

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

Website: <http://www.crag.org.au/>

Face Book:

<https://www.facebook.com/CRAgcamdenresidentsactiongroup/>

PO Box 188

Camden NSW 2570

Email: admin@crag.org.au

Ph: 0415 617 368

General Manager

Camden Council

70 Central Avenue

Oran Park 2570

Email: mail@camden.nsw.gov.au

6 November 2023

Dear General Manager,

RE: DA 2023/526/1

STUDLEY PARK

200 Camden Valley Way¹, 50A Lodges Road and
50 Lodges Road NARELLAN
DP 859872: LOT1, LOT 3 LOT 5

Remediation of contaminated land and restoration works to the existing state heritage site, internal fit out works to Studley House to accommodate a hotel development, construction of a part one storey and part two storey hotel containing a maximum of 44 beds with basement car parking, construction of four residential flat buildings (between two and four storeys) to accommodate a maximum of 148 apartments with basement car parking and road access with associated site works including the removal of 19 trees, landscaping, civil infrastructure with community title subdivision.

Studley Park, although it is state heritage listed² is currently in a neglected state, and there is no doubt that it needs to be restored.

This DA refers to Lots 1, 3 and 5. Studley Park House is situated on Lot 1 which is an island lot surrounded by Camden golf course, mainly comprised of Lot 5 which is classified as community land and leased by Camden Council until 2098 to Camden Golf Club. Rights of carriageway exist from Studley Park House to Camden Valley Way and Lodges Road over Lot 5. Lot 3 is also classified as community land.

¹ Studley Park House is situated on Lot 1 which is an island lot surrounded by Camden Golf course, mainly comprised of Lot 5 which is classified as community land and leased by Camden Council until 2098 to Camden Golf Club.

² <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5045438>



Source: Urbis 2023 *Conservation Management Plan*

We note that this DA is similar to a concept application for a three-staged development of the property lodged in 2019 (DA 2019/886/1) and withdrawn in 2020. Stage one was to restore and redevelop Studley Park House with a connection to a two storey 46-bed hotel, provide road access through community land on Lots 3 and 5 and to make changes to layout of the existing golf course on community land (Lot 5). Stage two was to fit-out and use Studley Park House and the new building as a hotel. Stage three was to build four residential flat buildings of 2 - 4 storeys housing 138 apartments.

The 2023 DA is not presented as a concept application. It does have two stages. The first includes restoration of Studley Park House and construction of a 44-bed connecting hotel with basic fit-out, including of Studley Park House as a 5-bed hotel. Detailed fit-out and operational use of the hotel is to be subject to a separate DA (Stage 2 of 2019 concept DA). The second stage includes construction of four residential flat buildings (A, B, C and D) of 3 - 4 storeys housing 148 apartments, civil infrastructure and landscaping. Like the 2019 DA road access is proposed through Lots 3 and 5. The current DA also seeks changes to Camden Golf Club infrastructure on the leased community land. These include changes to 1st Hole Tees, practice green, 8th Hole Green, demolition of the existing Pro Shop and revision of existing golf club car park.

All the land in question, whether it is owned by the applicant (Lot 1) or Council on behalf of the community (Lots 3 and 5), is zoned RE2 Private Recreation which incorporates the following objectives:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses
- To protect and enhance the natural environment for recreational purposes.

What this DA proposes is prohibited under this zone, and it therefore relies on Camden LEP 5.10 (10) heritage conservation incentives.

Our concerns and objections follow.

Unacceptable Ecological loss

The Biodiversity Development Assessment Report states that 0.68 ha of native vegetation will be directly impacted through the construction of internal roads, buildings, asset protection zones (APZs) and associated services. Bushfire protection zones and emergency access roads would further impact native vegetation, including endangered Cumberland Plain Woodland (CPW) and *Pimelea Spicata*.

We disagree with the following claim in the Statement of Environmental Effects (SEE) that the proposal is ecologically acceptable:

The siting of the proposed buildings has been adjusted and footprint reduced from an earlier scheme in order to minimise impacts on CPW and Pimelea spicata and retain more mature trees. Proposed impacts on CPW have been reduced from 0.95ha (5.60%) to 0.68ha (4.03%), proposed impacts on Pimelea spicata have been reduced from 98 plants (9.77%) to 21 plants (1.7%) and tree removal has been reduced from 24 trees to 19 trees; ... the proposal is considered to be acceptable with regard to biodiversity impacts subject to the retirement of the BAM Credits specified above.

