

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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General Manager
Camden Council
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Oran Park 2570
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13 December 2018

Dear General Manager,

RE: DA 2018/599/1
20 Elizabeth Street Camden

We note that the above DA has been revised and resubmitted as a result of non-compliance with the Camden's LEP and DCP, which has also adopted the principles of the Burra Charter.

We note that several amended documents as referenced in the Statement of Environmental Effects (SEE) were not publicly available on Council's DA tracker. As they may be pertinent to this submission, we must ask to reserve the right to add to it when these documents become available. This is particularly the case with the Flood Report, as diversion of flood waters may impact on surrounding properties due to the scale of the proposal and the Landscape Plan due to perimeter trees being proposed to soften the impact of the development.

The proposal is for a three-storey over-height and over-scale development within Camden's Heritage Conservation Area (HCA) and within close proximity to heritage listed properties, all of which are of nineteenth century human scale and single or two-storey. All of the points and issues raised in our previous submission, which is appended, are relevant to the revised proposal which like its predecessor is non-compliant with the height standard and heritage protection provisions within relevant planning instruments.

The proposal includes an application to vary the height standard (LEP s. 4.3) and attempts to argue that its heritage impact would be minimal.

HEIGHT VARIATION

The amended design and slight reduction in height of this iteration of the proposal for 20 Elizabeth Street do not lessen the validity of our previous rejection of arguments for a variation of the height limit. Our following comments and arguments are additional to and are to be read in conjunction with our previous appended objection.

- The SEE (p. 58) claims that a relevant consideration to the height variation application in this iteration of the proposal for 20 Elizabeth Street is its amended design response which reduces the overall building envelope and provides additional setbacks .

Comment: The fact is that the proposal remains as three storeys and grossly over-height. It contravenes the height objective 4.3 (b) to a greater extent than the previous iteration because it now has large windows at the eastern elevation which provide more extensive views to other properties.

- The SEE (p. 55) seeks to clarify the role of the consent authority and assert the outcome by stating: *The independent role for the consent authority is therefore to determine whether the proposed development will be consistent with the objectives of the standard and the objectives of the zone. This involves a consideration of the “development” in its entirety, not just the proposed variation. It is clear that the development meets the objectives of the standard and of the zone as discussed throughout this written request.*

Comment: we categorically dispute, as covered below and in our appended initial objection, the claim that the proposed development meets the objectives of the standard and zone, either in its entirety or otherwise.

- The SEE (p. 55) states that the recent Land and Environment Court case, Initial Action¹, means that the consent authority now only has to be satisfied that:
 - 1) the applicant has adequately addressed matters covered by LEP clause 4.6(3);
 - 2) the development is consistent with the objectives of the standard and zone, pursuant to 4.6(4)(a)(ii)

We address whether the proposal satisfies these two clauses below.

¹ Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC

1) MATTERS COVERED BY LEP CLAUSE 4.6 (3)

LEP Clause 4.6 (3) states

Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

- a) Compliance is not unreasonable or unnecessary. Others comply and there is no reason why this applicant should be considered differently. The owner surely knew that the site was subject to flooding and heritage constraints. The question must be asked as to why the private company purchased the property? The question must be asked as to why, if the constraints are unacceptable, the owner pursues this non-compliant DA instead of selling and finding a site that suits its needs? It is this proposal that is unreasonable and unnecessary, not the standard.
- b) The environmental planning grounds that the SEE pursues are similar to those in the first proposal. They are not clearly articulated and seem to depend on wrong assumptions that a multi-storey office block is desirable and needed in the HCA and that it must be over-height due to potential flooding. For instance, the SEE makes the following claims:

- *A multi-storey development with a ground floor building frontage of a sufficient width, would be not be in keeping with the character of the area if it were to comply with the 7m building height limit. A taller façade provides greater opportunities for a better streetscape presentation, and is proportionally consistent with the pattern of development within the locality, including the proportions provided to single storey heritage items within the vicinity of the proposal development. (p. 57)*

Comment: this is a nonsensical argument. A two-storey limit applies. Multi-storey is not a consideration, is not compliant and in any case is NOT consistent with the proportions of the HCA as simple observation makes evident.

- *given the flooding constraints at ground floor, a development of only two-storeys would require the majority of habitable areas throughout the development to be contained within a pitched roof. A more appropriate design response to the streetscape is to include at least one complete habitable level that is not contained within a pitched roof form, to enable the provision of façade windows. (p. 57)*

Comment: another nonsensical claim. Many businesses operate from cottages. The proposal is an overreach for the area and is an attempt to maximise return at the expense

of the public interest. Three storeys with a height of 10.1 metres is NOT an appropriate design response for the HCA. This is an assertion without foundation.

- *On sites where the existing building is not suitable for retention, where a new commercial development is proposed, and where the site is drastically affected by flooding, there is little utility in providing a development that complies with the height limit. (p. 57)*

Comment: The cottage is suitable for retention as is evidenced by the many cottages being used for business purposes. Its footprint is valuable as a renovation project, which could be undertaken for relatively little capital outlay and possibly a similar percentage return on investment in the site. The question really is: If there is no appetite to use the cottage, why pursue a non-compliant development on this site? The SEE (p. 58) tells of the bias inherent in this proposal and the problem with it: *The development provided to this site must necessarily be a multi-storey development, and it is clear that a multi-storey commercial development which complies with the height limit would generally be inconsistent with the character of the locality and plainly unfeasible.* Yes, the development is UNFEASIBLE and should not be pursued.

The SEE also cites precedents, all of which have been comprehensively covered in our initial appended objection. None of the precedents (Milk Depot, The Elizabeth, the High School DA) are relevant, and the High School site is on the market to be sold. Even if a precedent could be shown to be relevant it remains the case that each proposal is assessed on its compliance and merits, not precedents.

Other attempted arguments include:

- *The subject site is located within a transition area, within a zone which seeks the introduction of such development to replace dwellings that are not contributory within the conservation area. (p. 58)*

Comment: This statement is untrue. Small scale dwellings are at the very soul of the HCA. They tell the story of Camden's evolution and are consistent with its small scale nineteenth century private town origins and contribute to the village profile as deliberately designed in 1836 by the sons of John Macarthur. Residential uses within the town centre including in the B4 zone are to be encouraged according to the recently approved Urban Design Framework which is covered in more detail under Heritage Impact below.

- *it is evident that no other commercial redevelopments have been able to achieve compliance with the height limit (p. 58)*

Comment: this is simply irrelevant and untrue as many cottages have been adapted for commercial use.

- *...there is an identified shortfall of commercial space within the Camden Town Centre with much of new commercial floor space provided within former cottages ... (p. 66)*

No evidence or reference is provided to support the claim of lack of commercial space and it is a contradiction to then observe that new commercial floor space is provided by cottages adapted for business use. As evidenced through a google search noted in our previous submission there are many commercial premises for lease within and close to the HCA. The best use of 20 Elizabeth Street would be to renovate the cottage and do what others find appropriate and do what is compliant.

We found no environmental planning grounds that would support the height variation.

2) OBJECTIVES OF THE STANDARD AND ZONE, PURSUANT TO 4.6(4)(a)(ii)

LEP Clause 4.6 (4)(a) (ii): states

*Consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that: (ii) the proposed development will be in the public interest because it is consistent with the*

- *objectives of the particular standard (HEIGHT) and the*
- *objectives for development within the ZONE (B4) in which the development is proposed to be carried out*

OBJECTIVES: HEIGHT STANDARD

The three objectives of the LEP 4.3 Height standard² are very clear:

- (a) **HEIGHT STANDARD OBJECTIVE:** to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

² **Camden Local Environmental Plan 2010** Current version for 9 November 2018 to date (accessed 10 December 2018 at 16:15)

Comment: the proposed development is not compatible with the height, bulk and scale of the existing HCA character by a very large margin. The desired future character is of a low-rise, small scale conservation area that remains cottage dominated and true to its 19th century private town origins. This is reflected by the LEP 7m height restriction, DCP controls and recently ratified Urban Design Framework for the town, both covered in the next section on Heritage Impact, and in the significant documentation of the town by Council and researchers.

(b) HEIGHT STANDARD OBJECTIVE: to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development

Comment: the visual impact, loss of privacy and solar access is unacceptable and is likely also covered by other personal submissions.

The artist's impression supplied with the DA below is blatantly deceptive with a raised horizon, non-existent mountains and fields and out of scale figures. Assuming a person was tall at 2 metres the building would be more than 5 times higher.

The fact is that the site is surrounded by cottages less than half the height of the proposed building and heritage listed items that at most are two-storey. The large windows would provide excellent views into other properties. The height and bulk would cast long shadows throughout the day.



The Land and Environment Court³ also uses criteria for assessing impact on neighbouring properties in the form of the following relevant questions:

- How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?

