

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

12 November 2024

Dear General Manager,

Re DA 2023/526 Studley Park

Our group has looked closely at this Studley Park development application (DA 2023/526) and discussed it at our recent meeting. It was concluded that we need clarification about some aspects of the process associated with assessment and exhibition of the DA, which at this point we do not understand.

In particular we write requesting clarification in relation to the proposed road through community land, owner/lessee permission regarding development of land not owned by the applicant, potential conflict in reviewing a DA including council-owned land, and compliance with the EPBC Act.

Roads on Community Land

Lot 5 DP: 859872 is listed on the Council's land register as community land with a generic – natural area bushland as the management plan. The generic natural area bushland management plan generally does not permit road construction. The core objectives for these areas are conservation, preserving biodiversity, and maintaining the natural landscape. Any development that could disturb the ecosystem or intensify human use, such as road construction, would typically be inconsistent with these objectives.

Lot 3 DP: 859872 is listed on the Council's land register as community land with a generic-park management plan. Roads are generally not listed as authorised developments in the generic park management plan. Its core objectives focus on recreational, social, cultural and educational uses.

Vehicle access is usually restricted, with an emphasis on protecting parks from unauthorised vehicle entry, and pathways within parks are typically designed for pedestrian and cycling use, not roadways. The plan mentions permissible developments like walking tracks, lookouts, and conservation activities but not vehicular infrastructure.

The current version of the Office of Local Government's practice note No. 1 discusses the need to consider the need for roads carefully. The practice note explicitly states that roads are not allowable unless a provision exists in the plan.¹ If a road is not explicitly listed as an allowed use in the management plan, it would likely be prohibited unless a specific amendment or council approval is obtained.

The process for amending a management plan is long and complicated. Under the Local Government Act 1993 (NSW), a plan cannot be delegated to council staff or other parties.² Therefore we would like clarification about how the DA can be exhibited before the Plan of Management is amended.

Owner/lessee permission

It is not clear to us how a DA, which includes land not owned by the applicant, can be lodged and exhibited³. We believe an explanation of the mechanism allowing exhibition of a private DA involving community land should be included in the documentation. As lessee of Lot 5, the Camden Golf Club manages a major community asset. The DA's impact on the operation of the Camden Golf course would be severe. It is not established in the DA documentation whether the lessee has been properly consulted and consented to the road development.

Potential conflict and transparency

From the external perspective, it appears that Council is involved in reviewing a private DA that includes development on community land it owns. We seek details of your process for managing conflicts and details of any external advice or independent assessments.

EPBC Act

We have correspondence (attached) from the Department of Climate Change, Energy, the Environment and Water, which suggests the applicant does not understand their obligations under the EPBC Act. An updated BDAR Report dated 12 July 2024 states that referral to the Department should not be required. However, 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.

The DA is set to heard by the Sydney Western City Planning Panel on 2 December 2024. The matters raised above have the potential to stop the development and may involve considerable time to resolve. Given that the DA relies on a road through community lands, we are particularly interested to know at what stage of proposal assessment the process of managing community land to allow roads is started.

Would you please tell us how the above matters are being or have been addressed?

Yours faithfully,



Glenda Davis, President

¹ Practice Note1: page 29, section 6.1, paragraph 2 – see <https://www.olg.nsw.gov.au/wp-content/uploads/Practice-Note-No1-Public-Land-Management-Revised-May-2000.pdf>

² Local Government Act 1993 (NSW) Section 47E

³ Local Government Act 1993 see Dictionary definition of owner.



Australian Government

Department of Climate Change, Energy,
the Environment and Water

MC24-016229

Ms Glenda Davis
PRESIDENT
Camden Residents' Action Group
PO Box 188
CAMDEN NSW 2570

glenda@davisco.com.au

Dear Ms Davis

Thank you for your letter to the Minister for the Environment and Water, the Hon Tanya Plibersek MP, concerning the endangered Spiked Rice-flower (*Pimelea spicata*). Minister Plibersek has asked me to thank you for your correspondence and to reply.

The Department of Climate Change, Energy, the Environment and Water acknowledges your concerns regarding the proposed major development at Studley Park on the Camden Golf Club and appreciates your interest in the protection of Spiked Rice-flower.

The *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) is national legislation that protects native flora and fauna and important places. Where an action is likely to have a significant impact on a nationally protected matter (as outlined in [Significant Impact Guidelines](#)), that action must be referred to the department for consideration and a decision by the Minister or their delegate as to whether approval is required.

National Recovery Plans set out what must be done to protect and restore important populations of threatened plants and animals and how to manage and reduce threatening processes. National Recovery Plans are important in deciding whether, or not, a development can be approved to proceed.

Whilst the National Recovery Plan for *Pimelea spicata* (2006) identifies a review period of five years, the current version remains valid and must be considered when a decision on development is made under the EPBC Act. In conjunction with the *Pimelea spicata* Conservation Advice (2016), it provides guidance for the consideration of actions under the EPBC Act and more broadly on actions to support the long-term recovery of the species.

The department has not received a referral under the EPBC Act in relation to the proposed development at Studley Park, and as such no approvals have been contemplated or issued. I have asked my team to contact the organisation proposing the development to ensure they understand their obligations under the EPBC Act.

Thank you again for bringing your concerns to the Government's attention.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kate Gowland'. The signature is fluid and cursive, with a large initial 'K' and 'G'.

Kate Gowland
Branch Head
Environment Assessments (NSW, ACT)

2 September 2024