We object to the further removal of critically endangered CPW, which in this case is habitat for the endangered spiked rice flower, *Pimelea spicata*, as well as endangered fauna species such as the Cumberland Land Snail and Southern Myotis.

Our understanding is that any loss to what, from what we have read, is currently the world's largest population of *Pimelea spicata*, threatens the future of this endangered species and its recovery plan³. Similarly, any loss to Cumberland Plain Woodland (CPW), listed as a Critically Endangered Ecological Community since 1997, is not acceptable⁴.

Connectivity

We reject the notion that there is no vegetation connectivity to the CPW remnant identified in the proposal when there is close proximity to the council managed Parrotts Farm Reserve which also contains CPW and *Pimelea spicata*, and has been the subject of Camden Council conservation actions⁵.

It is paradoxical that Camden Council and the community are working to conserve CPW and *Pimelea spicata* at Parrotts Farm yet are faced with considering a proposal nearby for their destruction. Adopted Council policy needs to be a no net loss for CPW and other endangered vegetation communities.

³ NSW Government 2006 *Pimelea spicata* Recovery Plan <https://www.dcceew.gov.au/sites/default/files/documents/p-spicata.pdf>

⁴ NSW Government 2009 *Cumberland Plain Woodland in the Sydney Basin Bioregion - critically endangered ecological community listing* <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2008-2010/cumberland-plain-woodland-critically-endangered-ecological-community-listing>

⁵ Camden Council *Bushcare and Volunteering*

<https://www.camden.nsw.gov.au/environment/environmental-programs/bushcare-and-volunteering/>



Photos taken 3 November 2023 of signs at Parrotts Farm

Future connectivity opportunities also exist for the newly created Elizabeth Scott Reserve and beyond. Given the existence of threatened fauna species at the Studley Park site, clearly these existing native vegetation patches are still functioning through ‘stepping stone’ connectivity despite the urban development footprint.

Pimelea spicata

Following the removal of a large and significant population of *Pimelea spicata* (several thousand plants) for construction of the runway at Western Sydney Airport, we believe the limit for any further local and regional loss of this species has already been reached. Offsetting of loss for this endangered species is no longer appropriate, and all local populations should be conserved and managed in situ.

In any case it is an extremely sensitive species, and there are no populations known to have survived long-term in garden beds, very small conservation areas, or any areas downslope, regardless of distance, of residential development. No assessment has been made on the impact of this development of unavoidable changes to water flow, nutrient and sediment on the population of *Pimelea spicata* within Camden Golf Course.

The assessment report identifies that 21 *Pimelea spicata* plants will be lost as part of the proposal, but we claim the loss will become much greater. Activity associated with the proposed apartments in particular will degrade the site and result in further loss.

Also, the report does not explain how the BAM credits would be retired. Will there be no net loss, i.e., like for like? Although the translocation plan for impacted *Pimelea* presented in the report is quite detailed and draws on the expertise of Royal Botanic Gardens and Australian Botanic Garden work, **any translocation would need clear performance outcomes and objectives, which have not been provided.**

This species needs to be retained in perpetuity but no long-term provision and funded mechanism are considered.

Cumberland Plain Woodland

The native plant species listed in the assessment report indicates a very high Cumberland Woodland diversity (despite weed invasion) and would be comparable to high quality conservation woodlands at the Australian Botanic Garden and other locations – this diversity is now increasingly rare and needs to be conserved and managed accordingly.

It is very common for adjacent developments to impact and degrade native vegetation.

The assessment report does not provide any detail as to how the development/woodland interface would be managed.

Proposed use of community land for private development

We are bemused that this DA has proposed development of land, Lot 3 and Lot 5, that is not owned by the applicant but the Council on behalf of the community. We can only assume that discussions and negotiations have already taken place with Camden Council and the Golf Club as lessee of Lot 5 to pave the way for this DA.