Comment: many properties would be affected adversely, including heritage listed properties, as the prevailing character is that of small-scale buildings with large gardens. The impact has not been appropriately addressed in the SEE or HIS. As covered in our original objection an above height building, including one of 10.1 metres (44% above the height limit) in this iteration of the proposal, provides exceptional opportunity for overlooking properties in Elizabeth, Mitchell and Edward Streets. The highest building within the vicinity (Nepean House) at its steep roof peak is 8 metres. **Most cottages are less than half the height of the proposed building.**

The shadow diagrams that are provided are insufficient but nevertheless indicate unacceptable loss of solar access and impact on liveability, particularly for residents.

- How reasonable is the proposal causing the impact?

Comment: It presents as an anomaly and is not reasonable as explained throughout this objection and in our previous objection

- How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?

Comment: In the cases of adjoining properties, including Nepean House garden and outbuilding at 23 Edward St and Lina's Touch of Beauty at 21A Edward Street the impact would be severe in terms of loss of privacy and solar access, and would unfairly limit compliant development potential on the properties.

Most properties in Edward Street and Elizabeth Street towards the Town Farm would be adversely impacted in terms of loss of privacy.



³ **Davies v Penrith City Council [2013] NSWLEC 1141**
<https://www.caselaw.nsw.gov.au/decision/54a63b123004de94513daebd>

- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?

Comment: Yes, it is over-height and overscale and bears no complementarity or sympathetic interpretation of the character of the HCA or buildings within it. The third storey and floor space sought is an over-reach and simply an attempt to maximise financial return at the expense of neighbours, heritage conservation and the public interest.

- Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?

Comment: As covered throughout our two objections this proposal categorically does not comply with the planning controls and hence has a very large and unacceptable impact.

(c) HEIGHT STANDARD OBJECTIVE: to minimise the adverse impact of development on heritage conservation areas and heritage items.

Comment: clearly this proposal would have a detrimental effect on the HCA and surrounding heritage listed items by presenting as a large modern anomaly with no reference to its surrounds. This aspect is covered in more detail under Heritage Impact below.

Clearly this proposal does not achieve any of the objectives of the LEP s4.3 height control.

OBJECTIVES of ZONE (B4)

The objectives of the zone are

- *To provide a mixture of compatible land uses.*

Comment: the proposal is incompatible with the land uses of cottage-based businesses and residences.

The SEE and HIS attempt to argue that the built form in Elizabeth Street is non-homogenous and land uses within the Elizabeth Street or northern section of the HCA are eclectic and transitional to higher density commercial and residential uses.

The SEE (p. 58) claims: *the site is located within a transition area, within a zone which seeks the introduction of such development to replace dwellings that are not contributory within the conservation area.*

The Heritage Impact Statement (HIS (p. 16) claims: *it is evident that the northern portion of the heritage conservation zone of Camden is undergoing a transition from historically less dense, mixed use development to higher density, mixed uses (including commercial and residential) due to the paucity of available space in the southern portion. The B4 mixed use zoning encourages non-residential or higher density residential development. This is contrary to the assertion that*

Camden's Heritage Conservation Zone is (and by inference should continue to be) dominated by 'cottage dominated streetscapes' (DCP B3.1.2), at least in this northern part of the conservation zone.

The HCA provides a mixture of compatible land uses as befits its history as a working country town servicing its surrounding population. The nearby Guide Hall is a community asset like many others in the old township. The location of the former high school was an expected use within the town, just like the nearby public and catholic primary schools. The agricultural, automotive and other small-scale commercial uses are likewise typical of a working country town.

The HIS (p. 6) claims that *the vacant former Camden high school site ... is undergoing development for high density residential use including seniors living.*

This statement implies that the DA attached to this land is mainly for use as normal residential living. It is fully seniors living which comes under state policy which can override Camden's LEP and DCP.

Further this is a highly difficult site, which no-one wanted to lay claim to because it required remediation from serious contamination that may have affected students and teachers from the early 1950s until it was evacuated and a new high school built by the State government. The requirement to decontaminate and rehabilitate the site was a condition of sale. It was also approved prior to 2010 when Camden's Heritage Conservation Area was legislated.

Also, the site is for sale and the development is not being pursued by the current owner. It is not as claimed (HIS p. 13) currently under construction.

It is a weak assertion at best to claim that a potential land use that may or may not be pursued by a future prospective purchaser, that comes under different jurisdiction, is grounds for allowing a development that is non-compliant with Camden's current LEP and DCP. As pointed out in our original objection the DA attached to this land is completely irrelevant to the proposal for 20 Elizabeth Street.

There is currently NO high-density large-scale residential or commercial land use in the area and as pointed out above if there ever is on the High School site it would have been assessed under state level policy and before the HCA was legislated. The SEE and HIS fail to appreciate that most buildings in the vicinity are one storey cottages and that any alterations to them are minor. "The Elizabeth", on the corner of Mitchell and Elizabeth, which could be argued to be an overdevelopment of the site, was approved prior to legislation of the HCA. Nevertheless, it fronts the streets as two-storey, captures the architectural styles of surrounding buildings, especially Taplin cottage and Nepean House and has been designed not to overlook any other properties. It is only approximately 10% above the 7m height limit at its peak. It accommodates architectural

features, which may be allowed contribute to minor exceedance of the height limit on a corner block. This does not apply to 20 Elizabeth Street.

The SEE and HIS make no mention of the agricultural land uses nearby to 20 Elizabeth Street, conveniently dismiss the many heritage listed properties in close vicinity as shown in the map below and instead concentrate on one small section of the HCA. This is despite the fact that, according to the planning instruments, the HCA is considered to be one integrated heritage place.



Heritage Map - Sheet HER_010

The HIS (p. 14) also makes the ill-informed and easily refuted comment:

.....the variety of uses, Architectural styles and quality of buildings on this portion of Elizabeth Street is at odds with the comment in Council's development control plan that the conservation area is dominated by cottage development. By contrast, the southern portion of the heritage precinct (south of Argyle Street) has a greater density of cottage development and is provided with parallel Street parking (other than a small portion of angled parking on the southern end of John Street adjacent to St John's Church).

The fact is that the entire HCA is dominated by human scale buildings as befits a carefully designed village inspired by the home country of the Macarthur family. It is a self-evident fact that land uses within the township beyond Argyle Street with its mainly two storey buildings are accommodated by one storey cottages, a few two storey houses and civic buildings.

Current land uses throughout the town currently mainly accommodate and respect the town's significant heritage, unlike this proposal. To suggest that the buildings in the northern part of the HCA are somehow of a lesser (although not defined) "quality" than those in the southern part is an irrelevant opinion and probably on the whole erroneous depending on perspective; a larger proportion of the northern area is comprised of a variety of heritage listed items.

Another implausible argument presented in the HIS (p. 15) is: *The fact that Council have provided such a large amount of street parking adjacent to the subject site at the expense of streetscape appeal suggests a future need for parking in the area associated with denser development (either commercial or high density residential) than currently exists.*

To claim a connection between the number of parking spaces near 20 Elizabeth Street and an intention by Council to allow denser development is a non-sequitur and refuted by the planning instruments and the recently approved Urban Design Framework discussed below under Heritage Impact.

Elizabeth Street is NOT a transition zone of land uses for large scale, high density development and this proposal would not be a compatible land use. The alleged transition is NOT evident.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Comment: the proposal is not suitable. It does not particularly encourage patronage of public transport or walking and cycling.

- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

Comment: the land use of modern office space is not particularly compatible with the Town Farm, Sale Yards, Equestrian Centre, heritage tourism, residences or cottage-based businesses.

- *To encourage development that supports or complements the primary office and retail functions of the local centre zone.*

Comment: the proposed development would not support or complement the local centre zone as it is far greater in scale than anything in this zone. It would detract and/or compete with primary office function of the main centre.

The application for height variation must fail through lack of achievement of the objectives of the height standard and the zone. We could find no environmental planning grounds to allow this over-height and over-scale development.

HERITAGE IMPACT

The cultural significance of Camden as a privately designed, working country town with its unique character described in the DCP is not consistent with the proposal for 20 Elizabeth Street. The complete inappropriateness of the proposal and its contrasts with the mainly one-storey cottage character of the HCA outside the main street has been addressed in our first objection in July 2018 which is provided for completeness in the Appendix. The revised proposal remains as over-height and overscale and as a potential anomaly within the HCA. All of the arguments presented in our earlier objection remain valid despite changes to the first proposal.

Despite attempts in documents submitted with the proposal to downplay the character of the town and the importance of preservation, conservation and enhancement, there is no doubt that Camden is exceptionally historically significant and well worthy of careful and sympathetic treatment. It is the only known extant town in Australia with private origins and is strongly connected to Camden Park and the Macarthur family. Its original design, by the sons of John and Elizabeth (James and William) and Surveyor General Sir Thomas Mitchell, crowned by St John's Church Precinct, its streetscapes and lay-out named for the Macarthur family (for example John and Elizabeth Streets) remain intact to this day.

Camden's cultural, social and aesthetic significance is well documented as evidenced within Council documents, our fully referenced 2016 Heritage Study⁴, Land and Environment Court ruling⁵ and most recently in the state listing of the church precinct⁶ which was expedited by the NSW Heritage Council because of fears of a potential purchaser pursuing overdevelopment of the site through possible State government policy exemptions to the Camden LEP and DCP.

