

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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General Manager
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18 January 2022

Dear General Manager,

RE: DA 2020/741/2

19 Edward Street Camden

Division 8.2 Review of Determination for a development involving 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 site of 19 Edward Street is within the B4 zone of Camden's Heritage Conservation Area (HCA).

The first iteration of this DA was refused by the Camden Local Planning Panel¹ on 16 March 2021.

Despite the changes in this second iteration of the DA, many reasons given by the LPP for refusal of the original DA, which are summarised in the Appendix, remain valid.

¹ Camden Local Planning Panel 16 March 2021 CLPP01 - DA/2020/741/1 Available at <https://www.camden.nsw.gov.au/development/camden-local-planning-panel/>

We note the main DA amendments being presented for this Review include:

- Increased rear setback from minimal to 9m.
- One building, not two.
- Increase in maximum height exceedance from 0.235m (3.36%) to 1.72m (24.57%).
- Deletion of the walkway connection
- Deletion of large third level large rooftop terrace.
- Other concessions to reduce loss of privacy to other properties.

Many of our arguments against approval of the first iteration remain relevant for this second iteration. As they were covered in detail in our first submission of 11 November 2020, which is attached, we refer to supporting information in that document where applicable.

Privacy and amenity

The changes to preserve privacy are welcomed (although we do not understand why the privacy of neighbours was previously ignored).

However, the proposed development will loom large and forever change the perspectives from other properties and their amenity. The building will not be able to be screened due to over-coverage of the site and disproportionate height compared to its low-scale neighbourhood.

Demolition of cottage

This DA proposes the demolition of an extant mid-20th century post war cottage within a cottage dominated streetscape. This cottage contributes to the renowned character of the conservation area as defined in its heritage listing². Piecemeal demolition of contributory fabric is not logical if the HCA is to be conserved and of course eventually destroys its significance.

There has been no exploration of adaptive re-use as is usually undertaken in the HCA. It is clearly observable that the domestic cottages are repurposed and not demolished.

We have covered the arguments as to why demolition is inconsistent with the HCA listing, non-compliant with the planning instruments and unacceptable to the community in detail at in our attached first submission (pp. 3-7).

² NSW Heritage *Camden Town Centre Heritage Conservation Area* Available at <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=1280090>

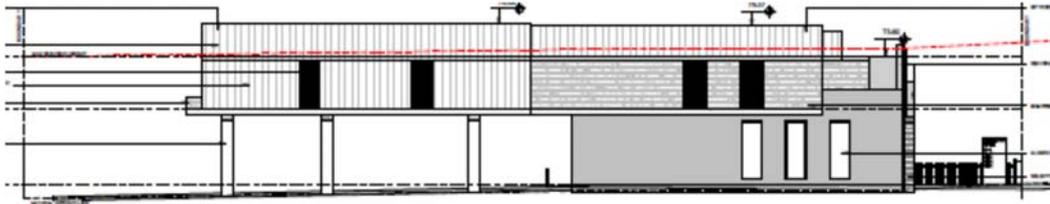
We refer to those arguments and emphasise here the following points.

- The community has repeatedly and very recently reiterated that it highly values the heritage and character of the old town.
- Preservation of the Camden HCA is enshrined in the spirit and letter of legislation and all planning instruments.
- What is proposed is inconsistent with Burra Charter adopted by Council
 - *It does adversely affect the setting of the place (Article 8)*
 - *It does not explore adaptive re-use (Article 21)*
 - *It does distort and detract from cultural significance with new work (Article 22 and accompanying Practice Note)*
- The community, which highly values the HCA, has not been provided with any explanation as to why demolition of fabric that is intrinsic to the character of the HCA can simply be assumed by developers to be permitted, and be accepted without question in a DA.
- Under LEP 5.10 (2) (a) (iii) development consent is required to demolish a building within the HCA. No justification has been provided to the consent authority.
- Although the Heritage Impact Statement (HIS) acknowledges that the cottage is mid-20th century, and cites the HCA listing, extraordinarily it does not draw the inescapable conclusion that the cottage is contributory.
- The cottage is not only contributory to the HCA but also the intact cottage dominated streetscape.
- The DCP³ contains the control that while extensions and additions may be permitted if they are compatible, existing cottage dominated streetscapes MUST be retained.

