use of HotStats reports to test the hotel profit and loss performance numbers against a basket of like hotels to the proposed hotel.
- The report asserts that the residential accommodation will support the hotel and restaurant but does not explain or justify this assumption.
- The financial modelling of the entire development highlighting that the hotel and restaurant proponent are financially feasible was not provided.

For the above reasons, the following recommendations were made by AEC Group:

- **Addition of financial assessment across the entire development:** A financial assessment that includes both the hotel and restaurant proponent as well as the residential component of the development would demonstrate the need for proposed residential land uses over the subject site. Further, much of the analysis indicates that data for the hotel operations indicate budgets that assume a much larger hotel operation than that proposed within the feasibility study presented.
- **Addition of a hotel detailed assessment:** The report did not provide a hotel assessment highlighting the need for the hotel development within the Camden LGA.
- **Further information required:** A number of outstanding matters have been identified including the proposed rating of the hotel and services provided, sales prices range of the residential development and any amenities (i.e strata fees).
- **Addition of housing demand assessment:** The report did not stipulate if there is a need for additional residential apartments within the Camden LGA. The provided housing demand assessment is insufficient.

Hill PDA provided the following response to the above matters:

- Data collected in the initial report was based on 2021 – 2022 data where COVID 19 lockdowns were still severely impacting the hospitalities in the market.
- From late 2022 and through to 2023 in the post COVID 19 period, there were rapid changes to the market including:
 - o Rapid growth in the domestic tourism, which saw an increase in hotel occupancies. Notwithstanding, more recent demand for domestic travel and accommodation has been returning to more 'normal' levels as people are starting to return to overseas travel.
 - o There has been a strong rise in average daily room rates across Sydney and regional NSW due to the increase in demand and relatively high escalation costs.
 - o There has been a strong rise in operating costs including repairs, maintenance, utilities and staff.
- Within 12 months of the initial Hill PDA Report, there has been a 10% construction cost uplift. This was not included in the initial report as the overall outcomes / recommendations did not change.
- The assumptions made in the Hill PDA report is likely to have further reduced the feasibility of the hotel due to the ongoing rise of construction costs.

The overall conclusion of the Hill PDA report remains unchanged in that the feasibility of the hotel remains negative. Significant restoration and ongoing maintenance works are required across the development site to ensure the overall heritage and ecological significance of the site is maximised long term. However, the profit margin that will be sustained from the development proposal (should the development be approved as

proposed) will be able to accommodate the required restoration and ongoing maintenance works required across the development site.

For this reason, the matters under subsection (a) of this clause have been satisfied.

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority.

Officer Comment: A draft CMP has been prepared for Studley Park that identified a number of issues and matters for consideration, including:

- Having regard to the extended vacancy and redundant residential function of the site and the need to balance a viable use and ongoing conservation, opportunities for change must be considered.
- The requirement for any new development be located on the eastern wing of the house and/or service wing.
- Smaller and sympathetic designed ancillary structures may be considered in areas of lower significance (see **Figure 26** below).
- Any built forms proposed should not compromise significant views and vistas that not only have been identified within the site, but also extend beyond the lot boundaries.
- The siting of new development should consider the archaeological recourses.
- New development should consider the natural and heritage values of the place and should maintain the character of the place as a grand country in a bush setting. This can be achieved through the maintenance of the existing character as a grand country place in a bush setting, tree canopy and Cumberland Plains Woodlands.
- New development within Lot 1 should be sensitive to and minimise impacts to the regenerated *Pimelea spicata* plants and CPW.
- Adaptive reuse will likely require alterations and additions to facilitate the use and compliance with relevant standards. This may include linking additions and internal alterations.
- Any adaptive re-use should consider ongoing maintenance and restoration works (in accordance with Appendix B of the CMP) and the reinstatement of significant features such as the widows walk off the tower.

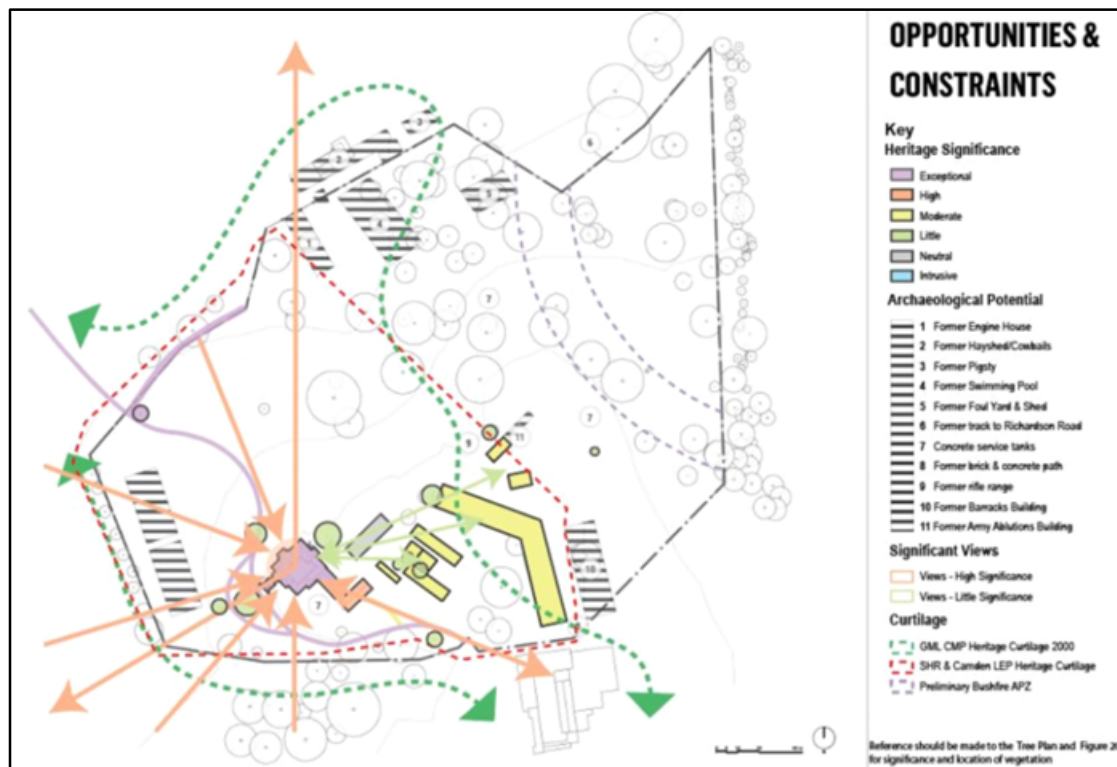


Figure 26 – Opportunities and constraints map of Lot 1. Source: Studley Park CMP, Figure 396.

In summary, Council staff are satisfied that the development is consistent with the CMP prepared for the site for the following reasons:

- The proposed adaptive re-use of Studley Park House and the Dining Hall as a hotel and restaurant is sympathetic to the heritage and ecological significance of the site.
- The proposed relocation of the Army Butcher Shop is within an appropriate location to maximise long term retention, whilst still ensuring that significant views will not be compromised.
- Proposed built forms are located on the eastern wing of Studley Park House and the Dining Hall, where no significant view lines have been identified.
- The development will maintain significant views lines within the site and will limit the extent of vegetation.
- The design, layout and siting of proposed built forms will not significantly compromise the amenity and significance of the site.
- As demonstrated above, proposed land uses will assist in funding the restoration and upkeep of the site.
- The extent of impacts to the regenerated *Pimelea spicata* plants and CPW is accepted (as noted in the assessment above).
- The proposed landscaping design, measures noted in the Vegetation Management Plan and recommended conditions of consent (imposed by Council staff and Heritage NSW) will ensure the development will maintain the existing character of the site as a grand country place in a bush setting.

In consideration of the above, the matters under subsection (b) of this clause have been satisfied.

- (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out.*

Officer Comment: All restoration works noted in the CMP will form part of Stage 1 works of the subject DA.

The application was reviewed by Council's Heritage Advisor, where no concerns were raised on the above matter, subject to the imposition of recommended conditions of consent. Subject to the imposition of recommended conditions, the development is consistent with subsection (c) of this clause have been satisfied.

- (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance.*

Officer Comment: The DA was referred to Heritage NSW pursuant to Section 58 of the *Heritage Act, 1977* as the site contains a state heritage listed item.

On 5 March 2024, the application was considered by Heritage Approvals Committee (HAC). It was determined at this meeting that the application was supported in principle, subject to the imposition of deferred commencement conditions and approved conditions of consent.

Following receipt of the GTAs, the applicant submitted additional information and amended plans that sought to address the deferred commencement conditions recommended by Heritage NSW. In summary, the following changes and additional information were submitted:

- Schedule of conservation works.
- Updated architectural plans which includes a revised hotel entry.
- Revised landscaping plans.

The amended plans and additional information were referred to the HAC on 30 September 2024, where the following comments and recommendations were provided:

"At its meeting on 30 September 2024, the Heritage Council Approvals Committee resolved, in accordance with Section 4.47 of the Environmental Planning and Assessment Act, 1979, to grant amended General Terms of Approval."

