

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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16 February 2022

Dear General Manager,

**Re: DA NO: 2021/1941/1
186 Cawdor Road, Cawdor**

Construction and use of a recreation facility (outdoor) including site preparation works, dam dewatering, 4 x football training fields, main facility building, storage building, amenities building, associated civil infrastructure including carparking, vehicular access roads, intersection upgrades, onsite detention and water quality treatment, and perimeter and internal landscaping works including construction of a playground and BBQ area.

Firstly, we note that that this proposal is for a non-agricultural development of land zoned *RUI Primary Production*.

Accordingly, we understand, that although there may be support for the proposal within the sports fraternity, its furtherance depends on its permissibility and whether it can satisfy the zone's objectives.

We take this opportunity at the outset to also note that we find it unusual that a proposal of such cost and extensive size is being proposed as a training facility for the use of so few people, during a restricted time frame. It is not clear why, given there is to be no public access and no spectators, that visitor seating, a separate amenities block and a large playground are included.

Permissibility

Football fields are usually zoned Public Recreation (RE1) or Private Recreation (RE2). This proposal does not fit the usual meaning of recreational sports fields and, as we explain below, it cannot be reasonably accommodated within a Primary Production (RU1) zone.

The proposal is described as a *recreation facility (outdoor)* and is to include three buildings and other infrastructure.

We disagree with the Statement of Environmental Effects (SEE) (4.2) analysis of this description and the proposal's permissibility of the land use within the RU1 zoning.

Description

The word *recreation* is defined by various dictionaries as follows

- *any activity that refreshes, satisfies, and brings enjoyment to people, in which they engage on a voluntary basis during leisure time*¹
- *(a way of) enjoying yourself when you are not working*²
- *refreshment of strength and spirits after work*³
- *things that you do in your spare time to relax*⁴

The LEP defines *recreation facility (outdoor)* to mean

... a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

All of the examples provided in the definition are open to the community, freely or through membership or payment of a fee. This is consistent with the LEP definition of a *recreation area* which is defined to mean *a place used for outdoor recreation that is normally open to the public.*

The SEE (4.3.2) emphasises that the club operators do not intend for the facility to be open to the public or the community.

The proposed use does not fall within the definition of recreation or a facility available to the community.

¹ Oxford English Dictionary Available at <https://www.oxfordreference.com/search?q=recreation>

² Cambridge English Dictionary Available at <https://dictionary.cambridge.org/dictionary/english/recreation>

³ Merriam-Webster English Dictionary Available at <https://www.merriam-webster.com/dictionary/recreation>

⁴ Collins English Dictionary Available at <https://www.collinsdictionary.com/dictionary/english/recreation>

The SEE (Operational Details, 4.2.1) states:

The purpose of the development is to provide a training base for the A League MFC team...

The facility will operate as follows:

- Hours of operation – Monday to Friday, 8:30am to 5:00pm*
- Training sessions – Start at 9:00am, end at 12:00 noon. Start 1:00pm, end 5:00pm*
- Number of players per training session:*
 - o AM – Men’s team – 22 -25 players*
 - o PM - Women’s team – 22-25 players*
- Number of training and support staff 20.*
- Office admin staff – 7 (on site between 9am-5pm)*

The use of the premises on weekends will be very infrequent. On occasion there may be a special training session for the players depending on game location.

Our understanding is that the players are paid. It is their job to train and that, according to the operating hours above, that will be undertaken during normal working hours.

The proposed use is not consistent with the definition of recreation, outdoors or otherwise, as it is not done voluntarily during leisure or spare time or after work.

Usage of the facility

The proposed use, under the site’s RU1 zoning, does not fall within *permitted without consent* or *permitted with consent* unless it can be shown to satisfy objectives of the zone and not fall under the category of *prohibited*. The *prohibited* list of uses of the RU1 zone includes *recreation facilities (indoor)* and *recreation facilities (major)*, but not *recreation facility (outdoors)*.

The LEP definition, as cited above, requires that to qualify as a *recreation facility (outdoors)* it must be *used predominantly for outdoor recreation*.

We have covered why in our opinion the proposed use cannot be considered “recreation”. We also submit that it is problematic to claim that the predominant use is “outdoors”.

As cited above the maximum number of people using the facility at a given time is 52, comprised of 27 office admin, training and support staff compared to 22 to 25 players on the fields.