Further on 14 August 2018 Camden Council⁷ adopted the Urban Design Framework for the town, the Council Report and attachments for which make the following statements. The Framework:

- recognises that the town centre has a unique and distinct heritage character that is highly valued by the community and should be retained.
- recognises the importance of heritage in the town centre and **the need to preserve and enhance heritage in the future.**

⁴ Camden Residents' Action Group Inc (April 2016) *HERITAGE STUDY CAMDEN NEW SOUTH WALES Documentary Evidence addressing criteria for statutory heritage listing* Available at: <http://www.crag.org.au/wp-content/uploads/2016/06/Camden-Heritage-Study-April-2016.pdf>

⁵ Land and Environment Court (1996) *Gledhill Constructions Pty Limited V. The Council of Camden NSWLEC 120 (19 April 1996)* Available at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWLEC/1996/120.html?stem=0&synonyms=0&query=1996%20gledhil%20camden>

⁶ NSW Office of Environment and Heritage *St Johns Anglican Church Precinct* Available at: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053423>

⁷ Camden Council, see

<https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2018/BP-agenda-14-Aug-2018.pdf>

<https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2018/BP-attach-14-Aug-2018.pdf>

<https://www.camden.nsw.gov.au/assets/pdfs/Council/Minutes/2018/Minutes-14082018.pdf>

- does not propose radical change, but rather it considers opportunities for minimal change to the built form and uses within the town centre, with a **focus on enhancing the attributes that make Camden unique.**
- **does not propose to amend the height control of 7m over the Camden Town Centre.** Criteria for consideration of **minor** height amendments will be further investigated as part of a future planning proposal to provide clarity and consistency when considering variation requests. Any change in height requirements will be the subject of further investigation and a future planning proposal and community engagement.
- **does not propose major changes to increase commercial floor space** or incentivise growth.
- **does not specify or promote development in the floodplain.**
- **identifies that residential use adds to the vibrancy and viability of a town centre** and recommends re-introducing the ability to have a dwelling house under the existing zoning.
- **is designed to strengthen the planning controls contained in the DCP.**

The proposed change to the HCA at 20 Elizabeth Street is founded in misinterpretation as it is not guided by an understanding of Camden's rich history, strong community identity, sense of place and associations with the Macarthur heritage (Burra Charter Article 15).

Instead of understanding that the diverse uses in the town are integral to its historic character and value, they are cited as reasons for a non-compliant, grossly overscale and over-height development.

Instead of recognising that any degradation of the amenity in the HCA is not acceptable and should be subject to restoration, the HIS and SEE argue it as a reason to allow a non-sympathetic and grossly oversized change to the special area.

This approach in these documents is not logical. The above misinterpretations lead to arguments presented in the SEE and HIS which are actually solid reasons why proposals should interpret the cultural identity of the unique town and strive to reflect its cultural and aesthetic significance and enhance it.

For instance, the HIS (p. 8) states

The wider streets of Camden in the Heritage Precinct are typically provided with angled (45°) parking and Elizabeth Street is no exception with angled parking existing along both sides of the street in the vicinity of the subject site between Mitchell Street and Exeter Street. This creates the effect of vehicles dominating the street frontage and detracts from the heritage theme. (p. 8)

The streetscape in the vicinity of the site is dominated by 45° angled parking with sparsely spaced or no street front planting. As much as this provides useful parking for the precinct and adjacent commercial areas, it is contradictory to the listed heritage significance of this part of the conservation area, allowing vehicles to dominate the streetscape. This is contrary to the objectives of the heritage conservation zone, diminishing the streetscape quality by allowing vehicles to dominate rather than the buildings. (p.14)

To make much of the fact that 45° angle parking and lack of tree planting reduces the heritage amenity of streets in the northern area of the town, especially Elizabeth Street is an obvious overreach. The parking design (note that the HCA is a small defined area which borders open space including Onslow Park and the Town Farm that can be made available) and lack of trees are easily remedied, and in any case on weekends and public holidays the streets are usually mainly clear and the intent of the town's original design and overall leafiness is fully evident.

The issue is that the town is unique in Australia's European history and the site of this proposed development is in the original grid pattern set out in 1836 by the sons of John Macarthur, and named for their mother Elizabeth. Future generations are entitled to be able to appreciate this town with its nineteenth century townscape and the focus and profile of St John's Hill as originally designed. This proposed development is larger than St John's church and completely out of proportion with its cottage dominated surrounds.

The HIS (p. 14) also overreaches with

.....the variety of uses, Architectural styles and quality of buildings on this portion of Elizabeth Street is at odds with the comment in Council's development control plan that the conservation area is dominated by cottage development. By contrast, the southern portion of the heritage precinct (south of Argyle Street) has a greater density of cottage development and is provided with parallel Street parking (other than a small portion of angled parking on the southern end of John Street adjacent to St John's Church).

The fact is that the entire HCA is dominated by human scale buildings as befits a carefully designed private village that grew to be an important country town as wool and horticultural industries became established in the colony. It is a self-evident fact that the township beyond Argyle Street with its mainly two storey buildings is dominated by one storey cottages, with a few two storey houses and civic buildings.

The Land and Environment Court ⁸ is required to give weight to the controls in a DCP⁹ and the Controls for the HCA are very clear with the most relevant being:

6. Additional development on the fringe of the town should complement and not detract from the viability of the “main street”.

Comment: There is no building in the main street of three storeys or that comes near the scale and floor space of this proposal, and therefore it can only detract from the primacy of the main street.

7. Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities should be explored to facilitate the conservation of these buildings.

Comment: although arguably the original residential cottage at 20 Elizabeth may not be significant in that there are many similar examples across NSW it does complement the streetscape scale. It contributes to Camden’s historical narrative as reflective of post war architectural austerity and shortage of building materials. There are many examples of similar sized cottages, some with minor extensions at ground level being restored and successfully used for business purposes. Examples are the faithfully restored much smaller heritage listed cottages at 7 and 9 Mitchell Street, 15 Mitchell Street and 21A Edward Street, all of which adjoin 20 Elizabeth Street. This proposal if approved would make a mockery of the efforts of others to respect the HCA.

8. Existing cottage dominated streetscapes shall be retained and complemented with compatible extensions/additions and new developments.

Comment: Cottages can be extended and compatible human scale two storey developments added. This approach is common throughout the HCA. A good example of a recent, compliant single storey cottage-fronted development with two storeys at the rear exists nearby at 14 Elizabeth Street.

9. A two storey height limit shall prevail except for significant architectural features incorporated in the design of buildings in significant locations.

Comment: this proposal is for THREE storeys. It is simply non-compliant and unacceptable. The location site is not a significant location, as are the sites of “The Elizabeth” which is often referenced as a precedent in the proposal and Nepean House, which surprisingly is not mentioned at all.

10. Large built forms in cottage dominated precincts shall be avoided through the use of various roof forms and pitches, wall openings and recesses, materials, recessive colours and landscaping

⁸ **New Street No. 1 Pty Ltd v Waverley Council [2017] NSWLEC 1592**

<https://www.caselaw.nsw.gov.au/decision/59e93d23e4b058596cbab420>

⁹ **Camden Development Control Plan 2011** P. B56 Accessed 10 December 2018

<https://www.camden.nsw.gov.au/assets/pdfs/Planning/Development-Control-Plan/Part-B-UPDATED-May-2018-2.pdf>

Comment: the proposal argues illogically and unsuccessfully that the vicinity of 20 Elizabeth Street is not cottage dominated. Simple observation indicates otherwise. The proposed design seeks to maximise floor space at the expense of neighbours and the HCA.

11. The development of the flood affected fringes of the town shall not compromise the prevailing character.

Comment: There is no building within the HCA of similar design to that proposed. It would sit as an anomaly within the HCA. Citing possible flooding as a reason for an above height, three storey development is a nonsense. If it is a problem for the scale of development that the owner wishes to undertake, then a site should have been purchased elsewhere.

This proposal is not compliant with any of the above DCP controls.

We find that the revised HIS makes incorrect assumptions to prosecute arguments that instead are no more than wishful assertions. As covered in our original objection the HIS is not prepared according to guidelines supported by the NSW Heritage Council¹⁰ including analysis of the impact on the conservation area and adjacent heritage items (cottages at 7 and 9 Mitchell Street and Nepean House).

Simple observation shows that businesses are in fact adaptively using restored cottages as is compliant with the LEP and DCP and acceptable as having minimal impact on the HCA (Burra Charter Article 21).

To claim and continue to claim otherwise ties up and wastes the resources of Council and the community unnecessarily.

¹⁰ NSW OEH *Statements of Heritage Impact* Available at:
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

We trust that this proposal will be denied because it fails to meet the objectives of the height standard and the zone, and because it would have a detrimental impact on the significance of the HCA.

We hope that the applicant will be encouraged to either sell the site or follow the example of others and respect the heritage of the town.

As for the first iteration of this proposal for 20 Elizabeth Street, we again request for the second iteration that:

- **the demolition of the cottage be refused;**
- **the DA be refused;**
- **the applicant be encouraged to reuse the existing cottage.**

Yours sincerely

A handwritten signature in cursive script that reads "Glenda Davis".