The amended General Terms of Approval remove the requirement for deferred commencement conditions, with specific conditions to re-design the temporary waste holding area and additional information to be submitted for approval with the Section 60 application.

In response to the above, Council staff are satisfied that:

- The proposed built forms are sympathetic to the overall scale of site.
- The siting and the design of the buildings will not compromise significant views to and from Studley Park House that have been identified as significant.

- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Officer Comment: As noted in this assessment report, the siting of the proposed development is primarily on the eastern end of Lot 1 and service wing, which does not contain any significant view lines to and from Studley Park House. Further, the buildings are split level to respond to the topographical features of the site, whilst still maximising the amenity for future residents.

As demonstrated in the assessment above, the development is consistent with Clause 5.10(10). Consequently, the development for the purposes of a 'residential flat building' and 'hotel and motel accommodation' is permissible in the zone, subject to the development consent.

Planning Controls

An assessment table in which the DA is considered against Camden LEP's planning controls is provided as an **attachment** to this report. In summary, the development is generally compliant with relevant clauses of the Camden LEP.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft planning instruments applicable to the development site.

(a)(iii) the provisions of any development control plan

Camden Development Control Plan 2019 (Camden DCP)

Planning Controls

An assessment table in which the development is considered against the Camden DCP is provided as an **attachment** to this report. In summary, the development is generally compliant, subject to the imposition of recommended conditions of consent.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation, 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

1.0 Development Over Community Land

1.1 Works within Lot 3 and 5 (Community Land) 50 and 50A Lodges Road, Narellan (i.e. Lots 3 and 5) are owned by Camden Council and classified as community land.

The works proposed within these lots include:

- Establishment of new road / access driveway to allow access into the development site (Lot 1) and the existing golf club car park via Lodges Road.
- Changes to the golf course layout to facilitate the new access road / driveway.
- Relocation of the golf club pro shop.

All other works associated with the subject development are wholly located within Lot 1 which is privately owned (see **Figure 27** below).

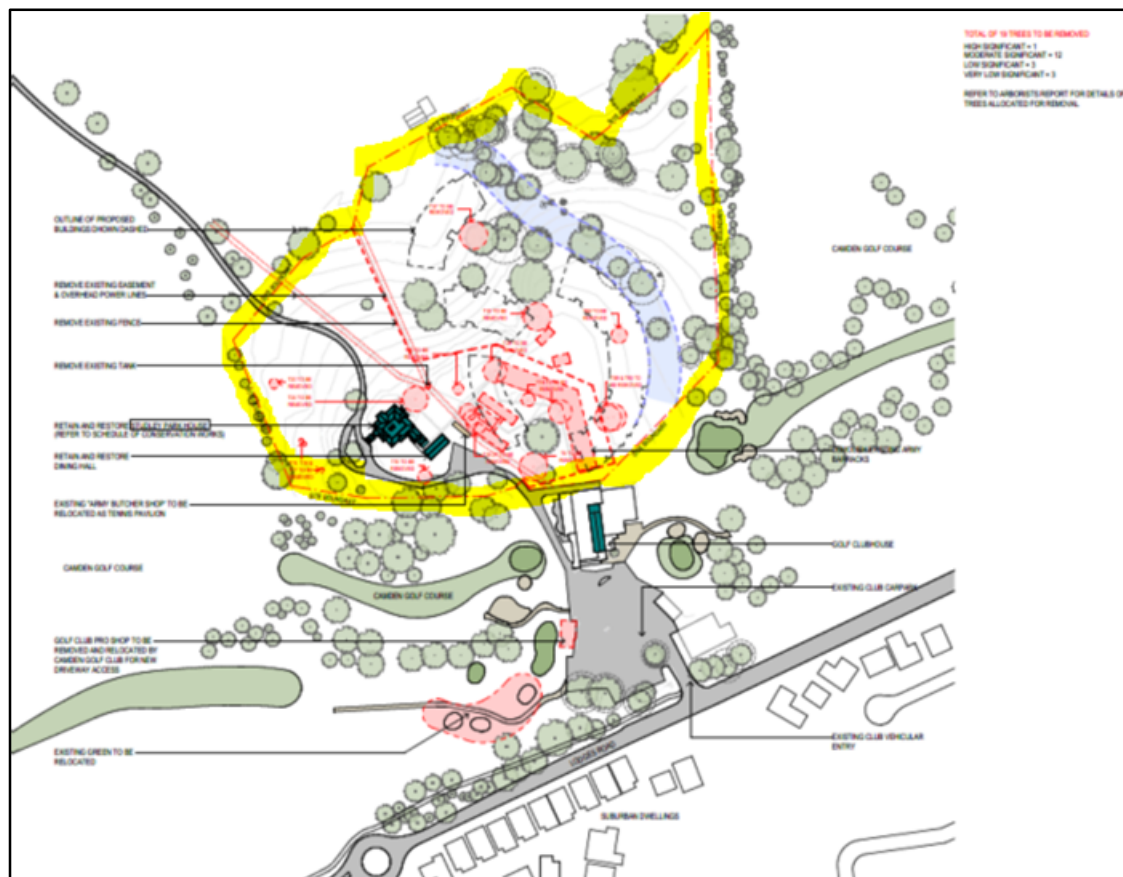


Figure 27 – Areas marked in red are proposed to be removed. Lot 1 is outlined in yellow.

1.2 Camden Council Generic Community Land Plan of Management

The *Camden Council Generic Community Land Plan of Management* applies to Council owned and Council managed Crown Reserves that are categorised as community land. The Plan provides high-level direction as to the use and management of community land.

Lot 3 and 5 (i.e. 50 and 50A Lodges Road, Narellan) are categorised as community land and are thereby subject to this Plan of Management.

As identified above, the following works are proposed on Lots 3 and 5:

- Construction of new vehicular and pedestrian access arrangement (including landscaping).
- Reconfiguration of the golf course.
- Relocation of the golf pro shop.

In terms of the reconfiguration of the golf course, it is noted that the Camden Golf Club limited signed a 99-year lease for the golf course land in 1995 (with the then Federal Government). In 2006 Camden Council purchased the golf course property (Lots 3, 4, 5 & 7) from the Commonwealth Government, however this purchase did not affect Club's rights under the 99-year lease. Accordingly, the reconfiguration of the golf course land is reasonable / authorised under the Plan of Management as it is in accordance with the current lease / user agreement.

The new access driveway / road that will provide vehicular and pedestrian access to the golf club car park and Lot 1 is also authorised under the Plan of Management. This access driveway / road will maximise accessibility, improve access and remove the existing conflict between the existing easement for access (15.24m wide) that benefits Lot 1 and currently traverses through the Camden Golf Club car park.

The new access driveway / road will result in an improved outcome for the community as it will provide enhanced safety for pedestrians, motorists and patrons of the golf club / community land. Importantly, a recommended condition requires the existing easement benefitting Lot 1 (that runs through the car park of the golf club) to be extinguished once the new access driveway is constructed / formalised.

1.3 Conservation Agreement

A Conservation Agreement was entered into between The Director of National Parks and Wildlife and Camden Golf Club Limited on 11 March 1994. This was later modified on 25 February 1998. The conservation agreement was put in place to ensure the conservation and management of the populations and the habitats of *Pimelea spicata* plants within all three lots.

Whilst the Conservation Agreement initially included Lot 1, this property is now privately owned and therefore is no longer subject to this agreement. As proposed building works, and the removal of the *Pimelea spicata* plants, are wholly located within Lot 1, these works are not affected by the Conservation Agreement (subject to the relevant approval).

1.4 Commonwealth Approval

As outlined above, Lots 3 and 5 are community land owned and managed by Camden Council under a deed agreement with the Commonwealth. Under the terms of the deed the Council must:

- Use the land only for recreation purposes;
- Comply with any statute or other law affecting the land or Council's occupation or use of the land; and
- Maintain the land in good a clean condition.

Section 10.1 of the Deed also states that:

“10.1 The Council must not without the prior written approval of the Commonwealth, which approval may be given or refused in the Commonwealth’s absolute discretion: -

10.1.1 sell or transfer the land until the option period has expired.

10.1.2 construct or place any building, structure, facility, vehicular access, car parking facility or other improvement under on or above the land except where the total cost of such construction or placement does not exceed \$100,000 (“minor works”) to the intent that the Council shall not be required to obtain the Commonwealth’s written approval to minor works.”

Under the terms of the Deed the minor works amount (i.e. \$100,000) is subject to CPI, which is now circa \$200,000.

The Applicant has provided a cost summary of the works proposed on Lots 3 and 5, which are:

- Lot 3 - \$105,540 (driveway works and tying into the existing roundabout); and
- Lot 5 - \$312,615 (remainder of driveway, the pro shop relocation and alterations to the golf course).

As the works on Lots 3 and 5 are valued at more than \$200,000, the approval of the Commonwealth is required prior to carrying out these works.

The requirements of the deed do not impact on the Panel’s ability to consider the DA as planning law is not concerned with land title or real property law. That said, appropriate conditions are recommended to ensure the relevant Commonwealth approval is obtained prior to any works commencing.