We were surprised that we could not find Plans of Management for the lots of community land surrounding Studley Park as they are required under the Local Government Act to be prepared and undergo public consultation and exhibition, and particularly as endangered and threatened species are known to exist in parts (s36A, s36B, s38). We draw attention to s45 which would seem to preclude any disposal of community land and trust that there is no intention under s 34 to reclassify any community land involved in this proposal as operational.

We submit that any negotiations with Camden Council over use of community land should be held in a public forum. Further any proposed lease or licence relating to Lot 3 and arrangements with the current lessee of Lot 5 is in the public interest and should be publicly disclosed.

Also, from the community perspective there is a seeming conflict in Camden Council providing an assessment report to the consent authority in relation to the access road through Lots 3 and 5.

Conservation of Studley Park is not appropriately facilitated

This proposal relies on LEP 5.10 (10) heritage incentives and would otherwise be prohibited. Under this LEP provision the consent authority may grant consent to this DA if it is satisfied about all of the following:

- (a) the conservation of the heritage item is facilitated, and*
- (b) the development is in accordance with an approved heritage management document, and*
- (c) the consent would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the development would not adversely affect the heritage significance of the heritage item, including its setting, and*
- (e) the development would not have any significant adverse effect on the amenity of the surrounding area.*

We do not believe this DA can be argued to qualify for and satisfy LEP 5.10 (10) for the following reasons.

Over-reach of reliance on LEP 5.10 (10) heritage incentive

We question whether it is appropriate for the entirety of this development to be accommodated for assessment under LEP 5.10 (10), particularly given its size that extends beyond the heritage curtilage and scope well beyond restoration of the heritage item. In particular the residential component on land zoned private recreation would seem to be irrelevant to heritage conservation, and would perversely devalue the heritage item and its curtilage.

The CIV for this project is estimated as more than \$109m excluding gst. The estimated cost of restoring Studley Park House and dining hall is a fraction of that at approximately \$3.2 million (SEE p. 34). Ongoing yearly maintenance that is purely related to its age and significance is unlikely to add much extra to what would be incurred in the maintenance costs of a modern hotel.

The Feasibility Assessment Report chooses to use one method of investment analysis. The analysis, necessarily based on many assumptions including a discount factor of 6% applied to estimated future net income of the hotel over 4 years, concludes that the Net Present Value of the hotel is less than its investment cost. No other assumptions are used or sensitivity analysis provided. The target Internal Rate of Return is 17%. It is claimed that the apartments are needed to cross-subsidise the hotel. However no economic analysis of the cost and returns of the apartments is provided to support that claim.

If Studley Park was sold today as a rare country house, with adjacent golf course, it is likely that a significant return would be achieved on the \$1.6m paid for it in 2007. This would have the advantage that the owner would use it as it was intended and have every incentive to restore and maintain it, and not destroy its setting and ecology with apartment buildings and ancillary infrastructure and hard stand.

The proposal does not assist in retaining cultural significance (LEP 5.10 (10) a, b)

Land and Environment Court case law establishes that the incentive is only available if the proposed development facilitates the retention and interpretation of heritage significance of Studley Park. It is not enough to argue that the proposed development will not adversely impact the heritage item and its significance.

As decided in *David Fox v North Sydney Council*⁶

Facilitating conservation requires a higher threshold than just ensuring the proposal does not adversely impact on the identified heritage significance of an item. In order to facilitate the conservation of the heritage item, the proposal must assist in retaining its cultural significance, such as by revealing and interpreting the heritage significance of the item. (para.47)

In the case of *George v City of Parramatta Council*⁷ the Court held that the proposed development of a residential flat building to the rear of two existing heritage items would detrimentally impact them in the following ways:

- the proximity of the proposed development to the rear of the heritage items, which intrudes into the curtilage of the items;
- the height of the proposed residential flat building, and its site coverage which in combination result in a bulky form that has a detrimental impact on the heritage items by being overbearing; and
- the proposed approach to the architectural design and materiality, that is antipathetic to the simplicity and symmetrical character of the heritage items. (para. 54)

This proposal includes a hotel that is connected in immediate proximity to Studley Park House and within its heritage curtilage and apartment buildings that are extremely over-height, bulky and in close proximity.

This proposal cannot be argued to meet the threshold that it assists in retaining the cultural significance of Studley Park.