The costing of the facility, upon omitting the common costs, shows that the investment is predominantly in indoor facilities (73%) compared with the sports fields (27%).

	\$	Buildings	Sporting fields	Total	%
a) - Site Clearance	308,593				
b) - New Sports Fields x 4	2,812,522		2,812,522	2,812,522	27%
c) - Carpark and Entry Road	1,884,269				
d) - Amenities Block	913,500	913,500			
e) - Changerooms / Training Facility	6,567,499	6,567,499		7,480,999	73%
f) - General Landscape / Pathways	4,807,278				
g) - Preliminaries & Margin	1,556,430				
h) - Consultants	377,002				
Project Total (Excl. GST)	19,227,093			10,293,521	
GST	1,922,709				
Project Total (Incl. GST)	21,149,802				

Predominantly the investment in the facility is in a main facility building (over \$6.5m, described above as “change rooms/training facility”). This building includes offices and amenities and houses a substantial gymnasium and aquatics room. Arguably this part of the proposal, if it could be defined as being for recreation rather than as a workplace, would come under *recreation facility (indoor)* which is a prohibited use in the RU1 zone.

The main facility building is a training and administrative centre. It is not ancillary to the training fields. Arguably the fields are ancillary.

The size of the car park (270 spaces) is inconsistent with the proposed number of people on site. It suggests an intention to later modify the DA to become a more substantial sporting hub that could fall under the category of *recreation facility (major)* which is a prohibited use in the primary production zone.

Compatibility with agricultural, environmental and conservation values

Even if otherwise, under the RU1 Primary Production zone, the proposal could be shown to be permissible with consent, it would still need to meet the zone's objectives which are

- 1) *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- 2) *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- 3) *To minimise the fragmentation and alienation of resource lands.*
- 4) *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- 5) *To permit non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land.*
- 6) *To maintain the rural landscape character of the land.*

Clearly what is proposed does not satisfy the first and second objectives, and it would be very difficult to argue that it satisfies objectives 3, 4, and 6. The proposal must therefore depend on its compatibility with agricultural, environmental and conservation values.

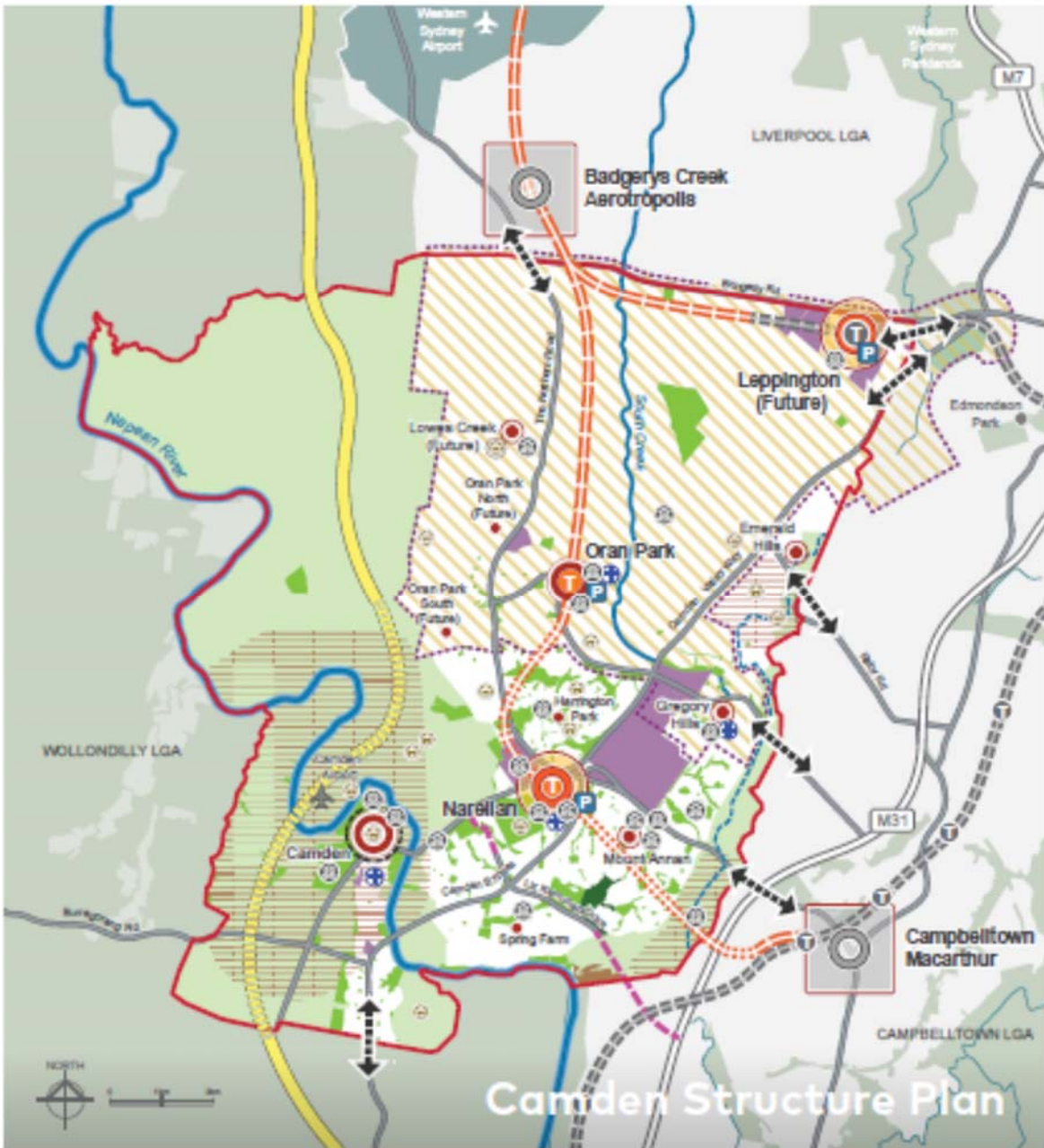
Compatibility with these values is clarified and supported by State and Local Government strategies, policies and plans, including those of the Greater Sydney Commission (GSC).