1.5 Provision of a right of carriageway easement over Lot 3 and 5

The provision of a new access road / right of carriageway over Lot 3 and 5 will not only benefit the subject development but also the golf club. To facilitate the above works within community land the following actions are required by Council post determination:

- The easement will need to be publicly exhibited in accordance with Section 47 and 47A of the Local Government Act; and
- The applicant enter into a Deed of Agreement with Council for granting of the easement.

It is noted that the existing right of carriageway the benefits Lot 1 and burdens Lot 5 (that runs through the Camden Golf Course car park) will be extinguished following the creation of this new access road.

2.0 Heritage

2.1 *Conservation Management Plan*

The DA was accompanied with a draft CMP that was endorsed by Heritage NSW on 6 April 2023. As the draft CMP has yet to be endorsed by a consent authority, this DA also requires the Panel to endorse the draft CMP, pursuant to Clause 5.10(10) of the Camden LEP.

Under Section 8.8 *Management, Ownership and Use* of the draft CMP, the provision of an adaptive reuse within Studley Park House is highly recommended when considering the economic viability and facilitating the ongoing maintenance and conservation of Studley Park House. Specifically, potential land uses that should be considered within the Studley Park House (as an adaptive reuse) include a hotel, boutique hotel or commercial purposes, club uses (should the site be amalgamated with the adjoining Golf Club), professional consulting rooms, accommodation and/or function purposes. Notwithstanding these uses, it is required that adaptive reuse necessitates the required alterations and additions, including works for compliance (such as equitable access).

In addition to the above, the draft CMP states that any new developments proposed within the subject site should have regard for significant views and vistas to and from the house and the landmark setting of the house. Consequently, new developments should not compromise the significance of the place. Whilst specific land uses have not been recommended in the draft CMP, the following recommendations were noted:

- Any new development should be located at the rear (northeast or east) of the house and be sympathetically designed, sited with appropriate setbacks, massing etc.
- New developments should have regard for the heritage significance of the place, the cultural landscape and natural heritage values, the archaeological resource and identified views and vistas.
- New development should retain the existing rural and landscaped setting and have consideration for the landforms and topography of the site. New development should have regard to endangered species including *Pimelea spicata* plants and CPW.
- The Army Buildings are in poor condition and therefore substantial maintenance works would be required. Notwithstanding, opportunities to retain a collection of the army buildings should be explored to acknowledge their significance. Any adaptive reuse and / or relocation must consider their condition.

In summary, the proposed development is consistent with the draft recommendations and guidelines noted within Section 9 of the draft CMP as:

- The development seeks the ongoing retention of Studley Park House (identified with exceptional significance) and the Dining Hall (identified with high significance). Stage 1 works include restoration works associated with Studley Park House and the Dining Hall, as specified within the draft CMP, to ensure they are compliant with relevant standards and therefore can accommodate the proposed land use. Further, the Army Butcher Shop is identified with moderate significance and is proposed to be relocated to the Tennis Pavilion (for adaptive reuse purposes).
- Whilst the development seeks the removal of the Army Student Quarters, Army Mess and Kitchen, Army RAP Building and Army Ablutions Block (identified with moderate significance), it has been determined that these structures are in poor condition and therefore their retention is not viable in that they no longer hold any significance to the site (see **Figures 28-31** below). The DA was accompanied with a HIS, which concluded that their removal is warranted due to their decaying condition and limited significance to the heritage item.



*Figure 28 – Army Student Quarters.
Source: Figure 174 of the draft CMP.*



*Figure 29 – Current condition of the Army Mess and Kitchen.
Source: Figure 169 and 170 of the draft CMP.*



*Figure 30 – Army RAP Building.
Source: Figure 186 of the draft CMP.*



Figure 31 – Army Ablutions Building.

Source: Figure 182 of the draft CMP.

- The development is located on the eastern wing of Studley Park House and will not compromise any significant views within the site and to surrounding key areas including Camelot, Kirkham Stables and Country Estates and local road networks including Camden Valley Way and Lodges Road.
- The proposed development appropriately responds to the sloping landforms and topography of the site by ensuring the overall bulk does not dominate the site and compromise significant views.
- The proposed adaptive re-use of Studley Park House and the Dining Hall is for the purpose of a hotel and motel accommodation, with an attached entry pavilion that will be used as a restaurant and food and drink premises. These land uses will provide the public the opportunity to view and appreciate the significance of Studley Park House. These uses are consistent with the recommendations made in the draft CMP.
- The proposed land uses will fund the upgrades and maintenance works required for Studley Park.
- The development appropriately responds to the natural and landscape heritage values of the site, therefore maintaining the character of the site.
- The proposed residential flat buildings are dispersed and set within the landscape, ensuring that the adverse amenity impacts to Studley Park House (see **Figures 32 – 34** below) are kept to a minimum.



Figure 32 – Existing northern elevation (left). Proposed northern elevation (right).



Figure 33 – Existing western elevation (left). Proposed western elevation (right).



Figure 34 – Existing southern elevation, at the entrance into Lot 1 (left). Proposed southern elevation (right), at the entrance into Lot 1.

In response to the above, it is considered that the development is compliant with the draft CMP. Further, it is recommended that the Panel endorse the draft CMP as part of the determination of this DA, pursuant to Clause 5.10(10)(b) *Heritage Conservation*.

2.2 Views

Due to the elevation and siting of Studley Park House, there are several views that contribute to the overall heritage significance of the site. In summary, the following views and vistas are identified as significant:

- Camelot, Orielson and Kirkham share historical associations and visual relationships with the site. Harrington Park House is significantly distanced, where direct views have not been identified. These homesteads are located on the northern end of the site and therefore partly visible via the 'widows walk'.
- Similar associations have been identified with early churches including St Johns Chapel (north) and St Johns Church (west). The Spire of St Johns Church is visible via the Widows Walk within Studley Park House.
- Views between Studley Park and St Thomas Chapel are obscured by remnant vegetation of CPW.
- The Camden DCP identifies significant vistas between Studley Park and other nearby streets and reserves including Hilder Street and Kirkham Oval.
- Views from the east are limited, having regard the sites topography, remnant CPW and more recent residential development fronting Richardson Road and Wilton Street.
- Numerous views are identified within the site and the former Studley Park estate (now the golf club and course) via the southern, northern and western elevations. No significant views have been identified to the east.
- The view between Studley Park House and the former Engine House (archaeological site) provides a prominent vista to the northern corner of the House, which is ranked of high significance.

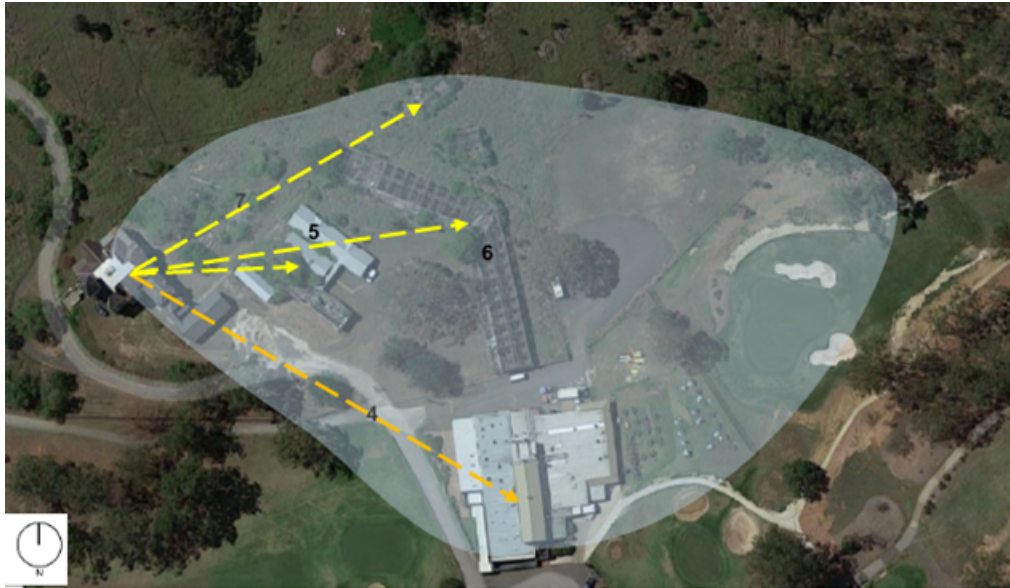


Figure 35 – The restricted visual catchment to the east (via Widows Walk within Studley Park House). The yellow lines indicate moderate significance whereas the orange line indicates high significance. The visual catchment is identified with high significance.

Source: Figure 240 of the CMP.

The proposed development ensures the abovementioned views and vistas have been maintained by:

- Siting all buildings on the eastern wing of Studley Park House. As such, existing significant views on the northern, southern and western ends of the site will be maintained.
- Whilst the current views are compromised due to the remnant CPW, the view to the former Engine House will remain unobstructed (see **Figure 36** below). The impact of the proposed Building A on this view corridor will be mitigated by the planting of native trees around Studley Park House and to the south of the former Engine House.
- The RL at the top of the Spire is 128.376 (maximum), which is where Widows Walk is located. The RL at the highest point of the residential flat buildings is 120.6 (see **Figure 37**). Consequently, the visual catchment via widows walk to the east will be maintained (as shown in **Figure 35** above).
- The siting of Building A will ensure the views to and from the Engine House (now an archaeological site) will not be compromised (refer to **Figure 36** below).
- The proposed new driveway will be lined with trees to maintain view lines to Studley Park House via Lodges Road.
- Proposed landscaping is located away from significant view lines to ensure they are maintained.

