

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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General Manager

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11 November 2020

Dear General Manager,

RE: DA 2020/741/1

19 Edward Street Camden

Demolition of existing structures and construction of a two-storey mixed use building with rooftop terrace comprising of 3 commercial premises tenancies and 1 cafe tenancy as well as associated at grade car parking, landscaping and civil works

The above DA for 19 Edward Street within the B4 zone of Camden's Heritage Conservation Area (HCA) is for the replacement of an extant post war cottage with the construction of two mainly two-storey buildings, connected by an elevated walkway over a central carparking area, with a third level rooftop terrace on the front building.

Thank you for the opportunity to comment.

It is very concerning that this proposal has been submitted without appropriately addressing in transparent detail its impacts on existing properties, especially loss of privacy. It is also concerning that the proposal is of such unacceptable heritage impact; it does not faithfully acknowledge and observe council policy on conservation of Camden's special character or the conservation objectives and protective planning controls of the HCA.

We strongly object to this proposal for the reasons explained below.

PRIVACY

The impact on the privacy of existing development has not been rightfully addressed in the supporting documentation of the proposal. It has in fact been ignored. The south west elevation of the rear building (facing Elizabeth Street) is completely without windows affording privacy to that side only.

Independent analysis reveals that at least four viewpoints accommodated by the design result in unacceptable loss of privacy as follows:

1. **Rooftop Terrace** (including landing at top of spiral stairway)
 - only privacy screening is landscaping on north west side which is unspecified;
 - landscape screening provides NO guarantee of privacy;
 - only 900mm width for garden allowed to the north west;
 - makes NO ATTEMPT at screening on the south east elevation.
 - 17 and 21 Edward backyards. Fully overlooks. All privacy lost.
 - Nepean House (heritage listed item). Fully overlooks:
 - half of Nepean House entertainment area.
 - back veranda and its lawn area
 - back garden area including clothesline, home study/garageAll privacy lost.
 - 15 Edward backyard. Overlooks most. Loss of privacy.
2. **Communal Terrace/walkway** between the buildings
 - only screening is unspecified landscaping.
 - landscape screening provides NO guarantee of privacy.
 - 17 and 21 Edward backyards and rear of cottages. Fully overlooks. All privacy lost.
 - Nepean House back garden area including clothesline, home study/garage. Fully overlooks. All privacy lost
 - Nepean House back veranda and half of its lawn area. Fully overlooks. All privacy lost.
 - 15 Edward backyard. Partially overlooks. Some loss of privacy.
3. **Front building. Tenancy No. 1 office.** South east elevation level 1.
 - No 21 Edward backyard. Fully overlooks. All privacy lost.
 - Nepean House side garden area including clothesline, home study/garage. Overlooks most of this area. Virtually a complete loss of privacy.
4. **Rear building. Windows on north east elevation.**
 - Comprised of two large square glazed areas on each side of the building and extensive floor to ceiling glazing facing the communal terrace.
 - 17 and 21 Edward. Overlooks rear of cottages. All privacy lost.

Clearly the loss of privacy to 17 and 21 Edward Street and Nepean House is completely unacceptable and must be addressed.

The roof top terrace must be deleted.

The communal walkway between the two buildings must be deleted or have permanent screening.

Front building: the windows on the south east elevation of No 1 office tenancy need to be made of glass brick or otherwise made opaque as is evident in other parts of the building

Rear building: the extensive glazing of the north east elevation of the rear building needs to be redesigned and/or made opaque.

HERITAGE IMPACT

Supporting documentation makes various unevidenced claims about the proposed development's sensitivity and complementarity to nearby heritage items and the HCA. These claims are refuted. The detrimental heritage impact of the proposal if it were to go ahead is significant and irrecoverable.

Demolition of existing cottage

The Heritage Impact Statement (HIS) (p. 18) claims, without any analysis, that the cottage is outside the key period of development within the HCA and extrapolates, without evidence or reference to the planning instruments, that demolition will not have an adverse impact on HCA significance.

The HIS does not address the important period that the post-war cottage represents in Camden's historical development, its contribution to the cottage-dominated streetscape and area. It makes no case for demolition of the cottage.