These have been incorporated most recently into the *Camden Local Strategic Planning Statement*⁵ (LSPS) which provides a structure plan (p. 23) as shown below.

The LSPS (p. 8) reports that *rural landscapes are considered among the most valuable in the LGA and inherently tied to the local identity* and establishes the priorities of protecting Camden's rural land (S3) and scenic and cultural landscapes and views from the public realm (L2).

As shown in the Structure Plan the land in question is clearly within the area designated as Scenic Land (Metropolitan Rural Area) and the area important to the tourism economy.

⁵ Camden Council March 2020 *Camden Local Strategic Planning Statement* Available at <https://www.camden.nsw.gov.au/assets/Uploads/adopted-LSPS.pdf>



- | | | | | | |
|--|---|--|---------------------------------------|--|--------------------------|
| | Metropolitan Cluster | | Reserves/Parkland | | Tourism |
| | Strategic Centre | | Scenic Land (Metropolitan Rural Area) | | Proposed Employment Area |
| | Town Centre | | Scenic Viewscope | | Existing Employment Area |
| | Local Centre | | Proposed MP Entry/Exit | | Camden LGA Boundary |
| | Neighbourhood Centre | | Proposed Train Line/Tunnel | | |
| | Art/Culture/Community Facility | | Proposed Train Station | | |
| | Medical | | Existing Train Station | | |
| | State-listed Heritage Item | | Proposed Commuter Carparking | | |
| | Draft State-listed Heritage Item | | Committed Roads | | |
| | Future Urban Area (SWGA) - Housing Capacity | | Upper Canal System | | |
| | National Park | | Key Transport Connection | | |

The LSPS ensures and commits to consistency with GSC plans, especially with the GSC Western City District Plan⁶, including the Blue and Green Grid. Council is currently undertaking a Green and Blue Grid Analysis, as part of its LEP Review. This proposal presents an incursion into rural land which may compromise the potential for green corridors and connections.

The **Metropolitan Rural Area (MRA)**⁷, is an area defined by the GSC in order to protect agriculture and preserve liveability with open space, scenic landscapes, and rural villages such as Camden which is renowned for its scenic views and agricultural heritage.

The **Camden Rural Lands Strategy**⁸ (p. 3) sets out the key planning principles which include protecting Camden's remaining rural lands, retaining valued scenic and cultural landscapes, avoiding rural land fragmentation and minimising unplanned non-agricultural development.