In addition to the above, the proposed siting of the buildings is consistent with the requirements set out in the draft CMP, prepared for the subject site.



Figure 36 – Site plan of the proposed development, where view lines to the former Engine House are shown in red.

Source: Figure 48 Weir Phillips Heritage and Planning Heritage Impact Statement, dated January 2023.



Figure 37 – Section of the proposed development. Studley Park House is coloured in green whereas the proposed new building are coloured in neutral colours.

3.0 Tree and Vegetation Removal

3.1 *Tree Removal*

The development proposes the removal of 19 trees across the development site. Of these trees, 12 are identified with low retention value, six with moderate retention value and one with high retention value. Whilst none of these trees have been identified with heritage and ecological value, the ratings have been imposed based on the overall

contribution to the amenity of the site and surrounding properties. Further, the following impacts to existing trees on site have been noted:

- Proposed new buildings are located within the Tree Protection Zone (TPZ) of T3, T31, T38, T39, T53, T77, T78 and T79. The potential encroachment is less than 10% of the TPZ, which is within the acceptable limits under AS 4970:2009.
- Canopy pruning of T3, T31, T38, T39, T53 and T57 to clear the building envelope and temporary scaffolding is required. For T3, T31, T53 and T77, the extent of crown loss is minor (less than 10%) and will have no adverse impacts on the tree. For T38 and T39, the extent of crown loss will be approximately 20%, which exceeds the acceptable limits under AS 4373:2007. This level of loss is likely to have adverse impacts on the tree. To minimise these impacts, temporary scaffolding shall be erected within the TPZ, pursuant to the recommendations in the Arboricultural Report.
- Proposed pedestrian pavements are located within the TPZs of T3, T4, T23, T32, T34, T35, T36, T56, T58, T59, T76, T77 and T79. In the case of T23, T34, T35, T36, T58, T56, T58, T59, T77 and T79, the encroachment is less than 10% which is within the acceptable limits of AS 4970:2009. For T3, T4, T32 and T76, the cumulative encroachments exceeds the requirements of AS 4970:2009. It is therefore recommended that pathways are located outside the Structural Root Zone (SRZ) where feasible and placed slightly above grade to minimise cut and fill within the TPZ.
- Proposed new boardwalks are located within the TPZs of T32, T35, T36, T53, T54, T55, T58, T59, T61 and T76. As the boardwalks are located above ground and supported by isolated footings to minimise the encroachments within the TPZ, the adverse impacts on the above listed trees is expected to be minimal.
- Proposed stormwater pipes are located within the TPZs of T3, T6, T7, T8, T9, T13, T31, T32, T33, T38, T40, T52, T56, T57 and T59. For T3, T6 and T57, the potential cumulative encroachment within the root zones is less than 10%, which is within the acceptable limits under AS 4947:2009. For T7, T8 and T9, open trenching for the stormwater pipeline is within the SRZs and therefore likely to result in severance and damage to the woody roots of these trees, leading to significant impacts. Construction recommendations were made in the Arborist Report to minimise the adverse long term impacts. For T31, T32, T33, T38, T40, T52, T56 and T59, the extent of the encroachment within the TPZ varies from 15% to 25%, which exceeds the acceptable limits under AS 4947:2009. Open trenching in this location is likely to result in root severance, leading to significant impacts on these trees. To minimise the extent of impacts, construction recommendations have been made in the arborist report.
- The proposed stormwater swale is located within the TPZ of T21, T42, T45, T46, T47, T52, T64, T69 and T84. The cumulative impacts on the TPZ for T42 and T84 is within the acceptable limits under AS 4947:2009. In the case of the remaining trees, the adverse impacts on the TPZ exceeds 10%, which is above the acceptable limits pursuant to AS 4947:2009. To minimise the extent of impacts, construction recommendations were made in the arborist report.

Councils Tree and Landscaping officer has reviewed the subject DA and noted the following:

- The proposed removal of trees can be supported at a ratio of 4:1 (equating to 76 additional trees), subject to appropriate replacement planting of indigenous species (as recommended in the Arboricultural Report submitted with the DA).
- No concerns were raised on the above recommended construction measures to ensure the adverse impacts to existing trees (to be retained) is within the appropriate limits (in accordance with the appropriate Australian Standards).

- The subject DA is supported with regards to trees and landscaping, subject to the imposition of recommended conditions of consent.

3.2 Ecology

As noted in this assessment report, the development will result in the following impacts on endangered species within Lot 1:

- 21 *Pimelea spicata* plants and 0.68 hectares of CPW are sought to be removed as part of this DA.
- An additional 78 *Pimelea spicata* plants are located within the proposed APZ and may be impacted during the ongoing maintenance of the APZ.

Notwithstanding the above, the following avoidance measures were imposed:

- Amendments to the design and layout of the development footprint has significantly reduced the number of plants impacted. Further, the revised development layout is now proposing to utilise areas of cleared land and/or that contains exotic vegetation.
- Selected clumps from the Managed Ecological Zone (MEZ) will be transplanted under nursery hot house conditions by the appointed nursery.
- As many *Pimelea spicata* plants will be retained within the APZ and protected as part of the MEZ, subject to the APZ management requirements.
- The conservation area is to be managed and conserve the *Pimelea spicata* plants in clumps to promote regeneration.
- The size of the APZ has been reduced.
- Prior to the commencement of demolition works, a fauna ecologist is to undertake a search for living Cumberland Plain Land snails and relocate them into the adjacent woodland area following a rainfall event.

Council's Natural Resources Officer has reviewed the subject DA and is supportive of the BDAR subject to recommended conditions, which include:

- Retirement of species and ecosystem credits.
- Monitoring to be undertaken for a 10 year period to give greater understanding on the conservation and recovery of the species, and monitoring reports to be prepared and forwarded to relevant agencies.
- Preparation of a Biodiversity Management Plan for in perpetuity management.
- Mitigation measures set out in the managed ecological area to be incorporated in a Biodiversity Management Plan.

(c) *the suitability of the site for the development*

As demonstrated by the assessment, the site is suitable for the development.

(d) *any submissions made in accordance with this Act or the regulations*

The DA was advertised and publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. During this time 39 written submissions were received (inclusive of two petitions), all opposing the development.

Consideration of the matters raised in the submissions is provided below:

Traffic

1. *The intersection at Camden Acres Drive and Lodges Road has not been considered within Table 4 Existing and Future Intersection Performances of the Traffic Impact Assessment.*

Officer Comment: The intersections listed (and assessed) in Table 4 are classified as key intersections that are likely to be impacted by the proposed development. The intersection in question is unlikely to be impacted as there will be no direct access into the site via Camden Acres Drive. Further, Camden Acres Drive does not directly connect to surrounding key roads including Liz Kernohan Drive and Camden Valley Way. As such, consideration of the intersection at Camden Acres Drive and Lodges Road is not required to be assessed in Table 4 of the Traffic Impact Assessment. The application was reviewed by Council's Traffic Engineer where no concerns were raised on the revised Traffic Impact Assessment submitted with the DA.

2. *There are concerns with the intersection proposed between Lodges Road and the Golf Club access point as it has not considered recent development approvals.*

Officer Comment: An amended Traffic Impact Assessment has been submitted with the DA, noting that the intersection in question will operate at Service Level A and B which is classed as 'good with acceptable delays and spare capacity'. The amended Traffic Impact Assessment has been updated to include more recent developments that have since been approved in the immediate vicinity of the site. Council's Traffic Engineer has raised no concerns on the revised Traffic Impact Assessment.

3. *The development will result in excess traffic impacts to surrounding road networks which are currently operating at capacity.*

Officer Comment: The Traffic Impact Assessment submitted with the DA has assessed the likely traffic impacts on surrounding key road networks, taking into account surrounding land uses (including schools and other major sites) approved and/or constructed in the immediate vicinity. Specifically, it was determined that the impact of the development on the wider road network during peak periods is moderate, therefore not requiring further external improvements to accommodate the proposed development.

4. *There will be significant traffic implications during the construction phase of the development.*

Officer Comment: The DA was accompanied by a Construction Management Plan, which noted proposed traffic measures during the construction phase of the development. In summary, it was noted that construction management is satisfactory, subject to the implementation of traffic calming measures including traffic control. The DA was reviewed by Council's Traffic Engineer where no major concerns were raised, subject to the imposition of recommended conditions of consent.

A standard condition has been recommended requiring the preparation of a site management plan, prior to the issue of a construction certificate for Stage 1. The site management plan is required to address traffic management during the construction phase of the development, in accordance with Council's Engineering Design

Specifications and AS 1742.3 – *Manual of Uniform Traffic Control Devices – Traffic Control for Works on Roads*.