This is an extraordinary omission given that Council policy adopts the Burra Charter and its concept of adaptive reuse. Adaptive re-use is policy. DCP¹ (2.16.4 Control 8) specifically states

Existing cottage dominated streetscapes MUST be retained, new development such as extensions/additions should be compatible with the existing streetscape.

¹ Camden Council 16 September 2019 *Camden Development Control Plan 2019* Available at <https://www.camden.nsw.gov.au/planning/planning-controls/>

The site is WITHIN the HCA. This means the extant post-war cottage is by definition contributory to the streetscape, the cottage-dominated character of the area and the sense of place and fine-grained fabric of the HCA, all of which are to be conserved. Increasingly also 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 era². Post War Fibro Cottages are making their way into the heritage lists of LEPs in NSW³.

According to NSW guidelines for preparation of *Statements of Heritage Impact*⁴, as referred to in DCP (2.16.2) the following question is to be answered:

Have all options for retention and adaptive re-use been explored? The minimum supporting documentation required in answering the question is a statement of heritage significance.

The HIS (p.20) states that adaptive re-use has not been considered. This is non-compliant with policy and is not acceptable.

There is no reason why the cottage cannot be adaptively reused, perhaps with a ground floor extension as allowed by Camden's flood policy and a separate compliant commercial development at the rear of the site.

What is proposed unnecessarily and rudely interrupts the development history of the streetscape and erodes the cottage dominated area.

There are any number of greenfield sites available for this type of development. It makes no sense to destroy what is of value and can never be replaced.

Piecemeal erosion of Camden's special character and HCA

Camden township (1840) is renowned for its village form, rural and country heritage and special character. Being close to Sydney and Badgerys Creek airport under construction, its tourism potential is recognised as an extremely valuable asset into the future. Its agricultural base, historic development patterns, setbacks, open space, mature vegetation and gardens are essential to its uniqueness and sense of place.

²Antony 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-20111230-1pfed/>

³ <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1172092>

⁴ NSW Department of Environment and Heritage *Statements of Heritage Impact*
<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

Camden is acknowledged as a heritage town by the Greater Sydney Commission⁵ and its heritage value is recognised in Camden Local Strategic Planning Statement (LSPS)⁶, LEP2010, DCP2019, Camden Town Centre Urban Design Framework (UDF)⁷ and all other relevant Council policies and studies.

There is no question that the town is to be protected. Therefore, we are particularly concerned about the number of DAs for sites within the older and long-established Camden area being presented recently with architectural plans that espouse similar architectural elements despite context. We particularly cite 11 Mitchell Street Camden, 16 Old Hume Highway; 40 and 42 Macquarie Avenue Camden and 19 Little Street Camden.

An experienced heritage consultant, at the request of CRAG, commented on the similarity of design elements between 11 Mitchell Street and 19 Edward Street, both within the HCA. The expert opinion follows:

The imposition of nonsensically angular, dark brick, overly glazed and generally disjointed aesthetic makes a mockery of the simple, traditional and post-war forms of these parts of the HCA, and demonstrates what appears to be contempt for the concept of heritage, and designing in context, as is required by both the Burra Charter and the NSW Heritage Council.

In response to increasingly inappropriate and unsympathetic development to heritage items and in heritage conservation areas citing the original wording in the 1999 Burra Charter's Article 22 that "New work should be readily identifiable as such" (and which the proposed development obviously is relying on) it is critical to realise that Australia ICOMOS has revised its advice about this Article and clarified how it is to be interpreted via a Practice Note issued in 2013. It makes it clear that the aim of new work is not to be different in every aspect that it possibly can be (as is the case in the proposed development). The Article now reads:

Article 22. New work

22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.