³ DCP 2019 2.16.4 Camden Heritage Conservation Area Control 8. Existing cottage dominated streetscapes must be retained, new development such as extensions/additions should be compatible with the existing streetscape.

Proposed development

The following diagrams illustrating our points are taken from the architectural plans of JMA as submitted for this 8.2 LPP determination review. As evident in the diagram below, we acknowledge the positive changes of greater rear setback and deletion of the walkway and rooftop terrace.



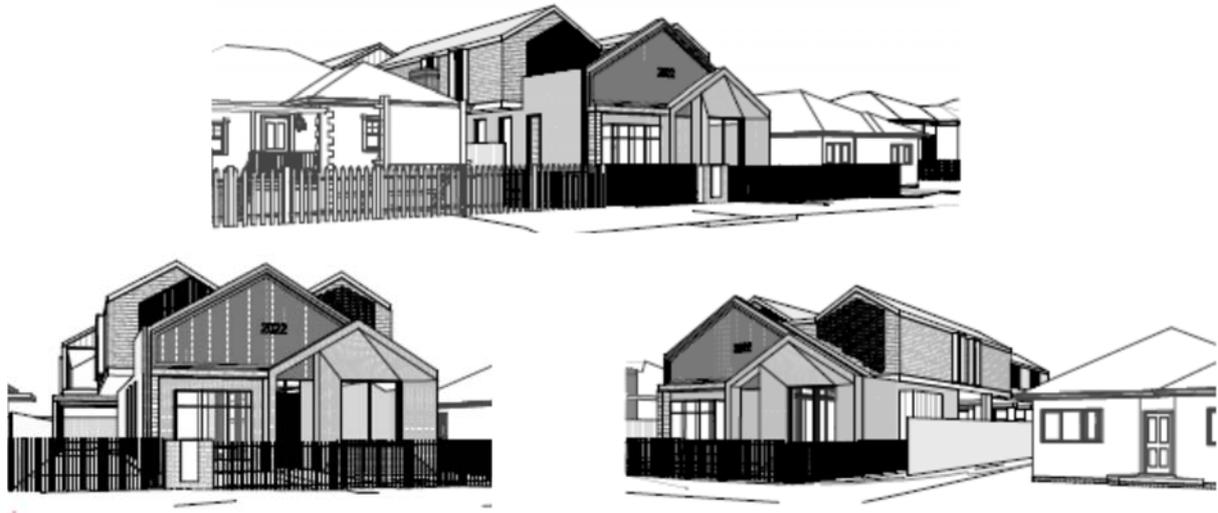
However, although the rear setback is larger it is not consistent with the rear setbacks of the cottages in the street and in any case is mainly used for parking spaces.

- The green spine and the expected leafiness that is characteristic of the block and of the HCA is largely lost.
- There is little opportunity for landscaping.
- The stilts are entirely uncharacteristic in the HCA. They would not be a consideration if the spirit and letter of the planning instruments and polices were observed, and the cottage was adaptively re-used.



As evident in the above diagram, the design is unsympathetic with its neighbours, and the streetscape. The original dwellings that characterise Edward Street are of single storey, homogenous bulk and scale with a modest and mainly hipped roofscape.

Clearly the height is excessive and dwarfs the cottages. In any case the 7m height limit is breached and is significantly exceeded. This is not acceptable without justification on planning grounds. As the much smaller original cottages are in productive use there are no particular circumstances to argue in relation to the site.



As demonstrated in the above diagrams, the attempt to disguise the bulk and height with a complex of gables is unsuccessful:

- it creates an uncharacteristic almost gothic style roofscape looking from Edward Street;
- the excessive bulk and height are evident from the lateral views;
- the preponderance of gables starkly contrasts with the simple hipped roofscape of the cottages.



As shown in the diagram above, the driveway view of the design is non-traditional and non-referenced in the HCA, especially due to the cantilevered/overhanging section.

The uncharacteristic stilts will also be visible and present as a jarring anomaly.