5. *The development will impact the safety of children / students crossing the road at surrounding schools due to the increase of traffic movements.*

Officer Comment: As noted above, the Traffic Impact Assessment considered the existing and future intersection performances. The following intersections were considered as part of this assessment:

- Lodges Road / Liz Kernohan Drive (roundabout).
- Lodges Road / Sophia Street (roundabout).
- Lodges Road / Golf Club Access (priority).
- Lodges Road / Richardson Road (roundabout).

In summary, the above intersections are expected to operate at Service level A (good operation) or B (good with acceptable delays and spare capacity). Consequently, the increased traffic is unlikely to have detrimental impacts on surrounding land uses, particularly schools during peak periods.

6. *The assessment has not appropriately considered the number and/or size of larger vehicles entering the site during the construction and operational phase.*

Officer Comment: As noted above, the DA was accompanied with a Construction Management Plan and Traffic Impact Assessment, which specifically details the number and size (of the largest vehicle to enter the site) during each construction phase of the development. Further (and as noted above), a standard condition is recommended requiring the preparation of site management plan which is to address traffic management during the construction phase of the development.

7. *Local road networks are unable to accommodate larger sized vehicles required during the construction phase of the development. Further, there is no suitable entry and exit point into the site for those vehicles. This can have direct impacts on pedestrians, vegetation and animals.*

Officer Comment: As noted in the Construction Management Plan, construction vehicles will “*make use of RMS approved B-Double roads as much as possible, with a copy of the routes to be provided to all drivers prior to attending the site. It is noted that all truck routes will start or finish on the Camden Bypass (either direction)*”. Further, the Construction Management Plan states that “*construction access proposed at the new northern leg of the Lodges Road and Sophia Street roundabout. This access will be the primary construction vehicle entry and egress access to the site*”.

8. *A ‘wombat crossing’ should be considered on the new northern leg of the roundabout, as it will allow pedestrians to cross safely. This is particularly important for students at surrounding schools.*

Officer Comment: The Traffic Impact Assessment concluded that additional traffic calming measures on surrounding road networks are not required to accommodate the subject development. No concerns were raised by Councils Traffic Engineer on the above conclusion.

9. *Work zones should not be proposed in locations that will compromise any pedestrian and/or vehicular access points into each of the affected schools and associated drop off and pick up areas.*

Officer Comment: As noted above, a recommended condition of consent requires the preparation of a site management plan in accordance with Council's Engineering Design Specification and AS 1742.3 – *Manual of Uniform Traffic Control Devices – Traffic Control for Works on Roads*.

10. *School children from the existing residential precinct on the southern side of Lodges Road will need to cross the southern and western legs, connecting to Sophia Street which would have significantly higher traffic volumes once the development is constructed and operating. A wombat crossing is recommended on the western leg of the roundabout and a pedestrian refuge island on the southern leg of the roundabout is recommended.*

Officer Comment: As noted above, additional traffic calming measures are not required to accommodate the development.

11. *A 2m footpath on the southern side of Wilson Street, connecting Narellan Public School to the footpath on Camden Valley Way is recommended as it will allow school children from the proposed development to walk to Narellan Public School.*

Officer Comment: The recommended pathway is located a sufficient distance from the entry/exit point of the development. The delivery of this pathway is therefore not a matter for consideration with this DA.

12. *To encourage sustainable travel for residents of the proposed development, addition public transport services and associated infrastructure should be considered.*

Officer Comment: This is not a valid matter for consideration in the assessment of this DA.

13. *The development should be conditioned such that construction vehicles, including delivery vehicles are not entering and exiting the development sites one hour before the AM school bell times and one hour after the PM school bell times for Elderslie Public School, Narellan Public school and other schools in the area during school days.*

Officer Comment: As noted above, a condition is included in the consent, requiring the preparation of a Site Management Plan, which includes a construction traffic management plan, in accordance with Councils Engineering Design Specification and AS 1742.3 – *Manual of Uniform Traffic Control Devices – Traffic Control for Works on Roads*.

14. *Insufficient parking has been allocated across the development site. Further, there are no alternative overflow car parking opportunities along surrounding residential streets. This could impact parking availability at the golf course. It is unclear how this will be managed.*

Officer Comment: In respect to residential flat building car parking requirements, the development is compliant with the minimum car parking rate required under the Camden DCP. In respect to hotel car parking requirements, the development has a shortfall of two spaces. The deficit is reasonable given:

- A considerable proportion of function attendees are likely to be staying at the hotel and as such the parking demand for the function centre is likely to be less than the DCP requirement; and
- The deficiency of two spaces is minor and is unlikely to significantly increase demand for on-street parking in the vicinity of the site.

Ecology and Landscaping

15. *The BDAR states that the proposed development is not considered to have a significant impact and a referral to the Commonwealth Department of Environment and Energy should not be required. This is not correct. Under the Australian Government, significant impact guidelines for matters of national significance, with respect to endangered species such as the Pimelea spicata, any action is likely to have a significant impact on an endangered species if it will (inter alia):*

- *lead to a long-term decrease in the size of a population, and*
- *reduce the area of occupancy of the species and/or interfere with the recovery of species.*

EPBC Act. Due process would seem to require referral of potential impacts on native flora and fauna, in this case Pimelea spicata, to the department for consideration and a decision by the Minister or their delegate as to whether and what approval is required.

Officer Comment: The BDAR submitted with the DA has concluded that a referral to the Commonwealth Department of Environment and Energy is not required as it was determined that the proposed removal of endangered species will not have significant impacts. The matter for Commonwealth referral is a matter for the applicant and is self-regulated. The development is subject to conditions, including the requirement to prepare a Biodiversity Management Plan and to be ratified jointly by Camden Council; the NSW Department of Climate Change, Energy the Environment; and Water, and the Commonwealth, and the Australian Government Department of Climate Change, Energy, the Environment, and Water.

As noted in this assessment report, the DA was reviewed by Council's Natural Resource Officer, who raised no objection to the development subject to the imposition of appropriate conditions of consent. It is assessed that the development does not result in serious and irreversible impacts on endangered species within the site.

16. *The Cumberland Plain Woodland is listed as a Critically Endangered Ecological Community under state and federal legislation. The development will result in the clearing of endangered species including Cumberland Plain Woodlands and Pimelea spicatas in addition to a number of mature trees. These trees can take several years to grow to the maturation that they are currently.*

Officer Comment: As noted in this assessment report, mitigation and conservation measures have been put in place to minimise the adverse impacts on endangered species within the development site. Council's Natural Resource Officer has reviewed the subject proposal and supports the proposed mitigation measures (subject to recommended conditions).

Of the trees proposed to be removed, 12 were identified with low retention value, six were identified with moderate retention value and one was identified with high retention. To offset the proposed trees to be removed, replacement planting is

proposed at a ratio of 4:1, which is consistent with the minimum requirements specified in the Camden DCP.

17. *Noise and light pollution from the hotel and residential apartment blocks will affect the quality of habitat for species living in, foraging, and visiting the adjacent woodland. The removal of 12 hollow bearing trees will reduce the nesting sites available to a range of species such as parrots, kookaburras, possums, and owls.*

Officer Comment: The submitted BDAR has concluded that the indirect impacts on remaining species on site do not require offsetting and/or the incorporation of further mitigation measures.

18. *The BDAR fails to consider regular slashing and mowing and the adverse impacts this will have on endangered species.*

Officer Comment: Additional information was submitted with the DA, which included an addendum to the bushfire report and updated BDAR and Vegetation Management Plan. These reports have considered the regular slashing and mowing within the APZ. In summary, the reports have concluded that the *Pimelea spicata* plants will be retained as a shrub layer within the managed ecological area. This will be managed to the standard of an IPA. Mowing and slashing will be conducted within the lawn / grassy areas and not within the clumps themselves. Further, whilst the clumps of *Pimelea Spicata* plants are not proposed to be removed, they were considered to be potentially impacted (in the worst-case scenario). This will be mitigated through the propagation and replanting of *Pimelea spicata* plants at a ratio of 3:1 (i.e. 297 plants).

19. *As mentioned in the BDAR, nine threatened animal species have been observed within or close to the development footprint. Of these, two were bird species and six were bats. The construction of a two-storey hotel and four residential apartment blocks will increase the risk of collision for all of the threatened species. 'Birds in Backyards' research shows buildings closer to urban greenescapes that have large windows have increased rates of window collisions.*

Officer Comment: The BDAR has identified three species and one ecosystem credit, which will be required to be retired. Offsetting requirements as per the BAM calculations include the following species / ecosystems credits to be retired:

- Thirteen (13) ecosystem credits relating to Cumberland Plain Woodland.
- Ten (10) species credits *Meridolum corneovirens* (Cumberland Plain Land Snail).
- Seven (7) species credits relating to *Myotis Macropus* (Southern Myotis; and
- Ten (10) species credits relating to *Pimelea spicata* (Spiked Rice-flower).

Council's Natural Resource Officer has reviewed the BDAR and concurs with the assessment and calculations.