⁶ *David Fox v North Sydney Council* [2016] NSWLEC 1366
<https://www.caselaw.nsw.gov.au/decision/57c4da1ce4b0e71e17f53ba4>

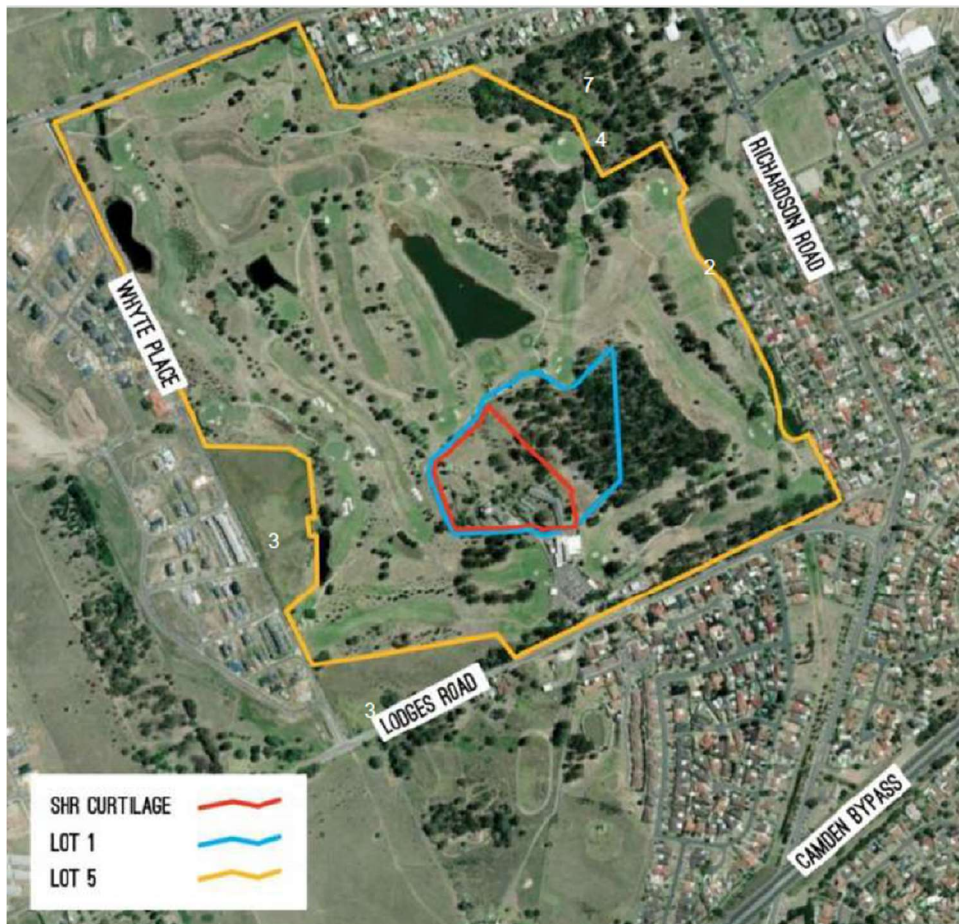
⁷ *George v City of Parramatta Council* [2017] NSWLEC 1366
<https://www.caselaw.nsw.gov.au/decision/5967036be4b058596cba87f7>

Loss of Amenity of surrounding area (LEP 5.10(10) e)

This area of both Lot 1 (Studley Park) and surrounding lots of community land are zoned RE2 Private Recreation. This recreational land of woodland and open space has been factored into the whole plan for amenity of this rapidly developing area of Narellan.

Its loss to residential apartments and private development access roads represents a loss of environmental amenity to existing residents and the whole community.

There was no comfort in the DA documentation that proposed changes to the open nature of the recreational land, including community land as shown in the aerial view below would not adversely affect the amenity of the surrounding area.