Glenda Davis



Website: <http://www.crag.org.au/>

Face Book: <https://www.facebook.com/CRAG-Camden-Residents-Action-Group-Inc-1805705173088888/>

PO Box 188
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General Manager
Camden Council
70 Central Avenue
Oran Park 2570
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30 July 2018

Dear General Manager,

RE: DA 2018/599/1
20 Elizabeth Street Camden

It is noted that Council provided a formalised Pre-DA advice letter (PREDA/2017/138/1 dated 12 February 2018) as referred to in the Statement of Environmental Effects (SEE, p. 5). We thank Council for raising important issues and problems with the proposal.

Unfortunately, we find that these issues were not subsequently resolved and that the proposal as lodged is an affront to the Heritage Area and a number of individually listed heritage items. The proposal contravenes the spirit and letter of the LEP, DCP and Burra Charter.

We strongly object to the proposal on the following grounds.

HEIGHT VARIATION

The applicant seeks a variation of the height standard under LEP Clause 4.6 (see Appendix A). Building height is defined in the LEP to mean the vertical distance between ground level (existing) at any point to the highest point of the building. The height limit in the conservation area is 7 metres.

The SEE refers to the Pre-DA meeting in which the height is referred to as 10.5 metres (43% above the height limit). The SEE (p.18) indicates that the height of the proposed building is 11.47 metres (64% above the height limit).

Justification for the variation is required from the Applicant under 4.6 (3) by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The attempt at justification in the Application for Variation of the Height Standard (SEE pp. 43-58) is not successful.

The SEE (p. 47) correctly refers to the authority established by *Four2Five Pty Ltd v Ashfield Council* (2015)¹¹ noting that it *necessitates that environmental planning grounds for the proposed variation must be established aside from the consistency of the development with the objectives of the standard and the objectives of the zone*. The Land and Environment Court in this 2015 case¹² established that applicants need to demonstrate and justify that application of the development standard is unreasonable or unnecessary not merely or only because the development is consistent with zone objectives and achieves the objectives of the development standard but also that

- aspects of the specific proposal outweigh the countervailing objective that controls ought generally to be observed;

¹¹

Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (30 January 2015);
Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (3 June 2015);
Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 (20 August 2015) Available at <https://www.caselaw.nsw.gov.au/decision/55d6b37ae4b0a95dbff9e015>

¹² For an analysis, see Lindsay Taylor Lawyers (24 July 2015) *Is an Objection Under Clause 4.6 More Onerous to Establish Than Under SEPP1?* Available at http://www.lindsaytaylorlawyers.com.au/in_focus/index.php/2015/07/is-an-objection-under-clause-4-6-more-onerous-to-establish-than-under-sepp1/#.W1U2Ntlza70

- under clause 4.6(3)(a) the development standard was unreasonable or unnecessary on grounds other than consistency with zoning and development standard objectives (because this is a matter for the consent authority under 4.6(4) (a) (ii));
- under clause 4.6(3)(b) there are other non-generic and sufficient environmental planning grounds to justify contravening the development standard particular to the circumstances of the proposed development.

The SEE (p. 47) also cites the earlier case of *Wehbe* 2007¹³ and claims that it is generally understood that Clause 4.6(3) can be satisfied if one or more of Points 2-5 below are satisfied:

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Similarly, NSW Planning and Infrastructure (2011)¹⁴ refers to a five-part test indicating that as well as demonstrating consistency with the objectives of the relevant standard that written applications for variations may also address matters set out in the ‘five-part test’ established by NSW Land and Environment Court. Point 1 or Test 1 must at a minimum be achieved.

Whilst court cases challenging Council’s application of Clause 4.6 are interesting, each case of course, is different. The Courts make determinations based on the arguments, specific merits and circumstances of each proposed development, as well as examining and taking into account the reasoning and interpretation associated with previous judgements. It is abundantly clear from

¹³ The test is identical to the five points except for Test 5; the reworded Point 5 is similar and found in use by the legal profession. The wording of Test 5 is

The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

¹⁴ NSW Planning and Infrastructure (2011) *Varying development standards: A Guide August 2011* Available at <http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~media/7CCD3A20E9A24B0E858DF2E05A856867.ashx>

previous legal interpretations that justification for a variation under 4.6 (3) requires at a minimum that the objectives of the LEP height standard and B4 zoning are demonstrated to have been met.

However as covered above, case Four2Five 2015 established that applicants need to demonstrate and justify that application of the development standard is unreasonable or unnecessary not merely or only because the development is consistent with zone objectives and achieves the objectives of the development standard. Under clause 4.6(3)(b) other non-generic and sufficient environmental planning grounds to justify contravening the development standard particular to the circumstances of the proposed development need to be demonstrated.

These objectives of the height standard and zone are set out below.

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,**
- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,**
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items.**

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.**
 - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.**
 - To minimise conflict between land uses within the zone and land uses within adjoining zones.**
 - To encourage development that supports or complements the primary office and retail functions of the local centre zone.**
-

The application for variation makes two arguments:

1. That strict application under the circumstances, although the standard may not have been destroyed, is decidedly unreasonable (Wehbe Point Test 4; SEE pp. 47-50)
2. That the objectives of the standard (and zone) are achieved notwithstanding non-compliance (Wehbe Point/Test 1; SEE pp. 50-58)

It is noted (SEE p. 5) that Council have advised the applicant this significant variation of a development standard would require determination by the Independent Hearing and Assessment Panel (IHAP).

ARGUMENT 1: Strict application of the 7-metre height standard is decidedly unreasonable

The SEE (p. 48) states that it has been determined, in the circumstances of the case of 20 Elizabeth Street, that compliance with the maximum height development standard is unreasonable and unnecessary (LEP 4.6(3)(a)) and concludes (SEE p.50) *although the standard may not have been destroyed, its strict application under these circumstances is decidedly unreasonable.*

The circumstantial arguments for this conclusion are refuted as follows.

The SEE (p. 48-49) argues that the constraints and opportunities of the site are valid reasons to allow a multi-storey development that is over-height. This is a self-serving and illogical argument. Rather the constraints are reasons why the land should not have been purchased if the aim was to build a such a structure.

If parking areas must be provided at grade because of significant flooding this is an indication that only one above-ground storey is acceptable to comply with the 7-metre height limit. The human scale of the conservation area and reuse of old cottages as business premises is testament to the respect paid to Camden's unique character and observance of provisions of the planning instruments.

The better solution is to restore the existing building, as is usual practice, including on flood prone land which makes up much of the conservation area.

We do not agree that the existing cottage is beyond retention. It has been allowed to deteriorate but it can be restored. The cottages on adjoining properties at 7 and 9 Mitchell Street are much older and were in a worse state of repair. They have been faithfully restored and are used as offices as is readily apparent. This proposed development being directly behind and towering over them by more than 6 metres would make a mockery of that restoration, and the conservation area.

The SEE (p. 48-49) makes various claims that are unreasonable or incorrect. In a heritage conservation area

- It is not generally appropriate, as is claimed, to provide minimal setbacks if that is not consistent with heritage character and streetscapes;
- It is not a reasonable expectation as is implied to be able to erect a multi storey building that is not consistent with the heritage and character of the area;
- It is not reasonable to maintain that a pitched roof cannot be incorporated because it would not be appropriate for a commercial development. Why not?
- It is not reasonable to assert that the development must necessarily be a multi-storey development. Why?
- It is incorrect to state that no other commercial developments have been able to achieve compliance with the height limit. Camden township is already largely developed and it is a matter of reusing building stock not replacing it with something totally out of character, over-height and overscale;
- It is irrelevant to present the argument that Argyle Street buildings may be over 7 metres. They are human scale, not more than two-storey and built prior to planning controls. They are located in Zone B2 not B4. Also, they are significantly less high than this proposed building;
- It is a nonsense to state that Elizabeth Street is within a “transition zone”. A transition zone to what? It is an important street within the intact street grid designed by the Macarthur brothers, the sons of John and Elizabeth, on Camden Park in 1836. This is an essential element of the heritage value of the Camden township. It is not necessarily or deliberately transitioning to anything else. It is what it is.

The usual caveat emptor applies. The planning instruments and their heritage protections are designed to conserve the only known extant originally private town in Australia, the town that served the birthplace of Australia’s wealth and that has stood largely intact for nearly 180 years. The heritage protections are not in place to be criticised and argued against, but to be observed. The existing and desired cottage character of the area is intrinsic to the heritage value of the conservation area, is significant to the story of Camden as a country town and its sense of place and community.

An alarming trend has become apparent, as in the case of 11 Argyle Street cited by the SEE (p.50), for developers to purchase land that is comparatively cheaper due to its being flood prone and within a heritage protected precinct, and then argue to vary the planning controls.

Citing flooding as a reason for exceeding the height limit when the land was known to be flood-prone and subject to height control as a heritage protection is not fair play. Clearly the purchase and subsequent 4.6 variation application were undertaken to seek a greater economic return than would have been achievable on land purchased at a price reflective of its context, i.e. appropriate for multi-storey development.

