

# Camden Residents' Action Group

*Incorporated*

*Camden – Still a Country Town*

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Attention: Mr R Pritchard, Coordinator Statutory Planning Services

cc: Mrs L Poulton, Assessment Officer (DA 2008/644/12)

27 February 2026

Dear General Manager,

**Re: 2-4 John Street and 11 Elizabeth Street, Camden**  
*(sometimes described on earlier documents as 2-4 John Street)*  
**LOTS: 1 and 2, DP: 1246185**  
**Former Camden High School site redevelopment**  
**DA Modification: 2008/644/10<sup>1</sup> (Mod 10)**  
**Deletion of Condition 7.0(4) – Archival Record (photographic)**

Thank you for Council's response on 6 February 2026 to our letter of 2 February. This response raises some additional issues and concerns that Council's help in clarifying and resolving is appreciated.

We write to seek further clarity on the decision record for Mod 10 (2008/644/10) and to understand the basis on which Condition 7.0(4) was deleted. Crag has also provided an additional submission to the assessing officer for DA 2008/644/12 (Mrs L Poulton) regarding the DAs confusing long history and changes to the original approval.

We again stress that deletion of the condition requiring a photographic archival record is a particularly important community issue given that the site is located within a Heritage Conservation Area, the high school structures were identified as socially significant and the archival record condition formed part of the legal development consent that the community relied upon.

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<sup>1</sup> Section 4.56 Modification - Continued use of a cafe in Building 1 and amendments to various conditions of consent

## **1. Background (including Mod 6 history)**

CRAG (and we understand a number of others) objected to Mod 6, which proposed to delete the archival record condition. On 1 December 2021, Council advised that Mod 6 had been withdrawn prior to determination and was taken never to have been made.

CRAG notes that Mod 10 was lodged on 30 January 2024 and proposed to relocate the archival record condition from 7.0 – Prior to Issue of Occupation Certificate to 5.0 – Prior to Works Commencing. Mod 10 was determined on 27 November 2024, and the Notice of Determination records Condition 7.0(4) as “Deleted”.

CRAG further notes that Modification 11 was lodged on 16 April 2024 and determined on 15 July 2024 (before Mod 10). Its Notice of Determination includes the archival condition in its original position under Prior to Issue of Occupation Certificate at 7.0(4).

## **2. Decision-maker for the original consent (request for reconciliation)**

Council’s 6 February 2026 letter states that the archival record condition was imposed on a consent granted by Council at its Ordinary Meeting of 8 September 2009, which we understand to be correct. We also understand that the DA Tracker was instituted in 2010.

However, the Council DA Tracker entry for DA 2008/644/1, referring to the original application lodged on 22/07/2008, records the determination as “Approved – Land & Environment Court” with a date of 8 October 2010.

To avoid ongoing confusion in the public record, could Council please confirm the consent instrument that first imposed Condition 7.0(4), and provide a copy of:

- (a) the original consent instrument (including any Land and Environment Court orders/judgment and final condition set), and
- (b) any Council determination/conditions schedule Council relies upon in referring to an Ordinary Meeting decision in 2009.

### 3. Matters arising from Mod 10

CRAG notes the wording of the archival record condition is clear as to timing. It required:

“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.”

CRAG’s concern is not that this pre-demolition timing requirement can still be met (it plainly cannot if demolition occurred years earlier). Rather, CRAG’s concern is the process by which the condition was deleted and the absence of any replacement heritage documentation outcome.

Our understanding is that:

- the Mod 10 application did not include a request to delete the condition (it proposed relocation within the condition sequencing);
- Council officers may only exercise delegated authority to determine the application as made (and any properly notified amendments); and
- the EP&A framework requires a valid request/application by the person entitled to seek the modification.

As already noted, the Mod 10 documentation publicly available indicates the condition was to be **relocated (to section 5.0)**, not deleted, yet the Mod 10 Notice of Determination records **7.0(4) as “Deleted”**.