⁵ GSC Western City District Plan Available at <https://www.greater.sydney/western-city-district-plan>

⁶ Camden Council March 2020 Camden Local Strategic Planning Statement Available at <https://www.camden.nsw.gov.au/assets/Uploads/adopted-LSPS.pdf>

⁷ Camden Council August 2018 Camden Town Centre Urban Design Framework Available at <https://www.camden.nsw.gov.au/assets/pdfs/Major-Developments/Camden-Town-Centre-Urban-Design-Framework/Final-Camden-Town-Centre-Urban-Design-Framework.PDF>

22.2 New work should be readily identifiable as such, **but must respect and have minimal impact on the cultural significance of the place.**

The accompanying Practice Note explains what this means for the design of new development to a heritage place (i.e. a HCA) in more detail. It requires that:

Issue: Being readily identifiable does not automatically make new work sympathetic to the place. The Burra Charter should always be read as a whole.

Guidance: As the preamble to the Burra Charter explains, the Charter should be read as a whole and many articles are interdependent. It is not appropriate to quote a single article as justification for proposed works. All work should comply with the Charter as a whole, and this means that while new work should be readily identifiable, it should also:

- Not adversely affect the setting of the place (Article 8)
- Have minimal impact on the cultural significance of the place (Article 21.1)
- Not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation (Article 22.1)
- Respect and have minimal impact on the cultural significance of the place (Article 22.2).

An important factor in the success of new work is the quality and sensitivity of the design response. New work should respect the context, strength, scale and character of the original, and should not overpower it. The key to success is carefully considered design that respects and supports the significance of the place. Imitative solutions should generally be avoided: they can mislead the onlooker and may diminish the strength and visual integrity of the original. Well-designed new work can have a positive role in the interpretation of a place.

The cultural significance of a place and its particular circumstances will determine any constraints on the design of new work. **If, for example, the issue is replacement of a removed building (producing a 'missing tooth') in a row of buildings that have a degree of uniformity, then the new work should closely follow the existing buildings in bulk, form, character, complexity of detail, set back, etc. Detailing of joinery or masonry should be modified to indicate the new work.** There will be other places where there are less contextual constraints on the design of new work. These will be where there is a greater diversity in the setting, or where the siting, form and scale of the new work will not adversely impact on significance. As Article 15.1 says: *The amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation.*" (Australia ICOMOS Practice Note: Burra Charter Article 22: New Work. Version 1, Nov.2013, https://australia.icomos.org/wp-content/uploads/Practice-Note_Burra-Charter-Article-22-New-Work.pdf)

Discipline of form, even the use of a setsquare... all are insulted through this design aesthetic. Materials, textures, proportions and most of all its historic sense of place are being destroyed through this

dystopian interpretation of one of the most fundamental principles of "heritage", one that is recognised by UNSECO as World's Best Practice.

The nett effect of this and the other similar developments recently approved in the HCA/currently under consideration is effectively overwriting the historic built forms and streetscape rhythms of this very significant and historic HCA.

This nett effect is also not what is intended by the planning instruments and policies and is in conflict with many council studies that invariably extol Camden's heritage and special character.

This nett effect is specifically warned against in *Local Government Heritage Guidelines*⁸ which states at 5.3 (7):

The council must take into account as far as practicable, the cumulative effect of its decisions on the heritage significance of the item and on the heritage resource of its area.

Heritage management today demands that councils retain a big picture view whilst assessing individual applications. Councils must be aware of the impact of a number of individual approvals on the overall heritage resource of the local government area. Although each approval may have minor impact, the cumulative effect of the approvals may be that the significance and character of an area has been irrevocably changed.

These expert heritage views are fully supported by the community, which repeatedly expresses, as recorded in council studies, that Camden's heritage, special character and sense of place is highly valued and to be preserved.

The community expects and demands that proposals retain and enhance the Camden's special character. This proposal does not.

⁸ NSW Heritage Council *Local Government Heritage Guidelines* Available at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/local-government-heritage-guidelines.pdf>

Proposed development

We are also concerned that the Statement of Environmental Effects (SEE) and Heritage Impact Statement (HIS) whilst claiming to understand and follow the objectives and controls provided by the Camden LEP 2010 and Camden DCP 2019, provide lip service and opinion but little substantiating evidence or analysis.

Indeed, as supported by the expert heritage opinion above, the proposal's design appears to be inspired by an inherently personal aesthetic preference and value judgments that have little to do with heritage context and conservation.

