

21 July 2020

The General Manager  
(Att: Bradley Colling)  
Camden Council  
PO BOX 183  
CAMDEN NSW 2570

Via email: [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

Dear Bradley,

**Camden LEP Review Stage 1 – Amendment to the Camden Local Environmental Plan 2010**

The Urban Development Institute of Australia (UDIA) NSW is the leading industry body representing the interests of the urban development sector and has over 500 member companies in NSW. UDIA advocates for better planning, timely and affordable housing, and the building of vibrant communities to increase local job opportunities.

Thank you for the opportunity to comment on the draft amendment to the Camden LEP. UDIA is concerned by the proposed introduction of new clauses and associated maps for Environmentally Sensitive Land - Terrestrial Biodiversity and Riparian Land and Watercourses for the following reasons:

- The maps are based on outdated and low resolution maps that are used for other purposes and are not intended for use in the way proposed by Council and have not been ground truthed.
- The additional regulatory hurdles from these new clauses will create unnecessary delays and costs for landowners and applicants.
- Biodiversity and water management are adequately addressed by existing legislation and these new clauses and maps create duplication and statutory inconsistencies.

**The new maps are outdated, low resolution and inaccurate**

Council appears to have reproduced spatial layers for riparian land and watercourses that were prepared by the NSW Government to trigger an assessment under the *Water Management Act 2000*. These spatial layers were not prepared for the purpose that Council is proposing to use them for. They were prepared at a high, regional scale and Council does not appear to have done any ground truthing. UDIA is aware of many sites which are mapped as riparian land and watercourses that have undergone bulk earthworks or full development into urban areas.

Similarly, the proposed map of terrestrial biodiversity seems to have been reproduced from Council's 2013 Local Biodiversity Strategy. This map was prepared at a scale of 1:100,000 and the detailed mapping and surveying identified as a priority action in the

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2013 Strategy does not appear to have been incorporated into the proposed map. Again, UDIA is aware of many sites which are mapped as terrestrial biodiversity which are fully cleared and developed.

**The new clauses will create delays and costs**

Designation as Environmentally Sensitive Land (ESL) is much more than a housekeeping amendment for landowners. The designation has a number of statutory implications that will create delays and costs for the development of land. These delays and costs are especially concerning if the maps the designation is based on are outdated and inaccurate.

Firstly, land designated ESL cannot undertake complying development under many parts of the Codes SEPP, including the Greenfield Housing Code and the Low Rise Housing Diversity Code.

Secondly, development applications on ESL will need to satisfy Council that the development has been designed to avoid any significant adverse environmental impact. This is a significant hurdle and will require expert assessments to accompany the development application. In many cases, more accurate mapping layers would have avoided these delays and costs altogether.

**The new clauses duplicate and are inconsistent with existing legislation**

The new clauses duplicate many of the assessment criteria in the *Biodiversity Conservation Act 2016* and the *Water Management Act 2000*. UDIA believes the existing legislation provides adequate protection for terrestrial biodiversity, riparian land and watercourses.

We are particularly concerned that the proposed clauses could be applied to land within the Growth Centres SEPP that is not yet rezoned. This land has already been assessed under the *Biodiversity Conservation Act 2016*. With the proposed changes to the Camden LEP, future development assessments could mean this land is now required to protect vegetation that has already been certified for removal to allow urban development.

UDIA believes that for an LEP amendment this significant, Council should be taking greater steps to inform the public of the amendment's implications, including explaining:

- The need for the new clauses when there are existing provisions in the DCP and legislation also protecting biodiversity and watercourses.
- The implications for a site if the land is mapped as ESL.
- The options for landowners if the mapping on their site is incorrect.

UDIA would be pleased to meet to discuss this submission, please contact me on 0435 243 182 or [kthomas@udiansw.com.au](mailto:kthomas@udiansw.com.au) to arrange.

Yours sincerely,



Keiran Thomas  
**Manager Greater Western Sydney**