

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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Camden Local Planning Panel

18 April 2023

CLPP04 DA/2012/195/2

St John's Anglican Church Precinct, Camden

State Heritage Inventory¹ (Item ID 5053423; SHR 02006)

Modification of Approved Church Hall Alterations and Extensions
6 Menangle Road, Camden.

I speak on behalf of Camden Residents' Action Group. We have lodged three objections² against this modification and twice³ formally questioned why the 2012 DA was not lapsed on 17 August 2014. We provided external legal advice on 9 October 2022 that it had rightly lapsed. We assume you have received all of these documents which explain our many objections.

We have also tabled two additional documents:

- The first is GIPA information including
 - NSW Heritage correspondence with Council dated 22 August 2017 regarding exemption of the 2012DA in the state listing. Council advised, three years after the lapsing date, that consent had not lapsed as a report of survey peg out work was on file.
 - Also included is GIPA information from Council's DA records, which is very minimal. Council is not the PCA and there is no evidence that one was appointed or of a construction certificate.
- The second additional document is References and Legal Arguments supporting that the modification is in breach of NSW Environmental Planning and Assessment Act 1979.

As we see it, the question that must be addressed before anything else is whether survey peg out work was lawful under the Act and the consent.

¹ <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5053423>

² 27 and 30 September 2021 and 4 July 2022

³ 3 September 2021 and 16 June 2022

The approval recommendation relies on reference to Council’s legal advice at Attachment 1. Camden Council has refused any community access to this advice.

We must rely on the numbered legal rationale provided in the Agenda under *Lapsing of the 2012 DA* (pp. 185-186).

Unfortunately, we find it unintelligible. Rationale 5 for instance refers to civil engineering works which has nothing to do with 11 pegs and 2 nails placed to outline the extent of proposed new build and carpark. The rationale also refers to cases that are irrelevant or in our opinion misinterpreted.

Our reading of the rationale is that despite the consent conditions and the Act having been breached, cases are cherry picked to try to argue that this does not matter.

The community’s legal advice and our tabled references and legal arguments demonstrate that this DA modification would be judged to be unlawful.

The law must be applied equally to everyone. The consent time frame and conditions were carefully considered by elected Councillors in 2012 and to overrule them subverts their authority and reasoning.

The GIPA response from Council clearly shows that the peg out work was not done in accordance with the consent and the EP&A Act. The 2012 DA had long lapsed when Council advised NSW Heritage that it could be exempted in the state listing. This advice was a mistake. We note also that the DA number in the gazettal is incorrect. NSW Heritage advise that to correct it requires another gazettal approved by the new Minister for Heritage.

The fact that the DA had lapsed is supported by our Parishioner members who tell us that

- the Church knew that Council’s advice in April 2013 that pegging out may constitute physical commencement also meant, under the consent, that a construction certificate was required⁴;
- the survey pegs placed in August 2013 were only ever used to show the congregation the potential footprint of the new build;
- and that by late 2013 the worship centre project was abandoned.

The community knows that

- the idea of a new worship centre only resurfaced after Moran Group offered to purchase two-thirds of Precinct for seniors housing in late 2016.
- the modification is being pursued so that the whole development is not subjected to assessment under its 2018 state heritage listing. This is not in the NSW public interest.

It is not a good look that this very old DA is being pursued like this.

The community expects better from its institutions, and on behalf of the people of Camden and NSW we sincerely request that the modification be refused.

.....626 words

⁴ Council letter of 10 April 2013