20. *The development will result in a significant loss of recreational land, woodland and open space in a rapidly growing area where there is little to no open space still to enjoy.*

Officer Comment: Lot 1 which contains Studley Park House is privately owned. The development will not result in a loss of public open space as its currently not accessible

to members of the public. Notwithstanding the above, the proposal is seeking land uses that will enable public access into Lot 1, providing opportunities for the public to view and enjoy the heritage item (and surrounding grounds). As such, the development will provide greater opportunities for the community to enjoy and embrace the significance of Lot 1.

21. *Significant trees should be relocated elsewhere on the property to ensure they are retained.*

Officer Comment: As noted above, one tree that is sought for removal which has been identified with high retention value. The remaining trees are classified with medium to low retention value. It was noted in the Arborist Report that there is no feasible alternatives that can permit the retention of this tree given the extent of the development.

22. *The clearing of existing woodlands, trees and vegetation will also affect surrounding native fauna living in this area including the habitat of the Australian Woodland ducks, cockatoos and the Australian magpie amongst other species. There is limited other habitat opportunities for these species.*

Officer Comment: As noted above, suitable replacement planting is proposed as part of the development proposal to offset the removal of any vegetation. Proposed replacement planting has been accepted by Council's Tree and Landscape Officer and Natural Resources Officer.

23. *The Landscape Plans contain plants that are known weeds and pose a high risk of spreading into the adjoining Cumberland Plain Woodland. Plants such as Star Jasmine, European Honeysuckle and Chinese White Wisteria are of particular concern. The inclusion of native plant cultivars will also pose a risk to the genetic integrity of species in the Cumberland Plain Woodland.*

Officer Comment: The Landscaping Plans have been reviewed by Council's Tree and Landscape Officer, where no concerns were raised, subject to the imposition of recommended conditions of consent.

24. *Soil disturbance on the edge of the Cumberland Plain Woodland, dumping of garden refuse and stormwater runoff will increase the risk of weed invasion.*

Officer Comment: Appropriate waste management measures in accordance with Council's Waste Management Guidelines will be assured via conditions of consent. Proposed stormwater management measures are in accordance with Council's Engineering Design Specification. A standard condition is recommended that requires weed dispersion to be minimised and weed infestations must be managed as per the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. Further, the condition specifies that any noxious or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of the principal certifier. This must also be reported to Council.

25. *The site is zoned RE2 to allow for the growth and protection of endangered species. The proposed development will compromise this.*

Officer Comment: As noted above, proposed mitigation and conservation measures are supported by Council staff, subject to the imposition of recommended conditions of consent.

26. *Management / removal of vegetation in accordance with the Biodiversity Conservation Act 2016 requires the sound application of the avoidance principle rather than just proceeding into a biodiversity offsetting calculation and establishing biodiversity credits. The credits may not have been the value that has been initially quoted. The avoidance principle has been reinforced in recent Land and Environment Court cases and is broadly referenced by all established ecologists. The DA has not established that the avoidance principle has been demonstrated, particularly in respect to the Pimelea Spicatas species.*

Officer Comment: The following actions have been undertaken to either avoid and/or minimise the impacts on existing endangered species within Lot 1:

- The siting of the proposed development has been selected to minimise the adverse impacts on both the Pimelea spicatas plants and CPW whilst also considering key heritage features of the site.
- Maximum retention of Pimelea Spicata plants within the APZ will be achieved as the conservation area will manage and conserve the Pimelea Spicata plants in clumps and promote regeneration within the APZ.
- Prior to the clearance works, a fauna ecologist is to undertake a search for living Cumberland Plain Land Snails within the development landscape and relocate them into the adjacent woodland. Conditions have been recommended to ensure this occurs.
- The location of the proposed development has been selected to minimise impacts on native vegetation by utilising areas of cleared or exotic vegetation.
- The proposed placement of buildings will retain as many mature trees as possible. Trees sought to be removed have not been identified with any ecological and/or heritage value. Further, replacement planting at a rate of 4:1 is proposed.
- The APZ has been reassessed which has reduced in size, which has minimised the overall impacts on the number of Pimelea spicata plants.
- Selected clumps from the Managed Ecological Zone will be transplanted under nursery hot house conditions by the appointed nursery.

The above avoidance and minimization measures were considered by Council's Natural Resources Officer, where no major concerns were raised, subject to the imposition of recommended conditions of consent.

Heritage

27. *The development is not consistent with the Heritage CMP.*

Officer Comment: As demonstrated in this assessment report, Council staff and Heritage NSW are satisfied that the proposed development is consistent with the CMP.

28. *The apartments will compromise the integrity of the heritage building and the values it represents.*

Officer Comment: As noted in this assessment report, the placing of the buildings and proposed setback to Studley Park House is anticipated to have minimal adverse impacts on the overall heritage significance of the site (subject to the imposition of conditions of consent).

Specifically, this has been achieved by:

- Maintaining existing view lines to and from Studley Park House and the wider area that have been identified as significant.
- Conditioning the use of appropriate colours and finishes of the buildings that are more sympathetic to the heritage significance of the site (as recommended by Council's Heritage Advisor).
- Proposing landscaping that is sympathetic to the heritage and ecological significance and history of the site.

The application was reviewed by Council's Heritage Advisor and Heritage NSW who are both supportive of the development subject to the imposition of appropriate conditions.

29. *The development will compromise significant views to and from Studley Park House.*

Officer Comment: Significant views to and from Studley Park are primarily located on the northern, southern and western ends of Lot 1. As detailed in the above assessment, the development is unlikely to compromise significant view corridors to and from Studley Park House and the wider area.

30. *The development will negatively impact the cultural landscapes of the heritage site and the surrounding area.*

Officer Comment: Revised plans and additional information has been submitted with the DA demonstrating that the proposed landscaping design and layout is sympathetic to the history of the site and the wider area. Trees sought to be removed do not have any ecological and/or historical significance to the site and as such, suitable replacement planting at a rate of 4:1 is supported by Council staff.

31. *The Statement of Significance for the Studley Park House (Inc Mansion and Grounds) (#133) states that the house is a 'fine example of a Boom style high Victorian mansion, set in a prominent location'. The 148 apartments will compromise the values outlined in the heritage listing, particularly given its prominent location.*

Officer Comment: Studley Park House is located at the highest point of Lot 1, where significant views have been identified via the northern, western and southern ends of the site. The proposed apartments are located on the eastern wing of Studley Park House and the Dining Hall and sits significantly lower than these buildings. The proposed siting of residential flat buildings and landscaping within and around the development is unlikely to compromise the value and significant view lines of the heritage listing. The application was reviewed by Council's Heritage Advisor and Heritage NSW, where no concerns were raised, subject to the imposition of recommended conditions of consent and GTAs.

32. *The development is not in keeping with the with the heritage significance of the site.*

Officer Comment: As detailed in this assessment report, Council staff and Heritage NSW are satisfied that the proposed development is consistent with the draft CMP and therefore will generally retain the overall significance of the site.

33. *The development is not consistent with Clause 5.10(10) in that it will compromise the significance of the site.*

Officer Comment: As demonstrated in this assessment report, Council staff and Heritage NSW are satisfied that the development is consistent with clause 5.10(10) of the Camden LEP.

34. *The Conservation Management Plan does not permit apartment buildings, hotels or the like.*

Officer Comment: The draft CMP states that any new development may be considered, if it is located on the eastern end of Lot 1 and will not compromise the overall significance of the site. There is no restriction as to what land uses are permitted and/or most desirable on the eastern wing. Proposed land uses on the eastern wing of Lot 1 have been assessed on merit by Council staff and relevant external agencies including Heritage NSW. Overall, it has been concluded that the development has appropriately considered key significant features of the site, and therefore the proposal is consistent with the draft CMP.

35. *It is preferred to at least preserve the layout of the army buildings and retain the remaining viable structures in place to recognise their history and importance and preserve the remaining archaeology.*

Officer Comment: The proposed layout has been considered with respect of maintaining the heritage view lines to and from Studley Park House whilst also minimising the adverse biodiversity impacts on endangered species including *Pimelea spicatas* and CPW. The proposed layout is considered appropriate having regard key features of the site (including view corridors and protecting endangered species) and the ongoing feasibility to support the ongoing maintenance of the heritage buildings and surrounding landscapes.

36. *The heritage assessment is subjective in that its funded by the developer.*

Officer Comment: The heritage reports have been reviewed by Council staff and Heritage NSW and found to be reasonable.

37. *Lots 3 and 5 are subject to the Cumberland Plain Recovery Plan and some are subject to the Narellan Creek Local Biodiversity Corridor and the Pimelea Spicata Recovery Plan. Camden Councils current management plans do not permit the establishment of hotels, apartments or roads on any affected land.*

Officer Comment: Proposed building works are sought within Lot 1 which is privately owned. Works proposed over Lot 3 and 5 are restricted to the access driveway and associated landscaping works which are permitted under the Camden Generic Management Plan.

Engineering / Flooding

38. *The development will impact surrounding properties with regards to tree removal, erosion and water run off during large rain events, causing floods and damage.*

39.