The above diagram and artist's impression show that the façade treatment is exceptionally non-traditional and unsympathetic:

- the “picture-frame” construction of the black aluminium framed window in the foremost gable is
 - of oddly angled brick;
 - stylistically and singularly indulgent particularly as it has no function;
 - clearly incompatible with the building stock of the street and the HCA.
- the two foremost gables are “framed” and are generally of non-traditional construction that cannot be referenced in the streetscape or HCA;
- the inclusion of the year in the gable is of questionable appropriateness;
- the next two gables back are non-traditional and inharmonious because
 - of different colour and material to the foremost gables
 - dissimilar appearance with the northern gable being of brick fretwork

Proposed Landscaping

The vegetative softening as shown in the artist's impression below is very unlikely to eventuate.



Source: *distinctive Living Design*, Camden 18 November 2021 *Landscape Plan*

The Arboricultural Impact Assessment makes it clear that existing trees on site and on adjacent sites may not survive (or not be retained) or be harmed.

As referenced below, the Assessment provides a listing and an aerial photo/diagram of the existing trees.

- Trees 1 and 2 are located on the adjacent site of 17 Edward Street. According to the Assessment, the development will encroach into both their Tree Protection Zones (TPZs) and the Structural Root Zone (SRZ) of Tree 2
- Tree 3 is the largest, most mature and provides shade and a softening canopy. It would take decades for its effect to be reproduced. It requires significant tree protection measures during construction.
- Tree 4 is large orange tree. It is to be removed to make way for the driveway.
- Tree 5 is an oleander that can be easily retained.
- Trees A and B are on the adjoining site of 21 Edward Street and are likely to be impacted by the construction of the driveway.

Prescribed trees - SRZ / TPZ table

Tree #	Botanical Name (Common Name)	DARF (mm)	SRZ radius (m)	DBH (mm)	TPZ radius (m)
1	<i>Citrus x sinensis</i> (Orange)	320	2	270	3.2
2	<i>Citrus x sinensis</i> (Orange)	250	1.8	230	2.8
3	<i>Celtis sinensis</i> (Chinese Hackberry)	1400*	3.8*	1050	12.6
4	<i>Citrus x sinensis</i> (Orange)	300	2	250	3
5	<i>Nerium oleander</i> (Oleander)	–	–	–	–
A	<i>Celtis sinensis</i> (Chinese Hackberry)	700	2.8	620	7.4
B	<i>Lagerstroemia indica</i> (Crepe Myrtle)	400**	2.2	380	4.6



Source: Green Spaces Consultancy 16 November 2021 *Arboricultural Impact Assessment*

Mature vegetation is a characteristic of the HCA and reflects its development pattern. The green spine of the cottage dominated block is intrinsic to its heritage significance.

A large proportion of the existing vegetation on and near the site that contributes to the green backdrop, and the character and renowned leafiness of the HCA will need to be carefully protected during construction.

It is to be hoped that protection measures are undertaken faithfully and conscientiously.

It is hoped that required pruning will not be a butchering that harms and changes growth pattern and shape.

It is hoped that Tree 3 is not damaged and that no DA would be submitted for its removal. We do of course assume it would not suffer the notorious fate of the mature trees on the construction site at 12 Argyle Street Camden. We draw attention to the HIS (p.18) which emphasises the importance of its retention.

Unfortunately, our sad experience is that a suitably qualified arborist will not be on site to ensure the health and protection of existing trees and vegetation and that such protection is often not taken seriously by the builders. We are happy to be guaranteed otherwise.

We also draw attention to the controls in DCP 2.4 *Trees and Vegetation*, specifically that 4 trees are required to be planted for every tree removed and that trees and vegetation cannot be removed in the HCA if that would affect its significance.

We do trust and hope that every sincere effort will be made to protect the existing significance of the vegetation on site and on adjacent sites. This is particularly important because our experience is that landscaping plans tend to be lost in time, the plantings are not nurtured and do not reach their potential. Again, we are happy to be guaranteed otherwise.

As shown in the schedule of the proposed landscaping referenced below, the plantings are mainly of small size and certainly most will never screen a building of the height proposed.

Few trees are planned. The site coverage leaves little room to accommodate the softening that is required as indicated in the artist's impression. It is also problematic as to how the plants will survive as the building height severely limits sun exposure.