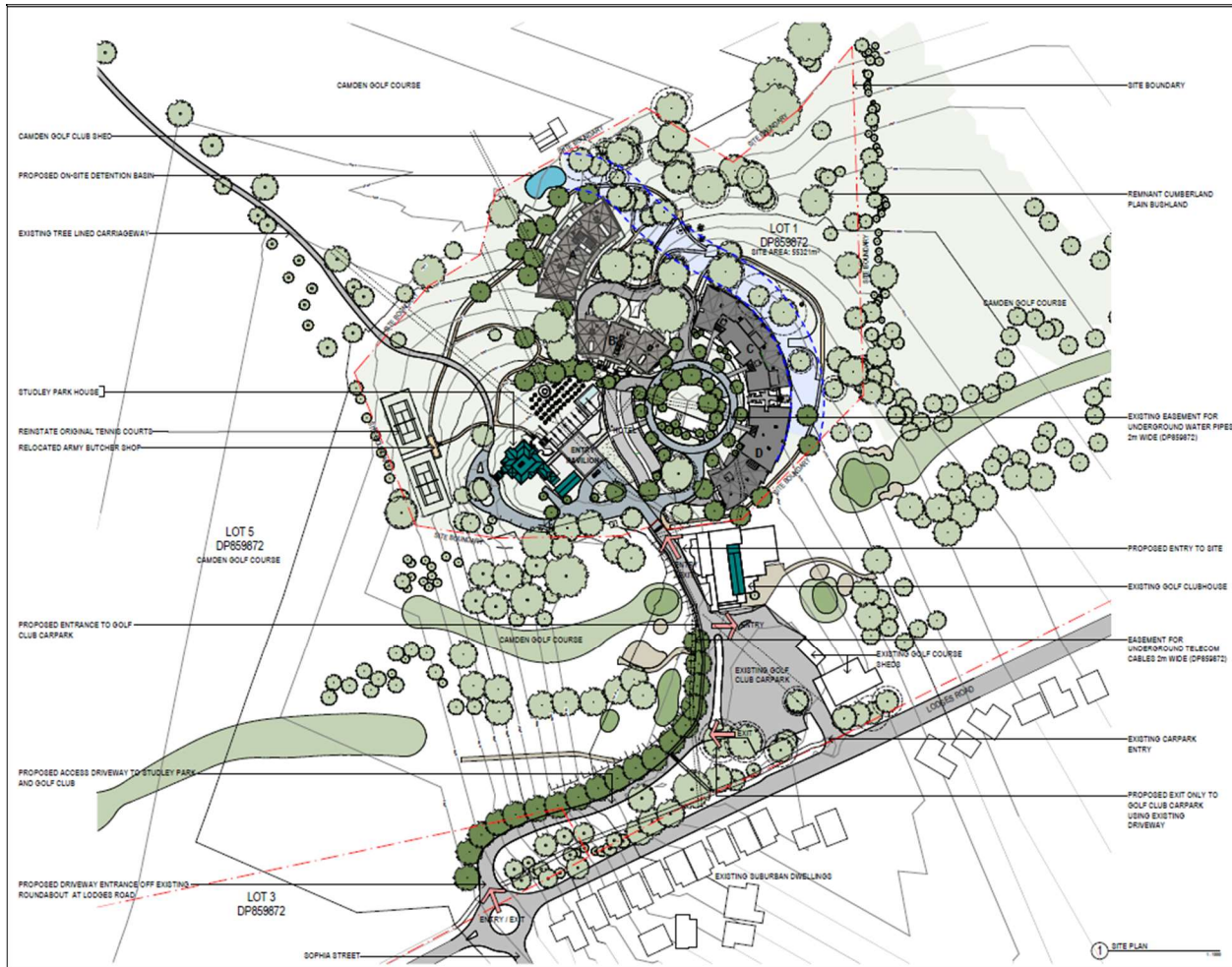
Studley Park House showing lots, curtilages and vegetation

Source: Weir Phillips Heritage and Planning January 2023 *Heritage Impact Statement*

Amenity of the surrounding area would be further lost through exacerbation of traffic issues, particularly on Lodges Road and particularly as the residents of the apartments would have no convenient access to public transport.

Loss of setting (LEP 5.10 (10) d)

It is clear in the architectural plan below that this extensive proposal, which includes development within the heritage curtilage, must adversely affect the open landscape character and setting of Studley Park House which would sit as a tiny part of the whole.