Officer Comment: Appropriate stormwater management measures will be put in place to ensure there are no adverse impacts on adjoining properties with regards to stormwater flows. The stormwater management report submitted with the DA has concluded the following:

- For the post development case, the impervious area will increase from 6.67% to 26.37%.
- To offset the increase in impervious area, an above ground bioretention OSD basin is proposed, which will capture the majority of the site's stormwater flows and distance into the existing dam located north of the site (within Lot 5).
- The proposed second system will accommodate access road and discharge to the existing Council trunk drainage system along Lodges Road.
- The tennis court and the internal landscaped areas will also discharge to the bioretention OSD basin via the internal stormwater system and perimeter swale located along the northern boundary.

The above measures are generally consistent with Council's Engineering Design Specification. The application has been reviewed by Councils Engineering Certification Team, where no concerns were raised subject to the imposition of recommended conditions of consent.

40. *Any changes to the golf course layout, especially along the fairways that run parallel to Wilton Street will cause significant concerns on potential flooding impacts. There is an extremely increased heavy flow after rain since the building of the Bicentennial Estate off Lodges Road, which has sent more stormwater through the golf course. Changes to the lie of the fairways or more water from proposed residential buildings on the golf course, could put Wilton Street residents at greater risk of flooding.*

Officer Comment: As noted above, the proposed stormwater plan is consistent with Council's Engineering Design Specification.

Environmental Health

41. *The construction of the development will result in excess noise pollution, having a significant impact to surrounding land uses and residents living and/or visiting the area.*

Officer Comment: The acoustic report submitted with the DA demonstrates that subject to the imposition of appropriate attenuation, the likely noise impacts will be within an acceptable range (pursuant to Councils Environmental Noise Policy).

42. *The operation of the proposal and the clubhouse could result in excess noise complaints (sent to Camden Council).*

Officer Comment: Should any complaints be made, the relevant Council officers will investigate the course of the noise complaints and proceed with the next appropriate actions.

Architectural Design and Urban Design

43. *The building height is excessive compared to surrounding low density developments (being a maximum of 9.5m) and will therefore greatly impact the amenity of the site and the wider area.*

Officer Comment: The proposed siting and layout of the development is located a sufficient distance from the nearest low-density buildings and therefore is not likely to be greatly visible from these areas. Further, proposed landscaping within the site will further screen the development from surrounding land uses.

44. *In the context of the surrounding area, development generally is characterised by single storey residential houses, on small allotments, with the remainder of the area characterised by large open rural lots and the floodplain of the Nepean River. The development has not considered the sites constraints and the existing character of the area. The development is therefore not within the public interest.*

Officer Comment: As noted above, Narellan has been identified as one of the key strategic centres within the Camden LGA, which is anticipated to accommodate greater commercial and residential growth in years to come. Whilst the development is not a common land use within the area, it is consistent with the desired future character of the wider Narellan area.

As noted in this assessment report, the development has appropriately considered key features of the site (particularly with regards to landscaping, ecology and heritage) and is a reasonable outcome for the site.

45. *The development will compromise the existing rural feel of the area.*

Officer Comment: Proposed landscaping works within and around the site will maintain the existing character of the site.

46. *The proposal is an overdevelopment of the site.*

Officer Comment: As noted in this assessment, Council staff are satisfied that the development has appropriately responded to the site constraints, whilst also ensuring the overall adverse impacts on surrounding land uses are kept to a minimum. The proposal is not considered to be an overdevelopment of the site.

47. *The development will significantly overshadow Studley Park House which will compromise the amenity of the site.*

Officer Comment: The provided shadow diagrams indicate that the development will not result in significant overshadowing to Studley Park House.

48. *The development will compromise the amenity of the golf course.*

Officer Comment: As noted above and as shown in relevant figures, the development is not highly visible outside Lot 1 and therefore is unlikely to compromise the amenity of the golf course.

49. *The development application should be accompanied by a Visual Impact Assessment to grasp an understanding of the adverse impacts from various locations, particularly from Camden Valley Way, which has a wide open view/frontage of the golf course and generates a high level of traffic generation each day.*

Officer Comment: The DA was accompanied with an Architectural Design Report and Heritage Impact Statement, which addresses the direct view impacts from key corridors including the northern, western and southern boundaries as well as the views to and from the former Engine House, which have all been identified as significant in the CMP. Overall, Council staff are satisfied that the subject development has been designed generally in accordance with the CMP prepared for the site.

The application was reviewed by Council's Heritage Advisor and Heritage NSW where no concerns were raised, subject to the imposition of recommended conditions of consent and GTAs.

50. *The redesign of the local road will have direct impacts on the operation of the golf course.*

Officer Comment: Amended plans and additional information has been submitted with the DA, noting the proposed new location of greens sought to be relocated in response to the proposed driveway (via Lodges Road). These plans have been approved by the Golf Club.

Planning

51. *The development does not comply with the zonings of the site. A planning proposal should be lodged.*

Officer Comment: As noted above, the proposed land uses are permitted by virtue of the heritage incentive provisions (Clause 5.10(10)) of the Camden LEP.

52. *The proposed residential apartment buildings are not consistent with other land uses in the immediate vicinity of the subject site.*

Officer Comment: As noted above, Narellan is classified as one of two strategic centres within the Camden LGA, which is projected to accommodate greater commercial and residential development. Specifically, the Camden Housing Strategy has noted there are opportunities for Narellan to accommodate greater housing growth as there are direct connections to surrounding key areas including Macarthur, Campbelltown and Leppington in addition to future plans for a railway station (within the Narellan Town Centre).

Further, Section 2.9.1 of the Housing Strategy specifies there is a planning capacity to accommodate a minimum of 4,822 dwellings within Narellan, ranging from different housing typologies.

53. *It appears the building height has been incorrectly calculated with respect to the natural ground level.*

Officer Comment: The building height has been calculated from the natural ground level to the top of the ridge line. This is consistent with the definition of 'building height' in the standard instrument.

54. *There are concerns about the appropriateness and legality of the use of community land to accommodate the private driveway.*

Officer Comment: Being an 'island' site Studley Park (i.e. Lot 1) already has a legal right of access to both Camden Valley Way and Lodges Road via existing easements (15.24m wide) that traverse Council owned land (i.e. Lot 5). The easement that provides access to Lodges Road currently runs through the Camden Golf Course car park. As part of the subject DA, a new access road is proposed will provide vehicular and pedestrian access from Lodges Road to both the proposed development and the existing golf club. If the DA is approved and the new access road constructed, the existing easement that runs through the car park of the golf club will be extinguished.

The proposed works are considered reasonable having regard to the Camden Generic Community Land Plan of Management and the relevant provisions of the Local Government Act.

55. *The use of 5.10(10) has been abused in that it will only result in a financial gain for the property owners.*

Officer Comment: As demonstrated in the assessment above, the development is consistent with the relevant subsections contained under Clause 5.10(10).

56. *On what basis is the DA considered to be live.*

Officer Comment: The development application (DA/2023/526/1) was submitted to Council on 21 September 2023. Following a detailed assessment by Council staff the matter is now reported to the Sydney Western City Planning Panel for determination.

57. *Has Council given permission for the developer to gain access across this land. When was such permission given and whose authority was any such property access granted?*

Officer Comment: Camden Council granted owners consent to allow the lodgement of the DA. This owner's consent was conditional on the applicant also obtaining agreement from the lessee (i.e. the Camden Golf Club). The Camden Golf Club provided their written agreement to the lodgement of the DA.

58. *How has this DA come to be under consideration by the Western Sydney Planning Panel.*

Officer Comment: The proposed development has an estimated development cost (EDC) of \$118,219,260. As the EDC is greater than \$30M, the Sydney Western City Planning Panel is the relevant determination authority for the DA.

59. *The development is contrary to the public interest.*

Officer Comment: The assessment of the DA by Council staff has concluded that, subject to the imposition of recommended conditions, the development is in the public interest.

Other

60. *It appears that restoration works to Studley Park House will only occur for the purpose of the villas.*

Officer Comment: The proposed development seeks to fund the restoration and maintenance works on site. The feasibility studies submitted with the DA were peer reviewed by an independent consultant who generally supported the assessment and the conclusions drawn.

61. *The development will impact property values to surrounding property estates.*

Officer Comment: There is no evidence to support this claim and regardless it is not a valid matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

62. *Residential buildings will increase the risk of household waste, building waste and rubbish being dumped, contributing to the degradation of the adjacent Cumberland Plain Woodland.*

Officer Comment: The DA was accompanied by an Operational Waste Management Plan with details that waste will be managed in accordance with Council's Waste Management Guidelines by a private contractor. The DA was reviewed by Council's Waste Management team, where no concerns were raised, subject to the imposition of recommended conditions of consent.

63. *Camden Council needs to oppose this DA and actively work to ensure that Studley Park House is available to be viewed and enjoyed by future generations and be a record and means of learning about the way people lived in earlier days.*

Officer Comment: Lot 1 is privately owned parcel of land and Council staff cannot force a specific land use or require public access. Notwithstanding, the proposed adaptive re-use of Studley Park House, Butcher Shop and Dining Hall will provide the wider community the opportunity to view and appreciate the state heritage item for future generations. Further, the GTAs issued by Heritage NSW requires 'an annual open day to allow public access to Studley Park House'.

