

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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Dear General Manager,

Re DA 2020/841/1

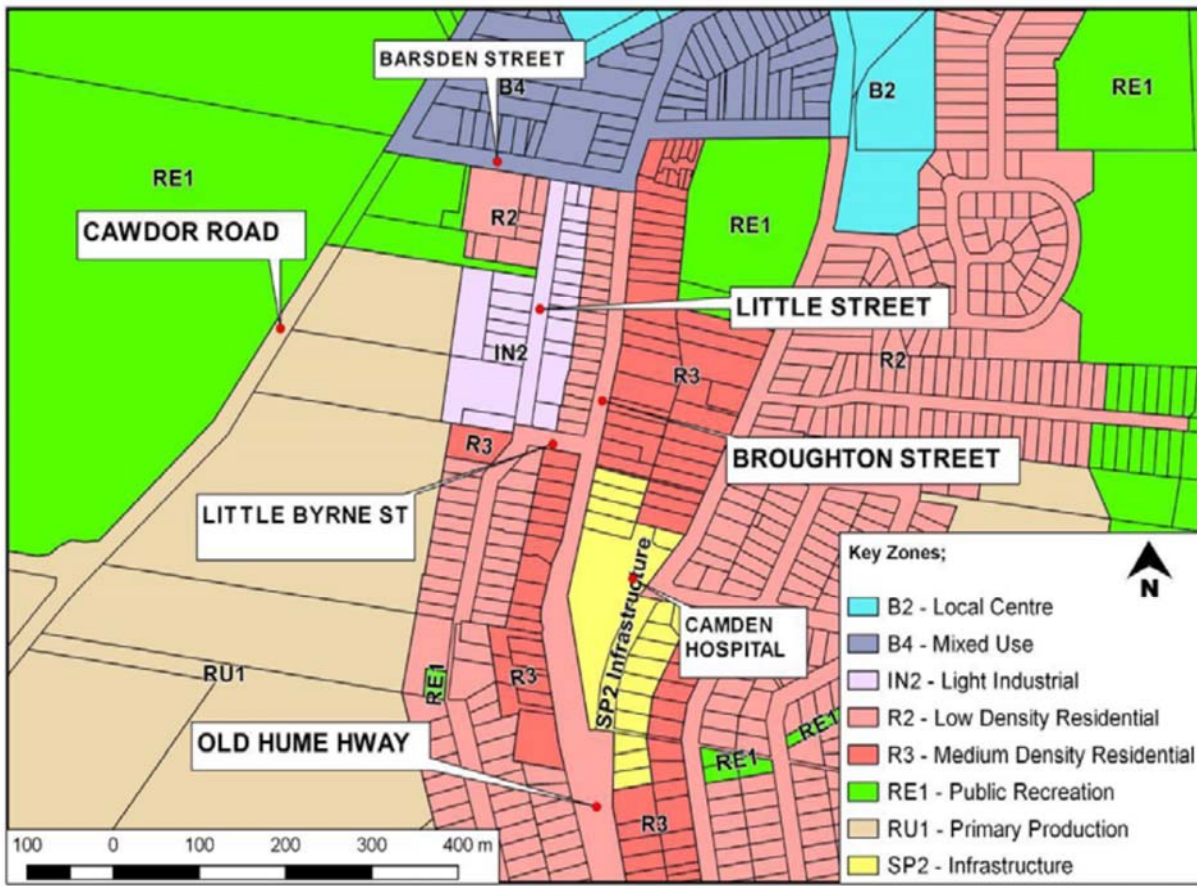
19 and 19A Little Street CAMDEN

Demolition of existing structures and construction of a mixed-use development incorporating 16 warehouse tenancies, a hardware and building supplies tenancy, a takeaway food and drink premises and a neighbourhood shop along with car parking, landscaping, stormwater and associated civil works

Thank you for the opportunity to comment on this proposal and an extension of time to do so.

Unfortunately, the location of this DA is within a renowned area of land use conflict. As shown below in the zone map a small industrial area (IN2) adjoins four other zones including low density residential (R2) and medium density residential (R3). This industrial area also adjoins primary production and public recreation land and is also near to and in parts adjacent to the Camden's Heritage Conservation Area.