Source: A J + C 20 January 2023 *Architectural Plans*

As stated in its state listing, Studley Park’s open landscape character is important to its heritage significance:

Studley Park House and associated historic lands that now form Camden Golf Club course are an important and comparatively rare cultural landscape that retains an open landscape character and setting for the House, typifying a grand, nineteenth century country estate. This cultural landscape setting includes important views that physically connect Studley Park to other nearby historic 'country estates' such as 'Camelot' and 'Kirkham Stables', and define a broader historic landscape in the areas surrounding Camden.

The importance of the open landscape setting is reiterated in the Conservation Management Plan (CMP)⁸ which was endorsed by the NSW Heritage Council on 6 April 2023.

The heritage curtilage of Studley Park, shaded brown in the diagram below, encroaches slightly beyond the bounds of Lot 1 into Lot 5, and does not include all of Lot 1. The CMP (2.2; 2.3) defines the site as Lot 1 and the State Heritage Register (SHR) curtilage inclusive of parts of Lot 5 noting that the original land holdings were much larger and that the golf course continues to provide an expanded visual setting for Studley Park House.



The 2023 CMP (8.6) notes the call in the 2000 CMP of Godden Mackay Logan to extend the SHR curtilage and suggests that a consolidated CMP be prepared to take in more of original landholding including the community land leased by Camden Golf Club.

According to the 2023 CMP (10.2.2) Heritage NSW has advised Urbis that they are supportive of the expansion of the curtilage to better protect the setting, historic elements and views.

This position is entirely consistent with Studley Park’s significance according to the SHR listing, and contradicts any claim that the multi-storey apartment buildings would be appropriate additions within the historic rural and current recreational setting. The hotel and the apartment buildings, including space for 313 cars, are planned to be within or near the heritage curtilage which is an unacceptable urban incursion into what is already agreed to be an insufficient curtilage of open landscape.

A comparison of artist’s impressions provided with the DA with photos of Studley Park indicate that views and woodland setting would be compromised.

⁸ URBIS April 2023 *Studley Park Conservation Management Plan* Figure 3



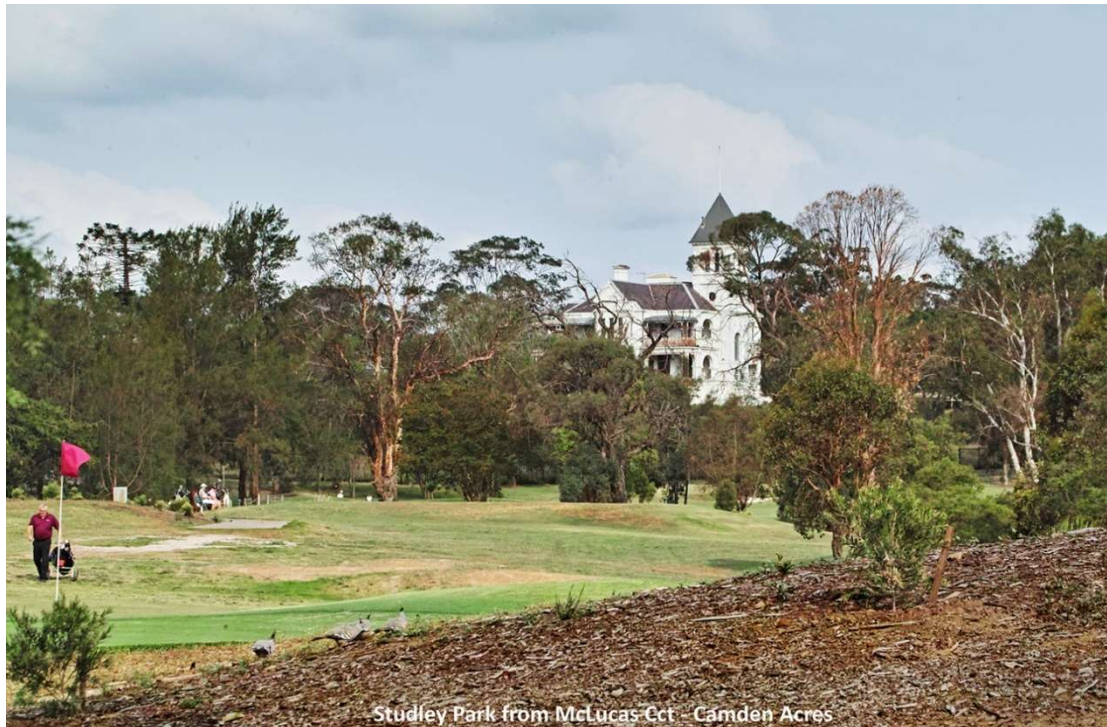
Source: dfp Planning consultants September 2023 *Statement of Environmental Effects* Artist's impression.