64. *Not enough people were notified of the DA. Had the DA been more widely notified, more submissions were likely to have been submitted.*

Officer Comment: The DA was notified / advertised in accordance with the Camden Community Participation Plan 2021.

65. The Conservation Management Plan is missing appendices B to E.

Officer Comment: All appendices have been provided and are detailed below:

- **Appendix B** – The DA was accompanied with a Schedule of Conservation works which details all the required upgrades on site.
- **Appendix C** – Collection Inventory of Studley Park House
- **Appendix D** – The tree location plan is within the arborist report submitted with the DA.
- **Appendix E** – This appendix relates to a lease agreement between Camden Golf Course and the Director of National Parks and Wildlife and therefore is not a public document.

66. *There are no costings of the works listed in the Schedule of Conservation Works. The schedule of conservation works is four years old.*

Officer Comment: Additional information has been provided which includes a schedule of conservation works. This assessment has been considered in the final assessment of the DA and the GTAs issued by Heritage NSW.

67. *Sources of funds during the operational phase (details of the community title scheme) should be provided to demonstrate the appropriate use of 5.10(10).*

Officer Comment: Sources of funds during the operation phase are not warranted to demonstrate the appropriate use of 5.10(10). As detailed in the above assessment the proposed development satisfies the relevant matters for consideration prescribed under the heritage incentive clause.

68. *There are minimal details on the proposed community title scheme.*

Officer Comment: Sufficient details have been provided on the community title scheme to allow a full and proper assessment of the DA.

69. *The golf club should consider putting in more gaming machines to fund the restoration of the house.*

Officer Comment: Lot 1 is privately owned and is not related to the operation of the Camden Golf Club.

70. *Council should not be spending any money on the assessment of this DA. The application should be sent to the Regional Planning Panel with the submissions and a recommendation for refusal in that the development is prohibited.*

Officer Comment: The DA has been assessed in accordance with *the Environmental Planning and Assessment Regulations 2021* and *Environmental Planning and Assessment Act 1979*.

71. *Restoration works should be funded by government grants not through other developments.*

Officer Comment: This is not a valid matter for consideration in the assessment of the DA.

72. *The plans do not show the relocation of Holes 1 and 18, the golf pro shop or the protection of the tennis courts from wayward golf balls with a large fence.*

Officer Comment: Amended plans and additional information has been submitted, showing the proposed reconfiguration of Holes 1 and 18.

73. *The terms and the conditions of the sale (of the land) was that the land can only be used for recreational purposes. Further, it is also noted that Council cannot construct any building, structure, facility, vehicular access, car parking facility or other improvements where works are over \$200,000 without the written consent of the Commonwealth.*

Officer Comment: As the works on Lots 3 and 5 are valued at more than \$200,000, the approval of the Commonwealth is required prior to carrying out these works. The requirements of the deed do not impact on the Panel's ability to consider the DA as planning law is not concerned with land title or real property law. That said, appropriate conditions are recommended to ensure the relevant Commonwealth approval is obtained prior to any works commencing.

74. *There is no protection from wayward tee shots from the first tee to the new driveway off Lodges Road, subject to where the first tee would be relocated. This can also have significant amenity impacts.*

Officer Comment: Additional information has been submitted with the DA, which includes a letter from Mr. Neil Crafter, who is an experienced golf course architect. The letter discusses the safety considerations of Holes 1, 9 and 18, which are located in proximity to the proposed new driveway. In summary, it was determined that the overall impacts of the proposed hole locations are minimal, with minor recommendations

made to ensure maximum safety of pedestrians utilising the newly constructed pedestrian pathway and/or within the golf club site.

75. *It is unclear how Council can monitor the hotel development in accordance with the Plan of Management. Some of these matters cannot be controlled through a condition of consent.*

Officer Comment: Conditions are recommended to ensure the hotel development is carried out in accordance with the approved Plan of Management.

76. *The land (Lot 3) was dedicated to Council for recreational uses only. The Pimelea spicatas within Lot 3 are being protected by a conservation organisation on a regular basis. The access through Lot 3 is therefore contrary to the above and it appears there has been no approval from the Commonwealth.*

Officer Comment: Works within Lot 3 are limited to the construction of the driveway tree planting and the relocation of greens. The removal of Pimelea spicatas and/or CPW are not proposed within Lot 3.

77. *The plans do not show the new location of the pro shop. The cost of a new pro shop is approximately \$300,000. This is important as they are located between the first and the eighteenth holes, being the starting tee and the finishing green. The position is convenient in that golfers will collect any unnecessary last minute items such as golf balls and golf buggies, which are to be dropped off at the same building.*

Officer Comment: Amended plans have been submitted with the DA that indicate the proposed relocation of the pro shop.

78. *The construction of the development will have significant impacts on the operation of the golf course. Further, there are potential safety risks for larger vehicles (i.e concrete trucks) transversing within the car park (at the same as the golfers and patrons of the clubhouse). It should be noted that the demolition and construction phases of the development coincides with the start time of golfers.*

Officer Comment: Stage 1 works includes the construction of the new driveway. As noted in the Construction Management Plan submitted with the DA, construction access is proposed at the new northern leg of Lodges Road and Sophia Street. This will be the primary construction vehicle entry and egress access to the site. Suitable swept path diagrams have been submitted, demonstrating the largest construction vehicle to enter the site, can do so safely in a forward direction.

79. *The ninth green will be significantly overshadowed.*

Officer Comment: The shadow diagrams indicate that the ninth green will be overshadowed in the afternoon at the winter solstice. The green will be able to maintain maximum solar amenity in the morning at the winter solstice (being the worst-case scenario).

80. *The cost of redesigning these holes is approximately \$150,000 and takes some four to six months to complete as temporary greens need to be constructed first before the existing greens / tees are decommissioned. This will have significant impacts on the operation of the golf course.*

Officer Comment: The owner's consent from Camden Council for the lodgement of the DA was conditional on the applicant also obtaining agreement from the lessee (i.e. the Camden Golf Club). The Camden Golf Club provided their written agreement to the lodgement of the DA.

81. *Developments cannot occur over Lots 3 and 5 unless there is a change in the management plans. This requires consultation with the community and decision by Council.*

Officer Comment: As detailed above, proposed works within Lots 3 and 5 are consistent with the Camden Generic Community Management Plan.

82. *The proposed redevelopment is of a size and scale that the Moran Land does not support.*

Officer Comment: As noted in this assessment, Council staff are satisfied that the development has appropriately responded to the site constraints, whilst also ensuring the overall adverse impacts on surrounding land uses are kept to a minimum. The proposal is not considered to be an overdevelopment of the site.

83. *The Golf Club does not agree to any of its facilities being demolished so as to provide for greater means of access into Studley Park. The Golf Club is not empowered to dispose of the land the subject of the proposed roadway and, in any event, it is not willing to dispose of any part of its land entitlements.*

Officer Comment: As the owner of the land, Camden Council granted owners consent to allow the lodgement of the DA. This owner's consent was conditional on the applicant also obtaining agreement from the lessee (i.e. the Camden Golf Club). The Camden Golf Club provided their written agreement to the lodgement of the DA on the 26 July 2023.

84. *It is inconsistent with covenants on the land. As the development is to consist of restaurants, bars and function room that is intended to service patrons well exceeding those of the Private Hotel (such that the restaurants and bars will in effect operate as stand-alone businesses), the proposed development is inconsistent with the covenant on the land.*

Officer Comment: Planning law is not concerned with land title or real property law. Furthermore, Clause 1.9A(1) of Camden Local Environmental Plan 2010, states 'any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.'

85. *A bar and dining area with 108 seats over three distinct dining areas is intended to service significantly more patrons than the planned maximum capacity of the hotel rooms.*

Officer Comment: There is no requirement or expectation that seating numbers must strictly match those of the hotel suites.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
NSW Rural Fire Service	The application is supported, subject to the imposition of GTAs.
Transport for NSW	The application is supported subject to the consideration of matters as noted in their response. As provided above, these matters have been satisfied and/or can be resolved by way of a condition of consent.
Endeavour Energy	The application is supported subject to the imposition of recommended conditions consent.
Sydney Water	The application is supported subject to the imposition of recommended conditions consent.
Camden Police Area Command	The application is supported subject to the imposition of recommended conditions consent.
Heritage NSW	The application is supported, subject to the imposition of General Terms of Approval.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDATION

That the Panel:

- i. approve the Conservation Management Plan – Studley Park (SHR No. 389), 52 Lodges Road, Narellan, prepared by Urbis, dated April 2023, and**
- ii. approve DA/2023/526/1 for retention, restoration, ongoing maintenance and adaptive reuse of Studley Park House, construction of a two storey hotel building and four residential flat buildings, community title subdivision and construction of a access driveway at 200 Camden Valley Way & 50 and 50A Lodges Road, Narellan subject to the conditions attached to this report for the following reasons:**
 - 1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, and Camden Local Environmental Plan 2010.**

- 2. The development is consistent with the objectives of the Camden Development Control Plan 2019.**
- 3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.**
- 4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**