Camden's DCP (2.16.2) adopts the Burra Charter and refers to the widely accepted *Design in Context*⁹ published by the NSW Heritage Council and RAIIA (both referred to in expert heritage opinion above), and *Statements of Heritage Impact*¹⁰ published by NSW Heritage.

These guidelines require a rigorous evidence-based approach to development in HCAs, but the documentation provided with the DA does not follow them.

Design in Context provides analytical guidelines for sympathetic approaches to infill development in a range of historic contexts, including in a mixed-use zone. *Design in Context* (p. 4) states that the Heritage Council of NSW, under the legislative framework, has endorsed design criteria for new development in HCAs, and that local Councils should use them in assessing DAs.

As stated in *Design in Context* (p. 2) new design should respond to its historic context through an understanding and informed analysis of its character and quality, including elements such as its grain, existing patterns of development, important views, scale, materials and building methods.

In relation to new work, the *Design in Context* Guidelines:

- specifically list design criteria, as also covered in Camden's DCP¹¹, to be considered: Character, Scale, Form, Siting, Materials and Colour and Detailing (p. 6)
- provide a checklist (Part B) for DA applicants and assessors of new development in a historic context (p.14).

⁹ 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>

¹⁰ NSW Heritage Office n.d. *Statements of Heritage Impact*

<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

¹¹ Camden Council 16 September 2019 *Camden Development Control Plan 2019*

<https://www.camden.nsw.gov.au/planning/planning-controls/>

As the *Design in Context* Guidelines (p. 14) state:

Heritage assessment is often accused of being subjective, and to some extent there will be a subjective element to the process. It is possible, however, to define objectives for assessing development within an established and valued historic context.

There is little evidence, except superficially for the Edward Street frontage, that a *Design in Context* analysis has been undertaken.

For instance, in relation to this Checklist (Part B), the Heritage Report does not specifically address design criteria and in particular may assert, BUT DOES NOT EXPLAIN or JUSTIFY:

- the relationship of the proposed landscape elements such as the rooftop terrace and walkway with its existing traditional context;
- the heritage impact in relation to other factors which contribute to the character of the historic context such as:
 - date and style of built form;
 - scale of buildings;
 - building and wall heights;
 - massing;
 - density — pattern of arrangement of buildings and size of buildings;
 - proportions;
 - rhythm of buildings and landscape;
 - predominant setbacks — front, side and rear;
 - predominant materials, textures and colour palette;
 - distinctive details of neighbouring existing buildings.

Statements of Heritage Impact (SOHI) guidelines on preparation set out checklists of the analysis required and state:

Where the effect of proposed work is likely to be detrimental to the heritage significance of the item or area, a SOHI needs to argue why such action is the only viable solution and explain why alternatives are not. (p. 2)

The Checklists provided in the guidelines by the NSW Heritage Office also require a much deeper consideration, analysis and explanation of the heritage impacts than has been provided in the HIS. For instance, as well as requiring that all options for retention and adaptive re-use be explored in the case of this major addition to the HCA the following questions need to be answered:

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Will the additions tend to visually dominate the heritage item?*
- *Are the additions sympathetic to the heritage item? In what way (e.g. form, proportions, design)?*

Camden's DCP incorporates the UDF.

DCP (5.33) states: *development within the B4 Mixed Use zone at Camden must be consistent with the Camden Town Centre Urban Design Framework.*

Extraordinarily the HIS and Statement of Environmental Effects (SEE) make no reference to the UDF.

The UDF is also incorporated into the LSPS and both refer to and describe the existing and desired future character of the town and HCA.

The LSPS repeatedly refers to the UDF and its continued implementation. The importance of its observance for instance is reflected in these statements:

Camden Town Centre with its unique heritage and cultural facilities provides a key opportunity for further enhancement to celebrate Camden's unique and culturally rich local history (p. 21).