Small businesses have grown over the years and larger businesses are creating noise and truck movements that are unsafe in what was originally and is still is a largely residential neighbourhood.



Source: Camden Council 26 May 2020 Meeting Agenda Report

The IN2 zone is especially inconsistent with the residential zones. The more activity generated in the IN2 zone the greater the conflict and impact on the health and safety of residents and their amenity. Residents are concerned about carcinogenic or other unhealthy effects of emissions and fallout, noise, trucks (size, number, movements, speed and inability to negotiate Little Byrne/Little Street corner and having to use the middle of the road to enter premises) and road safety of residents, particularly children.

This conflict of land uses of IN2 and residential zones is acknowledged by Council.

On 13 June 2017 a resolution (ORD14) was passed unanimously by Council that possible solutions to reduce conflict between IN2 and residential zones be explored and a report submitted to Council within three months.

On 11 September 2018 Council passed a resolution to ***“investigate the zoning of Little Street as part of Phase 2 of the comprehensive review of Camden LEP 2010”***.

These resolutions foreshadowed issues to be addressed in assessment of this DA which was lodged on 28 October 2020.

On 16 May 2020 the Agenda Report to Council stated that:

- as part of the Stage 1 LEP Review, a Planning Proposal has received Gateway Determination for public exhibition to amend an IN2 objective from “minimise any adverse effects of industry on other land uses” to “minimise the impacts of development on surrounding residential or other sensitive land uses”.
- as part of the Stage 2 LEP Review a zoning review of the Little Street Precinct was to be undertaken and informed by research in developing a Centres and Employment Lands Strategy and other technical studies such as the Local Housing Strategy.

Stage 2 of the LEP Review is currently in progress. One solution that may be worth considering in the strategy work such as the two referred to above, is whether the IN2 area can instead be zoned for housing, retaining (or reducing) the 9.5m height limit. Much of the land use in the IN2 area is low density residential and it mainly adjoins the R2 zone. This would not affect existing-use rights but would prevent additional future conflict. In time the industrial uses would change to residential uses, and the problem would eventually be solved.

The Local Strategic Planning Statement¹, produced as part of Stage 1 and adopted in March 2020, reports that the Little Street Precinct provides less than 2% of industrial land and states that an industrial lands study is to assess the functionality and suitability of existing industrial areas and methods to minimise or avoid land use conflicts (p. 63).

The land use conflict has long been acknowledged and investigation into a legislated LEP solution was foreshadowed well before this DA was lodged. We submit that its assessment should be postponed until the LEP Review and amendments are complete.

Council at the same meeting of 16 May 2020 adopted a site-specific amendment to the DCP 2019 (6.4.4). This amendment included controls developed with the aim of reducing the impact of new industrial developments on existing residential properties within Little Street and the surrounding area. This clause was in addition to an extra general clause (6.3.12) inserted into the DCP (2019) to ensure that unacceptable impacts of industrial land uses are not suffered by residents.

If this DA is to be assessed beforehand, we submit that it is in any case not compliant with the LEP 2010 and DCP 2019 as follows.

¹ Local Strategic Planning Statement March 2020 *Local Priority P4 Ensuring a suitable supply of industrial and urban services land*

LEP RU1 Zone Primary Production

The units of Block C and D, proposed for use as warehouses, straddle the IN2 / RU1 zone boundary. Their future use is not necessarily connected to rural pursuits and cannot be argued to maintain Camden's renowned rural character. No explanation is provided as to why the proposal needs to be so extensive as to encroach on rural land.

Warehouses are a listed prohibited development in the RU1 zone ((Statement of Environmental Effects (SEE) p. 40).

As the development footprint is not wholly within the IN2 area the proposal relies on the footprint, under LEP 5.3, being within 50m of the existing zone boundary (SEE pp 43-48). LEP 5.3 requires that the development is not inconsistent with objectives of both zones and be desirable as a compatible and efficient land use.

We find the LEP 5.3 arguments to essentially rely on the fact that the existing use encroaches into the RU1 zone. This proposal is for a much larger and more intense urban type development than what has already encroached into RU1.