Council’s response of 6 February 2026 states that the condition was discussed with the current owner and advice was received that demolition occurred without archival recording, and consequently removal was considered reasonable. CRAG notes that this wording appears consistent with deletion arising during assessment (for example, by recommendation) rather than as an outcome sought in the lodged/notified application.

On the material currently available on the public register, CRAG cannot locate any document showing the applicant requested deletion of Condition 7.0(4). Further, the notification material made publicly available for Mod 10 does not alert the community to a proposal to delete the condition.

Given the level of community interest and the previous Mod 6 history, CRAG, on behalf of the community, respectfully seeks clarity as to the process followed.

#### 4. Request for information (documents and register links)

To clarify the record, could Council please provide (or provide direct DA Register links to) the following:

1. The Mod 10 application as lodged (including the applicant's written request/justification and SEE/addenda).
2. Copies of any amendments, revised conditions schedules, or amended requests lodged during assessment, including the date each was received.
3. The assessment report / delegated determination report for Mod 10, including any internal or external heritage advice and the reasons recorded for deleting Condition 7.0(4).
4. Any conditions comparison schedule (before/after), or other "tracked" conditions markup, showing precisely how the condition set changed.
5. The notification/exhibition steps undertaken for Mod 10 (method, dates, what documents were exhibited/notified, and where this is recorded on the DA Register).
6. The material Council relied upon for the factual premises that:
  - (a) demolition occurred in 2017–2018, and
  - (b) no archival record existed at the time of assessment (e.g., correspondence, file notes, inspections, photos, compliance records).
7. Direct links to the 2008 Statement of Heritage Impact and the approved plans referred to in Council's letter (or advice on the simplest method of access if not publicly available).
8. The earliest DA Register/DA Tracker entry (title/date/document reference) in which the deletion of Condition 7.0(4) is first recorded, and the documents that record that change.

If deletion was introduced after lodgement/exhibition, could Council please identify:

- (a) when the proposal changed from relocation to deletion,
- (b) the record of that change (e.g., amended application, amended conditions schedule, addendum report), and
- (c) how that change was notified or otherwise disclosed to affected parties and submitters.

CRAG would appreciate Council directing us to published URLs on the DA Register where available. If any material is not publicly available, please advise whether it can be provided informally (with any necessary redactions) prior to any formal GIPA request.

## 5. Related concerns

### (a) Alternatives to deletion (substitute heritage outcome)

We understand Council's position that the condition's timing requirement ("prior to demolition") can no longer be satisfied if demolition has already occurred. However, that does not mean the underlying heritage purpose is impossible to achieve—particularly given Council's acknowledgement that relevant photographic/historical material exists and that extensive community records exist.

There are clear alternatives capable of delivering comparable public heritage benefits (for example, a retrospective archival record package compiled from existing sources, with defined deliverables and deposit in accessible public repositories). Deletion removes an obligation from the developer without any replacement requirement, to the detriment of the community's heritage record.

Could Council please advise what alternatives were considered and why they were not adopted.

### (b) Compliance history and whether deletion functioned to regularise non-compliance

Council's letter indicates the buildings were demolished in **2017–2018** without archival recording while the condition was in force. That raises separate questions as to compliance checking and enforcement history.

Could Council please advise:

- when Council first became aware the archival record had not been completed;
- what compliance checking or follow-up occurred prior to or at the time of demolition;
- whether any compliance action was taken (inspections, notices, orders, or other steps), and if not, why not; and
- whether deletion of the condition in Mod 10 was intended (in whole or in part) to regularise or close out the earlier non-compliance.

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We stress that demolition does not prevent the production of an archival record from existing documentation. On behalf of the community, CRAG rejects any suggestion that the heritage purpose of the condition is "impossible to achieve", and maintains it is in the public interest that an archival record be produced and made publicly available (even if the original pre-demolition timing cannot now be met).

Thank you for your assistance in making this happen. We do hope that the condition will be reinstated under Mod 12 currently under assessment, as per our addendum submission. We would appreciate an acknowledgement of this correspondence and advice as to the next step.

Yours sincerely,



Glenda Davis, President