The Framework recognises that the town centre is unique and highly valued by the community, and the provisions within the Framework reflect this value by focusing on enhancing the attributes that make Camden unique. (p. 48)

To ensure Camden Town Centre continues to function as a strong centre in the long term, it is important that appropriate growth is planned in a way that protects and enhances the town's valued and distinct character. (Local Priority P2, p. 58)

The UDF embraces Camden's unique heritage, agricultural history and country town characteristics and states:

The grain and character of Camden Town Centre is one of relatively low scale and density; a rural township with a modest and varied collection of architecture, much of which is listed as having local heritage significance. (p.15)

Importantly the Built Form Principle to be observed is:

Protect and enhance the unique character of Camden's heritage, it's human scale and network of urban fabric ensuring all built form contributes to Camden's identity as a rural town (p. 33).

Similarly, the DCP requires new work to be sympathetic and compatible and make a positive contribution to the heritage place and conservation area as a whole (2.16.3).

Whilst an individual's design aesthetic may see what is proposed as an enhancement, it does not necessarily respect or enhance the unique characteristics of the HCA. That is what is required, not an imposition of a design at odds with its context.

The proposal is not compatible with the fine-grain and residential cottage pattern of the streetscape, block or its rural surrounds. The coverage of most of the site with buildings and hardstand is not contributory to Camden's identity as a rural town.

The pattern of development, site coverage, setbacks and curtilages of Edward Street are shown in the google map below. The map clearly demonstrates that what is proposed is inconsistent with this section of the HCA.



The proposal therefore contravenes LEP 5.10 which requires conservation of the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The fabric and setting of the post-war cottages and streetscape will be destroyed by this proposed development.

The height of the buildings proposed is not compatible with the streetscape, which is comprised mainly of one-storey post-war cottages. The various heights throughout the proposal significantly exceed those of the adjacent and nearby cottages. The loss of solar access and overshadowing to the south east is excessive and unacceptable.

The bulk and scale of the proposed buildings is not compatible with the character of this cottage dominated locality comprised of modest and domestic-scale dwellings (often adaptively re-used) with rear setbacks and established gardens.

Its visual impact is significant because of its comparative height, bulk and scale and also because of its unreferenced design aesthetic. This proposal makes no attempt to be compatible with or enhance the unique characteristics of Camden.

This proposed development:

- Corrupts the modest domestic scale and detailing of this mid-20th century part of the historic town;
- Contrasts starkly with nearby rare rural characteristics of Camden's HCA such as the town farm and sale yards and the built form and fabric of adjacent cottages and heritage listed items in close vicinity;
- Crowds the site with contrived and incoherent angular forms and overglazing which is incompatible with Camden's extant built form, fine-grained characteristics and spatial qualities;
- Presents an over-massing of the site, including unusual and unreferenced building overhangs and an elevated walkway;
- Includes a roof terrace which is unreferenced, anomalous and unsympathetic to the historic streetscape rhythm and pattern of development in the HCA;
- Uses materials and textures (such flat faced dark brick, powder coated aluminium); that are not referenced in or compatible with the cottage dominated area of the HCA;
- Only attempts to address the immediate Edward Street building pattern and ignores the usual garden and cottage setbacks;
- Provides very little space for traditional landscaping which is contrary to the street pattern and cottage-dominated area;
- Does not provide a landscaped rear setback as recommended in the Pre-DA Requirement¹² and as traditionally runs at the rear of properties in Edward and Elizabeth Streets, which in this case is also an overland flood flow path. This development pattern is intrinsic to value of the HCA;
- Unacceptably attempts to use artist's impressions of landscaping and trees to visually link the development with adjacent cottages and hide the impact of the mass, roofline and overt glazing.

¹² SEE Table 1 (p. 6)

This proposed development would result in an unacceptable invasion of privacy of existing properties.

It proposes to demolish a contributory cottage in a cottage dominated area and streetscape of the HCA. This is not acceptable.

It makes no attempt at compatibility with rural and heritage character of the HCA, and is in fact disrespectful of the community that so values Camden's special character.

As explained above the proposed development does not comply with the LSPS which aligns with the Greater Sydney Commission's District Plan, LEP, DCP and UDF and also conflicts with other strategic documents and the findings of many council studies which invariably agree that Camden's heritage and rural character must be preserved.

We do not believe for the reasons explained that this proposal can be approved.

We respectfully ask that it be refused.

Yours sincerely,

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

Glenda Davis

President