Existing use rights would seem to be voided because:

- it would not be the existing business that is encroaching into rural land;
- the extensive expansion of uses and complete rebuilding on the site are not consistent with simple continuation of an existing use (EP&A Act 4.66).

Encroachment into RU1 does present a conflict of land uses. It does not satisfy the objectives of maintaining the rural landscape character of the land, enhancing the natural resource base, minimising its fragmentation and alienation and necessarily supporting primary production.

LEP IN2 Zone Light Industrial

What is happening in the Little Street Precinct is not what the LEP defines as light industry: *a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following: (a) high technology industry, (b) home industry.*

However, an objective of IN2 is: *To minimise any adverse effect of industry on other land uses.*

This is a completely new development of the site that is intended to accommodate an existing business and bring in 17 others. This level of increased intensity cannot be argued to minimise the effect of industrial activity on residents' health and amenity which is already acknowledged to be unacceptable.

The existing business is to locate into Block A on the Little Street frontage which incorporates a ground floor selection / showroom area of 792m² and an upper mezzanine office area of 360m². The primary land use is described as the display and sale of tiles and tiling materials associated with the construction and maintenance of buildings. The office (not a stand-alone permitted use in IN2), a large proportion of the proposed new building, is claimed to be ancillary and consistent with the current operation of the existing office space onsite. (SEE p. 26). A contrary argument is reasonable as the existing business is to be completely rehoused and is to be overwhelmingly augmented on the same site with many other businesses of types yet unknown.

The scale and potential range of tenant businesses targeted by this proposal in our view negates any grandfathering rights of the existing business.

DCP 6.4.4 Little Street Camden Zone IN2 Light Industrial Land

Objectives

- a. To ensure that the use and development of the Industrial land does not have an unacceptable detrimental impact on the amenity of the surrounding residential uses.*

The existing business already has an acknowledged and well-documented unacceptable impact, which has been covered to an extent above.

As an example, the Proposal claims that noise, which would include from additional traffic and forklifts, is acceptable but it is impossible to know as the impact on residents depends on the activities of future tenants. In any case as far as residents are concerned the noise level is already unacceptable, and it is their amenity that is in question under the DCP controls.

The Noise Study reported to the Council meeting² of 26 May 2020 found that a typical residential noise amenity is unlikely to be achieved given the interface between the industrial and residential land uses. This Study suggests as one potential solution that new commercial developments be required to satisfy set noise targets for industrial noise impacts that are acceptable to residents. With 18 businesses to assess and monitor this may not be practical.

This proposal's much greater potential activity with so many more businesses can only make amenity worse for residents.

- b. The bulk and scale of development must be in keeping with the mixed-use character of the locality.*

The site already accommodates the largest industrial warehouse operations within the Little Street Precinct. (SEE p. 22). What is proposed far exceeds what is consistent with the prevailing character of the Precinct.

² Camden Council 26 May 2020 *Business Paper ORD04* p. 54

<https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2020/BP-Agenda-26052020-Public-Copy.PDF>

c. To recognise the significance of light industry in this location and minimise any adverse impacts of industry on other land uses.

Accommodating 18 businesses on one site is not consistent with a general understanding of “light” industry. The concentration of so many businesses and the compounded level of activity cannot be argued to minimise adverse effects. Instead this proposal is likely to exacerbate them many- fold.

d. To ensure that land use conflicts are appropriately managed.

Council³ records that it has received complaints from residents raising issues with many operations on the site and formally acknowledges that the site has a history of land use conflicts, including heavy truck movements, and the objectives of IN2 light industrial zone not being met.

On 11 August 1993, DA 1993/72/1 for construction and use of 3 industrial units and use of a unit as a packaging and ancillary warehouse was approved. The site is now proposed to accommodate 18 businesses. On 30 May 2012, DA 2012/464/1 for a change of use from a factory to a warehouse was approved. **The assessment was that Barsden Street and Little Byrne Street that intersect with Little Street were not designed as industrial roads and were unsuitable for vehicles in excess of 11m.**

On 8 April 2014, DA 2013/192/1 was approved for the construction and use of a new building for warehousing and new truck access from Cawdor Road. An Operational Condition 6.0 of this DA was:

6.0(5) Truck Access – All trucks to the site must only be via the new Cawdor Road entry/exit driveways at all times. The only exception to this is in the event of a flood that prevents entry/exit from Cawdor Road. In such an entry/exit to the site can only be gained from Little Street but only for as long as access to/from Cawdor Road is prevented by flooding. P58

A sign must be displayed at the access to the site (within the property boundary) off Little Street clearly stating that trucks may not enter and exit from that access point.

