

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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General Manager
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18 August 2021

Dear General Manager,

Re: 2-4 John Street and 11 Elizabeth Street, Camden
LOTS: 1 and 2, DP: 1246185
DA s4.56 Modification: 2008/644/6¹
Deletion of condition 7.0(4) for photographic archival

We note that the condition referred to above as 7.0(4) relates to an approval on 15 August 2018 for staged development. This condition, to be met prior to issue of an Occupation Certificate, is identical to that of the original approval 5.0 (4) on 8 September 2009 and has been included in all modification approvals to date. This condition states

Archival Record - The buildings and their setting be recorded through photographic archival recording in accordance with the most recently published guidelines set by the Heritage Branch, Department of Planning prior to their demolition.

¹ To approved development: *Staged redevelopment of the Former Camden High School Site comprising: demolition of disused school buildings, remediation of contaminated land, earthworks, staged subdivision, the erection of 26 multiple-unit dwellings, 162 self-contained seniors living dwellings, 76 bed residential care facility, 51 bed motel, restaurant, cultural & community centre, medical centre, ancillary shops, undercroft car parking and landscaping works*

As noted in Council's Report and Resolution of 8 September 2009, the High School site had been identified as a potential heritage item of social and historical significance, one that required an archival record incorporating some interpretative feature or landscaping to record its history.

Although a physical onsite interpretation was not included in the conditions of the original approval, the report to Councillors underscored that the site has many meanings and associations for a number of generations of community members since the school opened in 1956. This fact is evidenced in the original Heritage Impact Statement (Rappoport 8 July 2008) which states that the High School was of local heritage significance and significant as a social landmark for the local community as place of education and social gathering.

We note that the "donut" building, a particular landmark, was originally to be retained. Its concrete frame, was approved by Council for demolition under Modification 2008/644/3 on 30 October 2017.

It has been replaced with two buildings which are assumed to be the buildings for which an occupation certificate is now sought. The associated Construction Certificate (C5A141A3) was approved by a Private Certifier on 13 November 2017. We take this opportunity to draw Council's attention to the fact that it is the same Certifier who was engaged in the BP Service Station project at 12 Argyle Street Camden. This work was found to have breached the approval and consent conditions and became subject to compliance action.

An archival record is required of the setting and buildings of the former High School, and this is also an expectation of faith by Camden community in Camden Council in its oversight of such a large and transformative project in the Heritage Conservation Area.

The site has been razed. It is not clear whether Council has received any archival record of the site, or whether it has, but is missing the archival record of the donut building and/or the concrete frame. In any case the photographic archive of the whole site should have been prepared BEFORE any clearing and demolition of any of the buildings took place and presumably safely lodged with Council.

If Council has no record of any photographic archive this is completely extraordinary and unacceptable.

We acknowledge that the site was cleared prior to its purchase by the current owners. However, we find it very difficult to accept that they were not aware of the consent condition, or that any breach of the consent conditions, such as the lack of archival record, would not have been factored into the purchase negotiations. It is extremely unlikely that proper due diligence would not have been undertaken for a multi-million-dollar investment.

Consent conditions are integral to the development consent and must be followed by every individual and company undertaking any work under it and breaches can be prosecuted. Our understanding² is that even if due diligence had not been properly done and non-compliance with the consent condition is unintentional, that it would still be a Tier 2 offence against the EP & A Act³ (s9.53: maximum penalty of \$2 million with a further \$20,000 for each day the offence continues).

The High School played an important part in the lives of many individuals and the greater community. It is unthinkable that its history would be lost forever.

The people of Camden insist that the photographic archive be found or that it be reconstructed through research of photographic material before any occupation certificate is approved or any other work continues on site. We suggest that the archival record be placed in the library and made freely accessible to the public.

Yours sincerely,



Glenda Davis
President

² NSW Planning PLANNING circular PS 15-004 31 July 2015 *Commencement of provisions: offences, penalties and enforcement* Available at - <https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/planning-circular-commencement-of-provisions-offences-penalties-and-enforcement-2015-07-31.pdf?la=en>

³ Environmental Planning and Assessment Act Available at http://classic.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s9.53.html