Although applications are intended to be assessed on their own merits according to the planning instruments, the SEE (p. 50) cites three examples or precedents of Council approved variations as arguments in support of this variation request.

1. DA/2016/169 – 11 Argyle Street, Camden – determined on 28/11/2017, with a maximum building height of 12.815m, and similar flooding and heritage constraints to the subject site.

This development proposal was very contentious and drawn out with many objectors and significant media interest. CRAG lodged three objections¹⁵.

The approval of the private development for an additional overscale and 12.8 metre over-height building, adjacent to the much smaller scaled heritage listed Milk Depot, possibly sets a new State record for non-observance of an LEP, a DCP and a number of Burra Charter principles.

The contentiously approved building is at a signature gateway site within the heritage conservation area, within the main approach and entrance to the town which is in itself listed as a potential heritage item¹⁶, is well within the flood area and research by CRAG members has shown that it is in a floodway. The approval accepts that the floodway begins discretely at the very edge of the new building which is most unlikely given the way flood waters behave.

It is unfathomable as to how this development came to be approved as clearly and inarguably it is in complete contravention of the height limit and other provisions of the planning instruments as well as Burra Charter Principles.

It should not be pointed to as an argument or precedent.

¹⁵ CRAG (2016-2017) Camden Vale Milk Depot objections. Available at:
<http://www.crag.org.au/wp-content/uploads/2016/06/CRAG-OBJECTION-Camden-Vale-Milk-Depot-22-April-2016.pdf>
<http://www.crag.org.au/wp-content/uploads/2016/06/Milk-Depot-additional-objection-17-June-2016.pdf>
<http://www.crag.org.au/wp-content/uploads/2016/06/CRAG-Milk-Depot-objection-20-April-2017.pdf>

¹⁶ Camden DCP 2011 *Table B5 Potential Heritage Items – Cultural and Visual Landscapes* Available at:
<https://www.camden.nsw.gov.au/assets/pdfs/Planning/Development-Control-Plan/Part-B-UPDATED-May-2018-2.pdf>

2. DA/2008/644 – John Street, Camden – approved with a maximum building height of 12.815m.

No building of that height currently exists in John Street. No street number is provided and the DA number was found to relate to the redevelopment on the Camden High School site¹⁷. The DA (644/2008) was lodged in 2008 and amended in May 2009, prior to gazettal of LEP 2010. Clearly this development is overscale and over-height, and generally an overdevelopment of the site.

However, it is understood that the circumstances of this proposal were unique and/or different to the circumstances of 20 Elizabeth Street:

- the site was found to be contaminated and a new high school had to be built;
- the source of the contamination, old gas works, had long ceased to exist as an entity;
- neither Council nor NSW government wished to take responsibility for clean up;
- the developer agreed to undertake the clean-up;
- the development is for senior living which is believed to come under SEPP Housing for Seniors, which provides incentives allowing developers to override local planning instruments if building homes for people over 55;
- for the most part it does not impinge upon the quiet enjoyment, privacy and solar access of other properties;
- social and economic advantages are likely; seniors will be able to access the town and its services easily; and additional residents will add to the town's economic base and vibrancy.

Being approved almost 10 years ago we could not properly establish how the High School site development would compare to the proposal for 20 Elizabeth Street. At the time of exhibition of the high school development CRAIG inspected documents at Council's enquiry desk and lodged two objections, the second relating to amendment of the plans in 2009, that particularly referred to the proposal's exceedance of the relevant height limit control of LEP45. Little information could be found in the public domain today of the exact nature of what is planned, except that the units are marketed as being within historic Camden with views to the north over the town farm and floodplain.

Also, we find the inference that John Street is generally available for new developments to be misleading given the acknowledged significance of John Street and conservation area of the glebe of St John's Church. As shown in Appendix B many items in Camden township have long been recognised to be of national heritage significance. Most of John Street is included as indicated in the descriptions of St John's Hill and John Street Conservation Area and John Street Group. The NSW Heritage Office has also recently investigated and written of the high significance of St John's Church Precinct and its relationship to Camden township.

¹⁷ Ian Willis (30 November 2017) *Camden History Notes The phoenix rises from the ashes at the old Camden High site* Available at <https://camdenhistorynotes.wordpress.com/2017/11/30/the-old-camden-high-site/>

Further the Land and Environment Court (April 1996)¹⁸ ruled in favour of Council against a development application in the vicinity of St John's Church. The Honourable Justice M L Pearlman AM, stated:

"It is abundantly clear that the Camden Township represents a particularly significant and sensitive heritage site in which conservation, involving reuse of buildings or land, must necessarily be approached with considerable care."

Other developers have taken care and attempted sensitive and sympathetic developments such as at 21 Elizabeth Street, approved prior to gazettal of LEP2010, which is discussed below as the third of the precedents cited.

3. 21 Elizabeth – commercial building constructed in the early 2000s, which is a total of three storeys, and is provided with under-croft parking.



¹⁸ Land and Environment Court (1996) *Gledhill Constructions Pty Limited V. The Council of Camden NSWLEC 120* (19 April 1996) Available at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NWLEC/1996/120.html?stem=0&synonyms=0&query=1996%20gledhill%20camden>

This development is also quite arguably an overdevelopment of the site but it has little in common with what is proposed for 20 Elizabeth Street:

- At Mitchell and Elizabeth Street interfaces it is estimated to be around 8 metres and less than 7 metres excluding the pitched roofs;
- It is comprised of a number of pitched roofs that interrupt and reduce the seeming mass of the building and also reflect the predominant surrounding roofscapes.
- It largely presents as two storeys, not three as claimed. As shown above two storeys face Elizabeth Street. The section with three stories is set well back from the street.
- The building has been designed to avoid overlooking of other properties. Windows have been placed to face Mitchell and Elizabeth Streets or internally only; walls facing other properties are blank but with architectural features that simulate windows similar to the technique often observed in larger old buildings, to break up what would otherwise be too large and homogenous to be aesthetically pleasing.
- Similarly, it has been designed to minimise blocking of solar access and being on a corner block most shadowing is to the two streets, not to cottages occupied as homes and businesses.

The photos provided in the application (SEE Figure 3 p.52) are not taken from Elizabeth Street as is implied but are taken from cherry-picked angles that are not reflective of how the building presents in the streetscapes of Elizabeth and Mitchell Streets.

It should be noted that DCP D3.2.3 (10) makes allowance for buildings on corner lots to have feature elements that exceed the building height limit if compliant with LEP 5.6. The proposed building is not on a corner block.

Under LEP 5.6 development that includes an architectural roof feature or decorative element that causes a building to exceed the height limit and does not include floor space or cause unreasonable overshadowing of other properties may be carried out with development consent.

For the proposed development:

- The roofline has no architectural feature or decorative element;
- The height exceeds the standard without including the roof;
- The roof includes floor-space;
- The height, scale and position cause unreasonable overshadowing.

The mansard roofline of the proposed building is completely inconsistent with the pitched roof character of the area and contravenes DCP B 3.1.1 Control 13: *The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area shall be retained.*

None of the three precedents cited provide telling arguments relevant to this proposal.

Our opinion is that, in any case, they should not be used to support arguments for developments that are non-compliant with the planning provisions. Allowing precedents to inform assessment and approval of developments has a domino effect over time of rendering the planning provisions ineffectual and irrelevant, and creating an outcome that is far removed from existing and desired character.

Such precedents could reasonably be viewed as a reason for NOT allowing another dilution of Camden's authentic character and heritage value.

ARGUMENT 2: Objectives of the standard (and zone) are achieved notwithstanding non-compliance

Achievement of each of the objectives of the LEP 4.3 Height of Buildings are refuted as follows

Height standard objective (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The height and scale, the absolute bulk of the proposed development have nothing in common with 21 Elizabeth or surrounding properties as shown in the indicative graphic below.



The SEE (pp.50-53) attempts to show, quoting from the Heritage Impact Statement (HIS) which is covered below, that the area in question is eclectic with non-uniform height, bulk and scale and a mix of building styles, residential and non-residential cottages.

It again refers to 21 Elizabeth Street as a three-storey development and the over-height development on the Camden High School site, claiming that these two developments combine to dictate the dominant existing character within Elizabeth Street. It claims that this demonstrates that the area is not “cottage-dominated” and that the proposed development is more consistent with its soon-to-be existing character and therefore compliant with 4.3 (a).



Clearly from the above aerial photo (SEE p.43) the footprint of the proposed development, which is to take up most of the lot, is greater and more intrusive by far than any other building and unlike most other buildings, has minimum curtilage.

It would sit closely adjacent to the main outbuildings of No 7 Mitchell Street and Nepean House garden at 23 Edward and be around twice the height of most buildings in its surroundings.

The conclusion that the above arguments indicate compliance with the desired future character of the area is nonsensical. The claim is easily refuted by referring to the current LEP and DCP, which are addressed below under Heritage Impact, as they are written to conserve the town’s existing character and direct and ensure a similar character over time as would be expected for planning controls for a conservation area.