Source: A J + C 20 January 2023 *Architectural Plans* Artist's impression.



Studley Park from Camelot Entrance Gate, Kirkham Lane



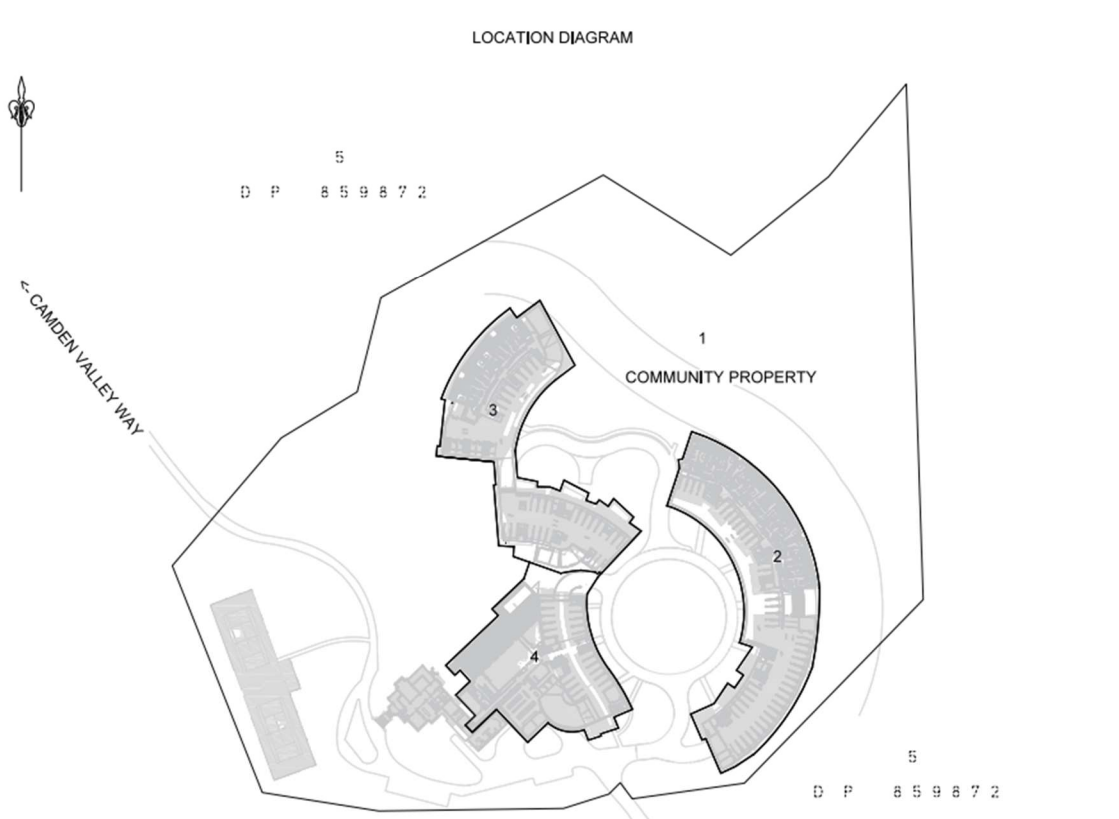
Studley Park from McLucas Cct - Camden Acres

Lack of assurance for conservation and maintenance into the future (LEP 5.10 (10) a)

The proposal includes creation of community title subdivision of Lot 1 (currently within the ownership of the Applicant) into three community development lots and one community Association lot. The Statement of Environmental Effects (SEE) states that the rationale for the Association lot is to ensure that all future residents and the hotel have responsibility for ongoing maintenance of Studley Park (3.3.11).