Camden's iconic landscapes of rolling hills, open farmland and flood plains, including its vistas and view-lines, are highly valued and integral to Camden's identity and amenity. The Strategy specifically, as an example, provides a photo of the location of this proposal (Fig 3, p. 3 below).



⁶ GSC 26 October 2017 *Delivering the Greater Sydney Green Grid* Available at https://gsc-public-1.s3.amazonaws.com/s3fs-public/gsc_information_note_9_-_delivering_the_greater_sydney_green_grid_-_october_2017.pdf

⁷ AgEconPlus 14 February 2017 *Values of the Metropolitan Rural Area of the Greater Sydney Region* Available at [https://gsc-public-1.s3.amazonaws.com/s3fs-public/Values_of_the_Metropolitan_Rural_Area_of_the_Greater_Sydney_Region_\(Ag_Econ_Plus\).pdf](https://gsc-public-1.s3.amazonaws.com/s3fs-public/Values_of_the_Metropolitan_Rural_Area_of_the_Greater_Sydney_Region_(Ag_Econ_Plus).pdf)

⁸ Camden Council November 2018 *Rural Lands Strategy* Available at <https://www.camden.nsw.gov.au/assets/pdfs/Council/Plans-and-Strategies/ADOPTED-Rural-Lands-Strategy-as-amended-November-2018-pdf.pdf>

We submit that this proposal is inconsistent with the vision and strategic planning articulated in these documents.

Consequently, as set out in more detail below, it does not satisfy the RU1 zone objective: *To permit non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land.*

The proposal presents a real threat to the unique character of the historic cow pasture area and the 1840 town of Camden which has to date retained its agricultural heritage, Macarthur-designed village form and country town character.

Erosion of rural land

This proposal is not consistent with the strategy of protecting Camden's rural lands and the planned MRA. It would set a precedent that would encourage further erosion of the rural land through incremental and new proposals. Development of the flood plain, best suited for agriculture, destroys Camden's uniqueness.

Loss of landscape and historic views

The buildings and infrastructure of this proposal mean loss of characteristic open landscape and view-lines and loss of scenic amenity enjoyed by the community and tourists.

The supporting documentation does not provide a clear enough visual analysis or depictions, from various viewpoints, of the impacts of the development on views of heritage items and on view corridors.

Certainly, there is no evidence or analysis provided to support the assertions in the Heritage Impact Statement (HIS) that the development:

- *would be absorbed into the surrounding streetscape* (p. 29);
- *would not engender any negative impact on significant views to heritage items and would ensure uninterrupted views to and from heritage significant items* (p. 30).

As acknowledged in the HIS (p. 12) the development would be clearly visible from the heritage items of the Roman Catholic Cemetery (LEP, I83) and Camden General Cemetery (LEP, I84) and *would impact significant view lines to and from these heritage items*. We find these statements extraordinary also because they are belied by local knowledge and by the Conservation Management Plan (CMP) of state-listed St John's Anglican Church Precinct⁹.

⁹ NSW Heritage State Heritage Register: *St John's Anglican Church Precinct* Available at <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5053423>

Our understanding is the development would be clearly visible from Burragorang Road, and also from many points along The Old Oaks Rd, Cawdor Rd, and from along the approaches to Camden from the south and southwest.

The site is less than 2 km from St John's Precinct which places it within its historic curtilage as defined in its CMP¹⁰ which is endorsed by Camden Council and NSW Heritage.

The CMP¹¹ (pp. 70-71) identifies several regionally significant views to be preserved.

Very importantly the development would result in an unacceptable impact on at least one iconic and regionally significant view to St John's Church. The development sits prominently in the foreground of View 12, an arc across the surrounding farmland and extending across Burragorang Road, to the tower and spire of the Church from Cawdor Cemetery (dedicated 1898).

Proper analysis of the impact of the proposal on views of iconic landscapes and heritage items needs to be provided.

Urban character of proposed buildings, car park and other infrastructure is inappropriate

The proposed structures are not rural in character and are inappropriate in the scenic MRA location.