Height standard objective (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Views

There are obviously private views from surrounding properties that would be detrimentally affected, if not blocked completely. Instead of leafy openness occupants would be confronted by an urban style monolith completely at variance to their accustomed surroundings.

The streetscape view would obviously be detrimentally affected. The village profile of the town, so intrinsic to its heritage value would be interrupted. Views between the town and Camden Town Farm and river plain would be interrupted.

Privacy

Loss of privacy of surrounding properties is a major consideration and is categorically unacceptable by any standard.

The proposed building provides exceptional opportunity for overlooking properties in Elizabeth, Mitchell and Edward Streets.

The SEE (p. 30) states that boundary screen planting is proposed along the side and rear boundaries of the proposed development in order to minimise overlooking into the adjoining properties. This statement is misleading. Trees that are currently in place are no higher than the proposed building and have taken decades to reach their height. Given that so little room remains outside the building envelope and that new plantings would receive negligible sunlight they would rarely reach maturity anyway. Almost certainly they would be stunted or die.

The statement that no residential property directly adjoins the proposed development is absolutely wrong. Heritage listed Nepean House (1858) with its old garden and outbuildings is residential and adjacent.

Nepean House is inexplicably not mentioned in the SEE or HIS.



Many Edward and Elizabeth Street properties are residential and given the excessive height of the proposed building would obviously be overlooked. Business properties would also be overlooked and this is not acceptable given their cottage and garden nature. It is also generally understood that heritage listed properties can flip-flop between residential and business use.

Compared to the adjacent tallest outbuilding (5.9 metres) of Nepean House, as shown in the indicative graphical representation below, the proposed building is of massive scale and almost twice as high.



The proposed building is more than twice as high as most other nearby properties. Nepean House itself is only 8 metres high including architectural roof features.

Australian cities and towns that respect their history, such as Launceston in Tasmania, are more attractive. Development that creates stark contrast between old human scale architecture and architecture blatantly only made possible by modern materials and new engineering solutions are generally found to be segregated in more successful areas. European cities renowned as tourist destinations take this approach to conservation.

As a very telling comparison the heritage listed cottages, adjacent at 7 and 9 Mitchell Street, are around 5m in height to their rooftops, which are architectural features. The cottages are miniscule in relation to the proposed building. Note the proposed building would also be closely adjacent to the outbuilding at No 7 a part of which is captured to the left in the above graphic.



Most properties in the vicinity would experience a building that is more than twice their height and many would be confronted by a first storey landscaped rooftop (4.7m above ground level at the rear of the building) and/or another two levels of second and third storey office windows on both the south and north elevations.

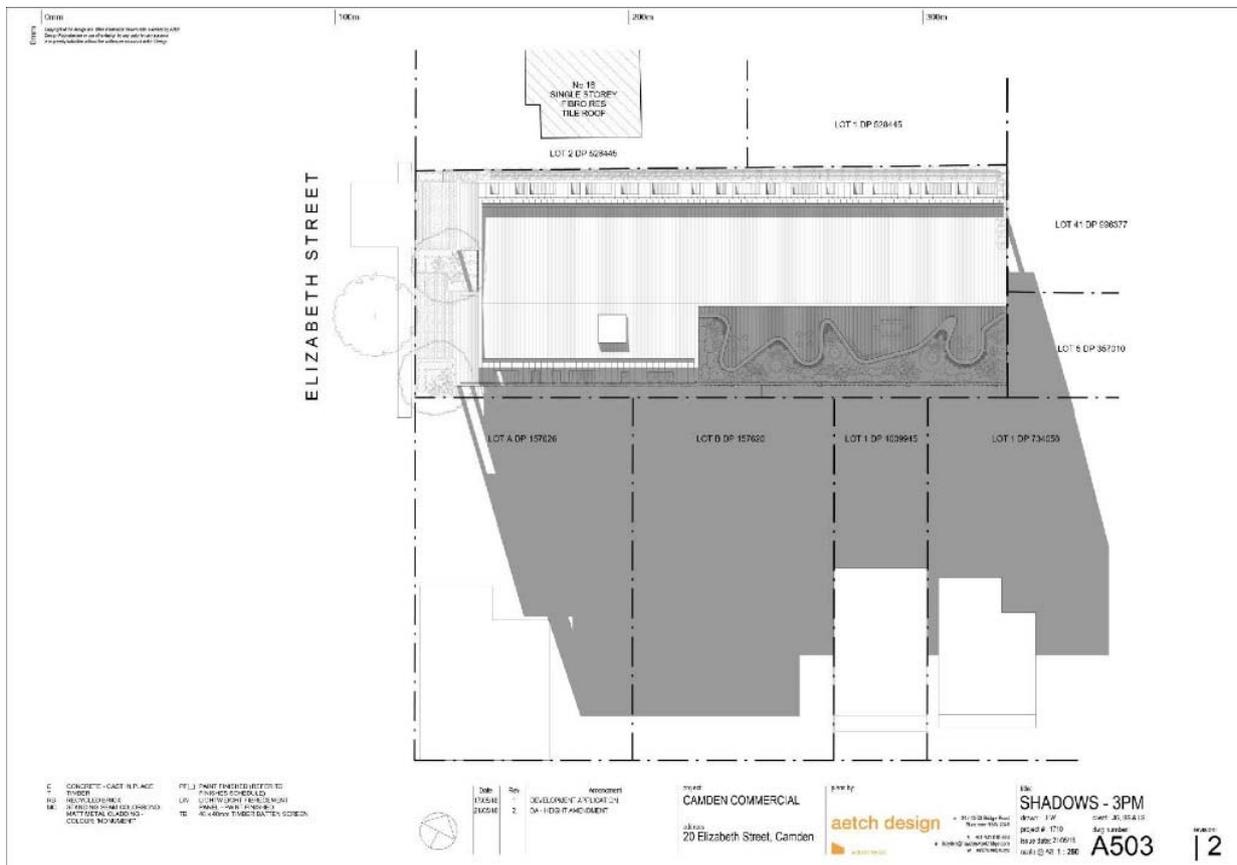
The height differential of roughly between 3.5 and 6.5 metres between the proposed building and its potential neighbours is preposterous.

The loss of privacy is breathtakingly apparent and alarmingly extreme. It is extraordinary that it can be documented in a DA as being insignificant.

It is clearly wrong to state that privacy impacts are minor; they are major and deny others quiet enjoyment of their properties and the peace of mind to which they are entitled.

Solar Access

Blocking of solar access due to the height of this proposed building is absolutely unacceptable.



The shadow diagrams that are provided are horrifying and enough to refuse this DA outright. As shown in the above shadow diagram the cottages in Mitchell Street would be very significantly deprived of solar access (as well as privacy).

However, the shadow diagrams provided do not show shadowing over the full hours of daylight or in different seasons. They do not show overshadowing of all properties affected.

No doubt the heritage listed Nepean House property would be similarly affected, as would 21 Edward Street and possibly other properties, but diagrams were not made available. The real impact of the building on solar access to all affected properties has not been explained.

This is not acceptable.

It is disingenuous at best to make the statement: *It would be expected that generous solar access will remain available for other properties, particularly at 9am and 12pm* (SEE p. 55).

Height standard objective (c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

The height and scale and design of the proposed building is completely inconsistent with the character, height and scale of the listed heritage items and the human- scale and fine-grained HCA.

The SEE (p. 33) states that given the minor scale of the proposed development, it is not considered to result in amenity conflicts to adjoining and nearby development within the mixed-use zone.

This is clearly a false statement. It cannot be of minor scale given its height and scale in relation to surrounding cottages. Loss of amenity would be unacceptably significant.

The proposed building would potentially be comfortable in newer nearby areas such as Oran Park, Gregory Hills and Spring Farm, if it met their height limits.

The impact of the development on the HCA and heritage items would be devastating. This is explored further in the next section on Heritage Impact.

The SEE has failed to demonstrate consistency with the objectives of LEP 4.3 Height of Buildings and has failed under clause 4.6(3)(b) to show sufficient environmental planning grounds and non-generic circumstances particular to the proposal to justify contravention of the height limit.

Achievement of the objectives of Zone B4 is refuted as follows

It is observable that the three relevant zone objectives of representation of a mixture of compatible land uses, integration of suitable business, office, residential and retail developments and complementing the primary functions of the local centre B2 zone are being met by normal market forces.

Achievement of these objectives is not reliant on proposals such as that for 20 Elizabeth Street. Indeed, it could be argued that the proposed development would compete with the function of the B2 zone rather than complement it.

It is evident that cottages are reused for business purposes. This is because owners observe the planning instruments which, in conjunction with the zoning, are designed to retain the cottage character of the area, as befits a Heritage Conservation Area.

The SEE (p. 57) claims that there is an identified shortfall of commercial floor space within the Camden Town Centre. This needs to be evidenced, as it is not apparent, and is contradictory to its own statement that much of the new commercial floor space is provided within former cottages converted for commercial use.