Lot 1 Association	All land other than the residential flat buildings and new hotel, including Studley Park House
Lot 2	Buildings C and D
Lot 3	Buildings A and B
Lot 4	New hotel building

This would suggest that the responsibility for conservation of Studley Park and endangered vegetation on the site, which is of utmost importance into the future, is subject to the voting rights of the future owners of the apartments and hotel. This is not acceptable as they have a vested interest in keeping costs low and no necessary interest in heritage conservation. It may even be in the interests of the apartment owners that the activity of the hotel be curtailed.



Community Lots. Source Saxon J D. 11 November 2021 *Draft Plan of Proposed Subdivision*

Not only do the proposed large and multi-storey buildings adversely affect Studley Park’s open landscape setting as referenced in its state listing, but we do not accept that there would not be sufficient profit from the proposed hotel to support upkeep of the original house and grounds.

As stated in the 2023 Conservation Management Plan (8.8, p. 293):

Permissible uses under the zoning may preclude residential uses unless it can be argued that this is an existing use...Other uses are currently being considered, including a proposed Hotel use. This would provide for the ongoing conservation and maintenance of the House and grounds.

Studley Park is a major cultural asset within easy reach of the new international airport and Australia’s largest city. This fact provides ample opportunity and incentive for the proposed hotel. However, conservation of Studley Park would be better served in the hands of an owner that fully appreciated it for itself and its historic value for future generations.

Prohibited and inappropriate apartment buildings (LEP 5.10 (10) a)

Land zoning of RE2 (Private Recreation) land zoning prohibits a hotel and apartments and, as already covered, no reasonable rationale for the apartments has been provided in relation to facilitating conservation of Studley Park under LEP 5.10 (10) incentives. There is ample opportunity in Narellan for developers to fast-track housing supply without compromising environment, amenity and heritage.

The residential apartment blocks do not facilitate conservation of Studley Park or endangered ecological communities. They would adversely impact the setting of Studley Park House and gardens, and present as an anomaly within the recreational lands and in relation to surrounding low density housing. They are clearly incompatible with the character of recreational land, the surrounding residential areas and the heritage of Studley Park.

The four apartment buildings are proposed to be 3-4 storeys, accommodating 148 units with 271 bedrooms.

1 BED	16
1 BED +	2
1 BED+	22
2 BED	22
2 BED +	50
2 BED+	21
3 BED	15

Grand total: 148

Apartment count. Source: A J + C 20 January 2023 *Architectural Plans*

The maximum height of the apartment buildings is stated as 14 metres. The nearest residential areas are of a low scale and entirely different character with a height limit of 9.5m.

As stated in Policy 22 of the CMP:

New development within the SHR curtilage and within in Lot 1 should be based on a height study to mitigate impacts of scale. The mass, scale and height of any new development on Lot 1 should be respectful and sub-servient to the mass, scale and height of Studley Park house, and consider its landscape setting, landscape elements, outbuildings and views as well as topography, land contours and the extant tree canopy. New development must be setback sufficiently from the house so as to retain its landmark presence in the Camden area. Any new development should respond to the cultural values and significant phases of Studley Park.

The height, scale and mass of the proposed apartments are grossly inconsistent with this policy. They are not subservient to Studley Park House and their use does not respond to any of its significant phases.

So many residents living within close proximity of critically endangered Cumberland Plain Woodland and fragile and endangered Pimelea Spicata can only damage the rare ecology and threaten it further.

Retention, not removal of Army buildings (LEP 5.10 (10) a)

We disagree with the intention to remove buildings, with the exception of the relocation of the Army butcher shop, evidencing the Army's occupation of Studley Park.

As stated in the 2023 CMP Policy 16 (9.5, p. 303) *Opportunities to retain a meaningful collection of the army buildings should be explored and creatively interpreted in any new development to acknowledge their significance within Studley Park's rich history, ongoing story and vision for a viable future.*

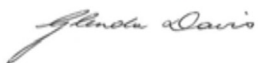
These buildings were intended to be temporary and most similar buildings of the period have been lost. Their rarity would add tangible significance to the history of Studley Park.

Conclusion

The community is keen to see restoration of Studley Park, which of course includes retention of its cultural landscape, but close examination of this DA reveals that it does not meet community expectations for this important landmark heritage property.

We request that this DA be refused.

Yours faithfully,



Glenda Davis, President