

BRIEFING DETAILS

BRIEFING DATE / TIME	6 February 2020, 10:00am
LOCATION	Camden Council

BRIEFING MATTER(S)

PPSSWC-40 – Camden Council – DA/2019/886/1 – 200 Camden Valley Way, Narellan – Redevelopment of Studley Park House

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli and Sue Francis
APOLOGIES	Nicole Gurran, Lara Symkowiak, Paul Farow and Theresa Fedeli
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Clare Aslanis, Jamie Erken, Mathew Rawson & Ryan Pritchard
OTHER	

KEY ISSUES DISCUSSED

- The key objective of “conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views”, and the issue of “the effect of the proposed development on the heritage significance of the item or area concerned”, are each identified in clause 5.10 of the LEP for mandatory consideration.
- The matters identified in clause 5.10 (10) will also be essential which are (**emphasis added**):
 - (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that **all necessary conservation work identified in the heritage management document is carried out**, and
 - (d) the proposed development **would not adversely affect the heritage significance of the heritage item, including its setting**, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

- It would seem that the mandatory notice provision in clause 5.10(9) is triggered for the proposed demolitions.
- In that regard, identification of the item is important. The Schedule to the LEP identifies “‘*Studley Park*’ (including mansion and grounds)” as the “item name”, and Lot 1, DP 859872 as the “item description”. Some clarity of whether the “item” includes the whole property, and whether the development extends beyond the “grounds” of Studley Park, noting the issue of permissibility raised in the briefing report.
- Demolition of any building and construction of the new hotel must be consistent with the heritage objectives.
- The Panel notes that endorsement of the Conservation Management Plan from the Office of Environment and Heritage is pending given the state listing. Any feedback from OEH will require careful consideration.
- The briefing report refers to the application triggering savings provisions within the Biodiversity Conservation Act 2016. The savings provision has some complexity and the decision of Commissioner Adams in *Statewide Planning Pty Ltd v Blacktown City Council [2019] NSWLEC 1397* from [44] may assist in applying it. In particular:
 - 51 Clause 27(1) of the Transitional Regulation defines former planning provisions as:
former planning provisions means the provisions of the *Environmental Planning and Assessment Act 1979* that would be in force if that Act had not been amended by the new Act.
 - 52 The term “former planning provisions” is applicable only to provisions of the EPA Act. As Part 7 of the BC Act does not apply to the development application, and the corresponding provisions of the TSC Act have been repealed, there are currently no provisions which would establish an offsetting scheme which could be applied to the development application.

 The Council might want to consider whether the briefing report is correct to suggest that the Threatened Species Act 1995 can be applied.
- Issues of potential conflict need to be considered given Council’s ownership of part of the site.
- The height of the development will need to be considered in both the local and heritage context.

TENTATIVE PANEL MEETING DATE: N/A