As at 28 July 2018 a Google search brought up more than 40 commercial properties for lease including suites 2 and 4 of 21 Elizabeth Street which almost always has office space for lease and 1/33 Elizabeth Street. Many were in Argyle Street; the remainder were also in the conservation area or just outside it. The cottages in the conservation area are easily reused as office space as they come on to the market. The fact that they are still purchased as non-income generating homes suggests that the market demand for office space is not great enough to put them out of reach for residential use.

HERITAGE IMPACT

The Heritage Impact Statement (HIS) (p.3) rightly states that

- *owners of land in heritage precincts have a responsibility to ensure that the heritage significance of the precinct is maintained and not adversely affected by the proposed development;*
- *new developments within a heritage conservation area should be designed to ensure that the heritage significance of the surrounding area is not diminished by the new development, and that new development is sensitive and respectful to adjacent heritage items and their contribution to the character and setting of their surrounds.*

The conclusions reached in the HIS (p. 24) that the proposed development will cause negligible adverse impacts and that it is sympathetic and appropriate are not supported throughout the HIS; as will be shown below, they are not evidence-based or arrived at through best practice analysis.

The HIS is not prepared according to guidelines supported by the NSW Heritage Council¹⁹. For instance, it does not answer the following questions about a new development within a conservation area and adjacent to heritage items:

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

The HIS fails to address the impact of the proposed building being adjacent to heritage listed properties. It notes that two heritage listed properties (17 and 19 Elizabeth Street) are opposite the proposed development and that two lots containing rare, intact examples of small late Victorian cottages in Mitchell St are adjacent to it. It fails to mention that the site is also adjacent to the site of Nepean House (1858) and its historic garden, which makes three heritage listed properties adjacent to the proposed development.

¹⁹ NSW OEH *Statements of Heritage Impact* Available at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

It also fails to address the impact on all heritage items in its close vicinity which can quickly be ascertained by perusal of the LEP and DCP:

Listed Heritage Items (LEP Schedule 5 extract)

Cottage	17 Elizabeth Street
“Chesham’s Cottage”	19 Elizabeth Street
Inter-war flat building	33 Elizabeth Street
House weatherboard	34 Elizabeth Street
“Nepean House”	1–3 Mitchell Street;
	23 Edward Street
Cottage	7 Mitchell Street
Cottage	9 Mitchell Street
“Taplin”	17 Mitchell Street
“Edithville”	18 Mitchell Street
“Mitchell House”	29–31 Mitchell Street
“Nant Gwylan” (including house and garden)	33A Exeter Street
Camden Town Farm (including cottage, dairy, milking parlour, barn, rustic storage sheds and out buildings, fences and views to Nepean River and hinterland)	40 Exeter Street and 75 and 75A Macquarie Grove Road
Stockyard (including auction ring, buildings and cattle chutes)	30, 32 and 34 Edward Street

Potential Heritage Items (DCP Table B4 Potential Heritage Items – Built Environment P. B61 extract)

Cottage	6-10 Elizabeth Street
Cottage	42 Elizabeth Street
Cottage	44 Elizabeth Street
Former Picture Theatre	39-41 Elizabeth Street

Article 8 of the Burra Charter²⁰ requires the retention of an appropriate setting to heritage properties, as do the LEP and DCP.

We also consider that the HIS conclusions are inconsistent with the NSW Heritage Office guidelines²¹ for new development in a heritage context which for instance, on scale and form, advises that *...the grain, or pattern of arrangement and size of buildings in a precinct or conservation area, can be an important part of its character. ...The form of a building its overall shape and volume and the arrangement of its parts.....should be sympathetic with the predominant form of its neighbours.*

The HIS fails to appreciate or analyse the differential in height and scale of the proposed building to its neighbours.

The claim (p.23) that the different scale of the proposed development would create negligible conflict with the existing smaller scale heritage items is clearly wrong, even by its own artist's impressions (which in any case seem to underestimate the relative height of the proposed building).



The HIS makes no mention that Camden's agricultural history is intrinsic to its heritage value, and that the nearby listed sale yards and Camden Town Farm, as well as retail agricultural suppliers and Equestrian Park very much represent that history. This tangible history is not enhanced by this proposal and would, very arguably, be diminished.

²⁰ ICOMOS (2013) *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* Available at: <https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

²¹ NSW Heritage Office (June 2005) *Design in Context Guidelines for Infill Development in the Historic Environment* Available at: <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/DesignInContext.pdf>



The proposed urban-style high rise would sit in sharp contrast to the 19th century country townscape and distort the village profile deliberately planned by the Macarthur brothers and Surveyor General Sir Thomas Mitchell in 1836.

It would be of greater scale and bulk than St John's Church, designed in 1836 as the spiritual, social and physical focus of the planned private town of Camden, and which is acknowledged to be of great cultural and aesthetic significance (see Appendix B).



The HIS, instead of addressing the impact of the proposal on the Heritage Conservation Area and heritage items in its vicinity, concentrates on and makes much of the eclectic nature of the existing built form, irregularity of setbacks and dominance of angle parking in the northern section of Elizabeth Street.

The HIS also does not address the history of the cottage that it flags for demolition. Increasingly the style and fabric of cottages built in the post war period of austerity and shortage of building materials are being recognised as reflective of an important historical era²². Post War Fibro Cottages are making their way into heritage lists of LEPs in NSW.²³ The cottage, a Fibro Majestic as acclaimed in our culture²⁴ is not beyond restoration and provides an appropriate footprint for the site, perhaps with an increase in floor area as allowed on flood prone land as was undertaken in neighbouring 9 Mitchell Street.

²² Antony Lawes (2 January 2012) *Architects defend the majesty of unwanted '50s fibros* Available at <https://www.domain.com.au/news/architects-defend-the-majesty-of-unwanted-50s-fibros-20111230-1pfd/>

²³ <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1172092>

²⁴ Junior (2010) <https://junioraustralia.bandcamp.com/album/the-fibro-majestic>



Essentially the argument running through the HIS is that this proposed development would simply create more diversity within the immediate streetscape.

It is well understood that conservation areas have protective planning controls and also that developers are required to understand and interpret the area's special character and qualities and enhance it. Developers should purchase elsewhere if that is not acceptable to them. Camden is tired of developers snapping up cheaper flood-prone land in the conservation area and then wanting to override the rules to maximise return at the expense of Camden's unique character, heritage significance and the amenity of residents and other businesses who have incorporated Camden's difference into their business models.

According to the SEE (p. 6) Council has advised the applicant that the development needs to demonstrate character, scale, form, materials, colours and detailing sympathetic to the significance of the conservation area and heritage items in the vicinity.

The SEE (p. 4) states that the proposal has been assessed as generally compliant with the provisions of the LEP 2010 and DCP 2011, with the main exception being the maximum height of the building. The HIS (p. 24) concludes with the following unsubstantiated and unjustified opinions:

- *It is our opinion that there are negligible adverse impacts upon the heritage precinct, its historical setting and use, adjacent locally listed heritage cottages or their curtilage.*
- *The architectural scale and mass and overall detailing of the proposal is considered to be appropriate to the heritage setting and colours and finishes are compatible with the existing streetscape.*
- *The proposed development is considered sympathetic and appropriate in architectural form and scale to the existing and future streetscape and anticipated development within the B4 zone in which it stands.*

We cannot agree, not least because the following provisions of the LEP and DCP have not been addressed in the SEE or HIS.

❖ **LEP 5.10 Objectives**

- (a) to conserve the environmental heritage of Camden,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

❖ **DCP Part B DCP 3.1.1 General heritage objectives**

- 1. Retain and conserve heritage items and their significant elements and settings.
- 6. Protect and conserve heritage in accordance with the principles of the Burra Charter.
- 9. Ensure that adequate consideration is given to the significance of a heritage place and all alternative options, where the demolition of a heritage place is proposed.
- 11. Ensure that any development within a heritage conservation area is compatible with and sympathetic to the significant characteristics of the conservation area as a whole and make a positive contribution to the area.
- 12. Ensure that the development in the vicinity of a heritage place is undertaken in a manner that does not detract from the heritage significance of the place.
- 13. Ensure the integrity of the heritage item and its setting (including landscape and special qualities); or the Heritage Conservation Area is retained by the careful design, scale and siting of new buildings and alterations and additions to existing buildings.

❖ **DCP Part B 3.1.1 General heritage controls**

- 5. New development must be designed reflecting the general form, bulk, scale, height, architectural elements and other significant elements of the surrounding heritage items and heritage conservation areas.
- 13. The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area shall be retained.

❖ **DCP Part B 3.1.2 Camden Heritage Conservation Area objectives**

- 1. Retain the unique heritage significance of Camden town, recognising it as a rare and distinctive area
- 2. Retain and promote evidence of the historical development of the town and enable interpretation of that historical development
- 6. Promote the concept of adaptive reuse as a major conservation tool.
- 8. Retain the rural working town character of Camden.

❖ **DCP Part B 3.1.2 Camden Heritage Conservation Area controls**

- 6. Additional development on the fringe of the town should complement and not detract from the viability of the “main street”.
 - 9. A two storey height limit shall prevail except for significant architectural features incorporated in the design of buildings in significant locations.
 - 10. Large built forms in cottage dominated precincts shall be avoided through the use of various roof forms and pitches, wall openings and recesses, materials, recessive colours and landscaping
 - 11. The development of the flood affected fringes of the town shall not compromise the prevailing character.
-

No analytic attempt has been made to address the proposals impacts on heritage value of heritage listed items or the conservation area.