- They are arguably much more than being “ancillary” to the sporting fields:
 - Main building is extremely oversize at 20m x 100m, approximately covering half an acre.
 - The storage shed (390m²) and amenities building (170m²) are also large.
- Their materials and palette are not sympathetically rural
 - Significant proportion of concrete
 - Aluminium framed glass
 - Large area of metal roofing in a dark grey which exacerbates the heat bank effect

¹⁰ CMP Policy 1 8.3 Setting As shown in the analysis of views to the place, St John's Camden has a setting which is historically important and to which it visually relates. Whilst specific views have been identified, all lands within a radius of 5km of Camden is a regionally significant landscape to which St John's relates. Within this radius there are many public and quasi-public lands. Development on these lands should be mindful of the strong historical picturesque quality of the landscape. Authorities should control development within the setting so as to preserve the visual relationship with the place.

¹¹ CMP and Addendum Available at <http://www.crag.org.au/wp-content/uploads/2016/12/CMP-and-Addendum.pdf>

Landscaping is inappropriate and inadequate

- There is no detailed and costed landscape plan.
- Despite images depicting mature trees there is no commitment to softening and screening with trees and shrubs.
- The areas of paving, concrete and hard stand are overly substantial.

Lighting is not environmentally appropriate in the rural area

Although the SEE (pp. 29, 36) states that the proposal does not include any flood lighting of fields, the cost report indicates floodlighting of sports fields with 30m poles.

There is also lighting of the extensive car park and paving areas and there would be significant lighting of the large buildings.

Such lighting would be highly visible in the rural area and substantially change its amenity and agricultural character.

Economic loss

The LSPS structure plan clearly identifies the area as important to tourism, which feeds into the local economy. This is an even more important factor going forward as Western Sydney Airport becomes operational.

Traffic impact underestimated

We do not necessarily accept the validity of the traffic analysis for the following reasons:

- Existing traffic calculations are probably incorrect due to pandemic restrictions.
- Anecdotally the Burragorang Rd/ Cawdor Rd intersection is already near capacity.
- There does not appear to be sufficient room for the intended changes to Cawdor Road.

Car-parking estimation is confused

The size of the car park (270 spaces) indicates that it would cater for a very substantial sporting facility (not just training fields). There is no public transport to the site, none currently planned and none likely far into the future.

The Traffic and Parking Impact Assessment (Table 2, p. 5) arrives at a requirement of 250 spaces. This number includes 200 for the sporting fields and 50 for the Training Facility building which is described as “offices”.

However, the Training Facility building has other uses and there are other uses on site such as an amenities block and playground. We understand that discretion would be used in calculating the car-parking requirement and it is difficult to establish the correct calculation because the proposed usage is unusual. The number of people on site at any given time is few but there are four sports fields and the GFA of buildings is very large.

	Approx. area	DCP requirement	Car spaces	Motorcycle	Bicycle
Fields (4)		50 spaces per field	200.0		
Training Facility					
Gymnasium and Aquatic room	540 m ²	7.5 spaces per 100m ²	40.5		
Kitchen and dining room plus offices including ancillary change rooms, medical room, board room	1450 m ²	Say 1 space per 40m ²	36.5		
			277.0		
		1 motorcycle space per 50 car spaces in excess of the first 50 car spaces.		10	
		1 bicycle space per 25 car spaces in excess of the first 25 car spaces.			4

Very conservatively we estimate 277 car spaces, 10 motorcycle spaces and 4 bicycle spaces. This does not account for the playground and what seem to be public amenities. We also note the BCA requirement of 1 accessible space for every 50 car spaces, i.e., 7.7 accessible spaces. Accessible spaces require a 1.1m passenger side space, so they take around 45% space more than a regular car space.

We conservatively calculate therefore an equivalent total parking requirement in excess of the 270 proposed. However, we again take the opportunity to reiterate that, according to the proposed number of people on site at any given time (as stated in the SEE), the proposed number of car spaces is far in excess of what would be reasonably required.

Flood impacts of the development are inappropriate

The local community knows that the land has remained rural and zoned for primary production for good reason.

Based on local knowledge and our own member's analysis we are not convinced that the input data, modelling and conclusions of the Flood Impact and Risk Assessment are correct. We also consider that the impact on other properties of the proposed substantial land forming has not been sufficiently addressed.