The consent for the new road time-expired in 2016. It is believed this road did not eventuate because of technical approval reasons and instead residents have endured heavy truck noise and movements on roads not designed for them.

There is no costing or technical approval sought and no guarantee if and when the Proposal’s plan to build a new road and divert 50% of traffic into the site via Cawdor Road will ever be realised. Also, it crosses rural land which the RU1 zone does not accommodate.

On 17 May 2016, DA 2016/191/1 for a change of use to a dance studio was approved.

³ IHAP 15 May 2018 Agenda of Independent Hearing and Assessment Panel Agenda Report p. 12

As acknowledged in the Agenda Report of the IHAP hearing of 15 May 2018, Council has received complaints from residents on all of the above “light” industrial uses.

On 20 November 2017, a s96 modification to DA 2012/464 was lodged to remove consent condition 6.0 (4)(c) that articulated or heavy rigid vehicles in excess of 11m shall not service the site due to limited manoeuvring capabilities of the site and due to being a road hazard.

Again, residents had to rally to protect their health, safety and amenity.

On 15 May 2018 the s96 modification was heard by the Local Planning Panel (IHAP), and many residents addressed the Panel. It was recommended for refusal and was refused for many reasons including:

- the road system cannot accommodate the heavy vehicles including their turn paths
- pedestrian safety
- loss of on-street parking (“no-stopping”) to accommodate the trucks
- increased noise
- residential amenity
- complaints about the site’s operations
- not in the public interest

Building design

The proposal should have consideration for the interface with the nearby residential developments as well as maintaining the rural town centre character and rural landscape.

The scale of the buildings and the proposed materials do not achieve this.

All buildings are two-storey with no appropriate transition to adjacent residential neighbours. What is proposed is an imposition of a fashionably modern and perhaps a personal and singular aesthetic that makes no attempt to integrate into what is an old residential area of Camden with a particular character and one that adjoins the HCA.

The proposed roof-top terraces on Blocks C and D are not appropriate and should be deleted. As well as defying Camden’s renowned special and rural character, they are ill-conceived not least because they are largely located on rural land (RU1).

The impressions below of the development’s impact on the streetscape is telling despite the artistic licence.



Source: SEE p. 25

DCP 6.3. requires a minimum 7.5m front setback. This space should not include any awning or other part of the building. 3m of landscaping is also required

The proposal does not comply with 7.5 m setback at the Little Street frontage. The arguments why are not convincing, the main one being that what is proposed is better than what is there now. (*The existing buildings form a hard-edge streetscape, with minimal or no landscaping, and are outdated industrial buildings.* SEE p. 69-71).

The open and vegetated awning is odd in the streetscape and not consistent with Camden's character.

The artist's impression shows much softening by (non-existent) trees. The design may, but does not appear to, show the required 3m of dedicated landscaping and the landscaping plan shows much area of permeable concrete and paving.

This is a new development and it cannot be permitted to rewrite the aesthetic and character of Little Street Precinct and Camden. The Local Strategic Planning Statement is very clear in its reiteration that Camden's rural and historic character is to be preserved.

The scale of the proposal would seem to far exceed any other industrial use in the area. What it does do is reinforce and increase by a large margin overall industrial land use in an area of mainly single storey cottages.

What is proposed is an overdevelopment of the site with a complex of buildings that is quite dense and intended to create much activity, and an imposition into the expected quiet amenity of the mainly low-density residential neighbourhood.

We believe that a much better use of the land is possible, one that does not create land-use conflict and one that enhances and contributes to Camden's amenity and does not detract from its highly valued character.

We sincerely request that this proposal, which is so stressful to the residents of the Little Street Precinct, be refused.

Yours sincerely,



Glenda Davis

President