Camden's heritage is irreplaceable and culturally important to current and future generations. This has been documented most recently in a 2016 Heritage Study 2016²⁵ which has been endorsed by academic and eminent historians.

It must be noted also that conservation of Camden's heritage is economically important. It cannot compete with Narellan or Oran Park on the same terms. It must capitalise on having irreplaceable authentic heritage as this underpins its economic base. It is a place of special events and a visitor and tourism destination because of its special amenity which also supports the livelihoods of those depending on Camden's attractiveness and differentiation.

The HIS offers no evidenced opinions and makes no evidenced-based attempt, to justify this proposal. In light of the detailed critique provided above this would undoubtedly be a fruitless endeavour.

We request that:

- **the demolition of the cottage be refused;**
- **the DA be refused;**
- **the applicant be encouraged to restore and reuse the existing cottage.**

Yours sincerely,



Glenda Davis, President

²⁵ Camden Residents' Action Group Inc (April 2016) *HERITAGE STUDY CAMDEN NEW SOUTH WALES Documentary Evidence addressing criteria for statutory heritage listing* Available at <http://www.crag.org.au/wp-content/uploads/2016/06/Camden-Heritage-Study-April-2016.pdf>

APPENDIX A: LEP 2010 Clause 4.6

4.6 Exceptions to development standards

(1) The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4, (c1) clauses 6.1, 6.2 and 6.3.

APPENDIX B: Acknowledgment of Heritage Significance of Camden

Camden Items Register of the National Estate (non-statutory archive)

Camden Airport Airport Rd	Camden, NSW, Australia	(Indicative Place)
Camden Courthouse 31 John St	Camden, NSW, Australia	(Registered)
Camden Park Camden Park Estate Rd	Camden Park, NSW, Australia	(Registered)
Cottage 39 John St	Camden, NSW, Australia	(Registered)
Cottage rear Macquarie Grove House Macquarie Grove Rd	Camden, NSW, Australia	(Interim List)
Home Farmhouse Camden Park Estate Rd	Camden South, NSW, Australia	(Registered)
John Street Group John St	Camden, NSW, Australia	(Registered)
Macaria 37 John St	Camden, NSW, Australia	(Registered)
Macarthur Family Cemetery Camden Park Estate Rd	Camden South, NSW, Australia	(Registered)
Macquarie Grove House Macquarie Grove Rd	Cobbitty, NSW, Australia	(Registered)
National Australia Bank Argyle St	Camden, NSW, Australia	(Registered)
Police Station and Residence 33-35 John St	Camden, NSW, Australia	(Registered)
St John the Evangelist Anglican Church Menangle Rd	Camden, NSW, Australia	(Registered)
St Johns Anglican Church Group Menangle Rd	Camden, NSW, Australia	(Registered)
St Johns Hill and John Street Conservation Area	Camden, NSW, Australia	(Registered)
St Johns Rectory and Stables Menangle Rd	Camden, NSW, Australia	(Registered)
St Pauls Catholic Church John St	Camden, NSW, Australia	(Registered)

Report Produced: Mon Jul 23 17:56:57 2018 <http://www.environment.gov.au/cgi-bin/ahdb/search.pl>

St Johns Hill and John Street Conservation Area, Camden, NSW, Australia

Photographs



List Register of the National Estate (Non-statutory archive)

Class Historic

Legal Status [Registered](#) (28/09/1982)

Place ID 3255

Place File No 1/15/009/0030

Statement of Significance

St Johns Church is one of the finest examples of early Gothic Revival in Australia, superbly sited for near and distant appreciation, virtually as it was when erected. It has an unusual character with a hilltop site of rural character approached by way of climbing streets closely built in the manner of a well-developed country town, the combination is worthy of preservation.

(The Commission is in the process of developing and/or upgrading official statements for places listed prior to 1991. The above data was mainly provided by the nominator and has not yet been revised by the Commission.)

Official Values Not Available

Description

An uncommon townscape, consisting of a large and mostly open hilltop (tree filled around buildings) containing the prominent Church, overlooking Camden, the hilltop is double humped, the Church is on one prominence, the rectory on the other, with a grassy saddle of land between. Distant views to and from the area are important and views from the town along John Street are of high quality.

History Not Available

Condition and Integrity

Virtually as it was when erected. Street plantings have matured. Recently built cluster of parish meeting rooms discreetly located and designed.

Location

About 9ha, around St Johns Anglican Church, Camden. The boundary of the area extends in the north to include property blocks fronting John Street, between Argyle and Broughton Streets, as far north as and including Lot 3 on the western side and Lot 19 on the eastern side, and property blocks fronting Hill Street as far north as and including, Lot 9 on the west and the western half of the block containing the presbytery, on the east. In the east the boundary includes the Masonic Temple and extends south along the rear of subdivisions fronting Alpha Road and the eastern boundary of the property block containing St Johns rectory and stables. In the south the boundary follows the south boundary of the block containing the rectory. In the west the boundary excludes Macarthur Park and includes all property blocks fronting the western side of Menangle Road between Park and Broughton Street.

Bibliography Not Available

John Street Group, John St, Camden, NSW, Australia

Photographs	None
List	Register of the National Estate (Non-statutory archive)
Class	Historic
Legal Status	Registered (21/03/1978)
Place ID	3225
Place File No	1/15/009/0002
Statement of Significance	
<p>Camden is one of the most delightful early towns near Sydney. It has perhaps the strongest plan form of any of them. The buildings of John Street are very important to the main feeling of the town and the group is enhanced by several extremely fine examples of architecture; the picturesque Macaria, the Italianate CBC Bank and restrained elegance of No 39 John Street.</p> <p>(The Commission is in the process of developing and/or upgrading official statements for places listed prior to 1991. The above data was mainly provided by the nominator and has not yet been revised by the Commission.)</p>	
Description	
See related Files 3226, 3227, 3228, 3229, 3230, 3231	
History Not Available	
Condition and Integrity Not Available	
Location	
<p>Comprising: CBC Bank, John and Argyle Streets, Camden; cottage 39 John Street, Camden; Macaria, 37 John Street, Camden; Police Station and Residence, 33-35 John Street, Camden; Courthouse, 31 John Street; and St Pauls Catholic Church, John and Mitchell Streets, Camden.</p>	
Bibliography Not Available	
Official Values Not Available	
Description	
See related Files 3226, 3227, 3228, 3229, 3230, 3231	
History Not Available	
Condition and Integrity Not Available	

Report Produced Mon Jul 23 18:10:58 2018

Extract: Statement of Significance of St John's Church within Camden and its landscape

Full statement available at

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5053423>

St John's Anglican Church Precinct is of state heritage significance as a group of ecclesiastical buildings set in a beautiful landscape setting comprised of mature and exotic tree plantings and open grassed slopes. The precinct's centre and focal point is St John's the Evangelist Anglican Church which is of state heritage significance as the first Gothic Revival church constructed in NSW that was correct in its medieval detail ('archaeologically correct'). This status, along with its strong connection to the 1836 Church Act, renders it an important early forerunner of the Gothic Revival movement which was to dominate ecclesiastical architecture in the Colony throughout the remainder of the nineteenth century.

The church, and especially its tower and spire, is aesthetically significant to NSW as part of the regional Camden landscape created by the Macarthur family. St John's as an important regional landmark is a significant element in the picturesque landscape planning used to create the Camden Park Estate, the seat of the Macarthur family. As part of a triumvirate of significant points in the landscape, along with Camden Park House and the township of Camden, it also expresses the power structures the Macarthur family wished to instil in the local community they were creating in the early nineteenth century. This regional landscape design is of state heritage significance as an important example of early-mid nineteenth century landscape planning.

St John's Anglican Church Precinct is an exemplary demonstration of the regional use of landscape design. St John's Anglican Church, with its tower and spire, dominates and commands the Camden landscape on its high prominence (St John's Hill) in the middle of what is a low-lying flood plain. Its tower and spire symbolically reach for heaven and point the way for the minds and souls of the local community. The church tower and spire, as well as other elements of the church precinct such as the rectory, are visible from many locations in the local landscape from Cobbitty to the north, Narellan in the east, Cawdor in the south, and Grasmere and Bickley Vale to the west. More distant views are also available of the church in the greater region as well. This effect on the local landscape is the result of a deliberate landscape design by the Macarthur family that was aimed both at creating picturesque vistas that reminded them of an English countryside, and reinforcing the social order the Macarthurs, as part of the ruling class, wished to uphold. St John's extraordinary command of the regional landscape ensures that it is visible from all the major roads, high points, and the seats of several of the major local estates. This command is expressed through 16 significant views and vistas in the regional landscape that is identified in the CMP (2004:35-36, 44)²⁶.

²⁶ The Conservation Management Plan is available at <https://stjohnscamden.org.au/index.php/about/history>