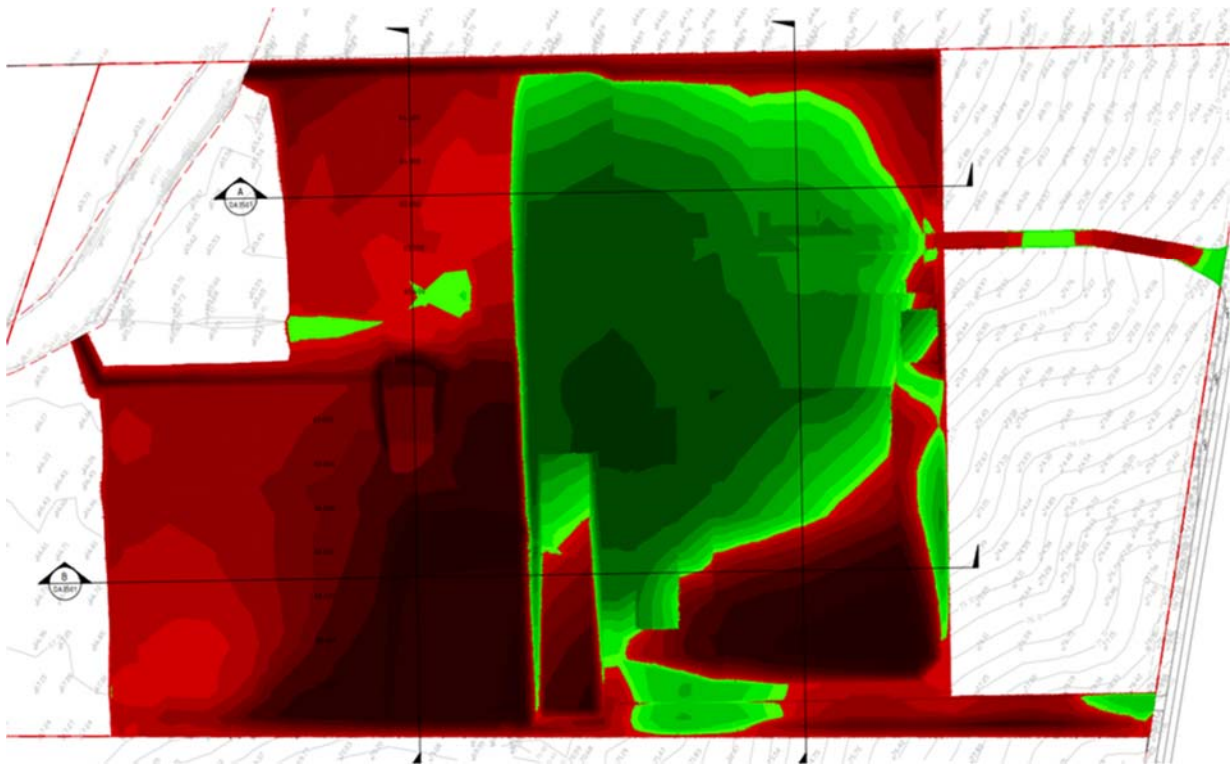
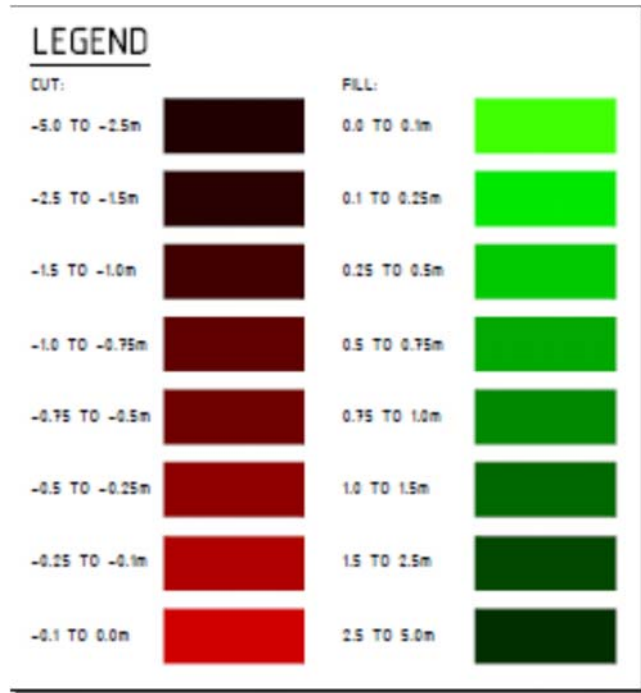
The facility of course would be significantly flood prone, especially as the floors of the storage and amenity buildings are below the flood planning level (FPL). Even a minor flooding event would see down-time required for clean-up and costly damage to fields and building contents. The main building would flood in a more major event and damage could be severe. Climate change is likely to increase the risk.

The proposed cut and fill on the site are substantial. Large areas below the 1% AEP level are to be filled.

This is not consistent with Camden's Flood Risk Management Policy (2.5)¹² which states that land forming and fill is not permitted below the 1% AEP flood level. It is not clear whether the Flood Impact and Risk Assessment report was, as required, prepared by a qualified engineer with suitable specialist experience or that independent certification that the land-forming will produce no adverse effects has been provided.

As shown in the diagram below the landform alterations are significant, with much of the site being cut and filled by more than 2m. There is around 100,000m³, nearly 130,000 tonnes, proposed to be moved around the site. Most disturbingly there would seem to be a drop of approximately 2.7m at the boundary which could erode quickly during a flood event, create a water-fall effect and flow beyond the site into other property. It also seems that any effect of this deep boundary cut on the small dam on the neighbouring property has not been acknowledged or addressed.

¹² 2.5 Land forming and Fill Operations Fill operations will not be permitted below the 1% AEP flood level in floodways and flood storage areas. All applications on land below the 1% AEP flood level in flood fringe areas that propose to undertake land forming operations must be accompanied by a detailed submission, including a hydraulic report, prepared by a qualified engineer with suitable specialist experience in hydraulic engineering and flood risk management. The report must certify that no adverse impacts to mainstream or local drainage will occur as a result of the proposed land forming operations. The report must examine hydraulic characteristics, such as peak flow, flows and depth of flows for all flood and storm events, and potential impacts on any other land. The report must also address the cumulative effect from the land forming operation if similar land forming operations are undertaken on other properties in the vicinity



Source: Advisian 21 December 2021 *Flood Impact and Risk Assessment Football Training Facility Earthworks Cut and Fill Plan* (p. 69)

We absolutely disagree with the statement in the DCP Assessment (SEE, Attachment 1, 2.1 Earthworks) that the earthworks respond to the natural topography of the land and require minimum cut and fill.

Not only would the proposed earth works alter the rural character of the land, they are also highly inappropriate because of:

- changes to flood flows, flood capacity, flood water storage,
- increases in flood risk to surrounding properties.

Also, the reduction in flood storage volume by up to 2.8% cannot simply be dismissed as being of no consequence (Flood Impact and Risk Assessment, p. 23). Generally permitting such reductions in storage has implications for Camden's flood policy and FPLs and other developments. The full ramifications of this reduction need to be addressed, especially under LEP 5.21(2b, 2e, 3a) and NSW Government flood planning requirements.¹³

¹³ NSW Government Planning 14 July 2021 *Planning System Circular PS 21-006: Considering flooding in land use planning: guidance and statutory requirements* Available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Circulars/planning-circular-21-006-flood-prone-land-package-2021-07.pdf?la=en>

Conclusion

This proposal is concerning. It is presented as a recreational sporting facility which is generally welcomed by the community.

However, on closer examination it is not intended for the community at all. It is in fact a commercial undertaking with many paid employees that claims to be compatible with the RU1 zoning of primary production. The proposal does not examine how it can give back to the community. There are no plans for restoration of vegetation or publicly accessible community facilities such as picnic areas and walking tracks.

Football is big business and one that is certainly not primary production.


The documentation accompanying the application attempts to force the proposal to fit the RU1 zoning of the site. As explained in our submission it fails to demonstrate that the proposal is a permissible use or satisfy any of the objectives of the RU1 zone. The documentation also makes incorrect or inconsistent statements and reveals a lack of detailed knowledge of the area and of the Camden community which highly values its rural heritage.

Future modification applications are clearly likely, given the extensive buildings, car park and other infrastructure which seem disproportionate to the use of four training fields.

Indeed, the development seems to be uneconomic without additional uses requiring spectator infrastructure and weekend access. These uses would also be inconsistent with the zoning and strategic plans for the area and, most definitely, would not be consistent with the community's well documented and understood desire to retain the rural amenity of Camden.

We respectfully request that this DA be refused.

Yours sincerely,



Glenda Davis