This is another reason why it is imperative that the existing trees and vegetation be carefully protected.

13-20 Plant Schedule by distinctive									
Code	Genus	species	Hybrids/Cultivars	Common Name	Pot Size	Height	Width	Spacing	Qty
Trees									
Ac pa	Acer	palmatum		Japanese Maple	100L	4	4	As Shown	1
Cu an	Cupaniopsis	anacardioides		Tuckeroo	45L	12	10	As Shown	1
Ma LG	Magnolia	grandiflora	'Little Gem'	Little Gem Magnolia	75L	6	5	As Shown	1
Py Ca	Pyrus	calleryana	'Capital'	Ornamental Pear	75L	7	3.5	As Shown	2
Shade Tolerant Species									
Ad pe	Adiantum	pedatum		Northern Maidenhair Fern	140mm	0.75	0.5	2/m2	2
Ag BG	Agave	ocachui	'Blue Glow'	Blue Glow Century Plant	300mm	0.6	0.6	As Shown	6
Ar ci	Arthropodium	cirratum		Renga Renga Lily	200mm	0.9	0.8	As Shown	19
As el	Aspidistra	elatior		Cast Iron Plant	200mm	0.6	0.6	As shown	3
Ca ze	Calathea	zebrina		Zebra Plant	200mm	1	0.5	As shown	50
Ct GS	Ctenanthe	setosa	'Grey Star'	Grey Star Ctenanthe	200mm	1.2	0.6	As Shown	79
Di SF	Dichondra	repens	'Silver Falls'	Silver Kidney Weed	140mm	0.1	0.5	5/m2	45
Op Na	Ophiopogon	japonicus	'Nana'	Dwarf Mondo Grass	140mm	0.1	0.1	12/m2	240
Ph Xa	Philodendron		'Xanadu'	Xanadu	200mm	0.8	0.8	3/m3	8
Rh Op	Raphiolepis	indica	'Oriental Pearl'	Oriental Pearl Indian Hawthorn	200mm	1	1	2/m2	75
Sa tr	Sansevieria	trifasciata		Mother-in-laws tongue	300mm	1	0.5	As Shown	50
Vi he	Viola	hederaceae		Native Violets	140mm	0.1	0.5	5/m ²	190
Za fu	Zamia	furfuraceae		Cardbord Palm	300mm	1	2	As Shown	12
Screening									
Ba SW	Bambusa	textilis	Gracilis	Slender Weavers Bamboo	45L	4	1	450mm centres	52
Pi SS	Pittosporum	tenufolium	Silver Sheen'		300mm	2.5	3	As Shown	60
Spillover Planting									
Ac Cl	Acacia	glauca	'Cousin It'	Sheoak	140mm	0.75	0.75	2/m2	30

Source: *distinctive Living Design*, Camden 18 November 2021 *Landscape Plan*

Height Exceedance

This second iteration has increased the maximum height exceedance from 0.235m (3.36%) to 1.72m (24.57%). This can only exacerbate the impact in the streetscape of single storey cottages.

The s.4.6 variation request, which was originally refused, has not been amended to justify this substantial increase except to allude to an increased roof pitch from 20° to 30°.

We do understand that the increased roof pitch is an attempt to produce a more fine-grained and less monolithic imposition in the streetscape. As explained above, under *Proposed Development*, the attempt fails.

The flood constraints are a given and factored into the height limit, which is essentially set to disallow this type of inappropriate development in the HCA. Any attempt to claim flooding as a reason for height exceedance is a circular argument, not a planning ground.

The NSW government released a planning circular⁴ on 14 July 2021, also reflected in LEP 5.21 *Flood planning*, making it even clearer that approval of ad hoc and cumulative developments in a flood prone area requires very careful consideration of many planning matters including the impacts on other properties, safety and potential liability.

The LPP's original determination stated that:

'The proposed development contravenes clause 4.3 Height of buildings of the Camden Local Environmental Plan 2010 and the applicant's clause 4.6 written request fails to provide sufficient environmental planning grounds to justify the contravention having regard to the objectives of the standard nor does it demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.'

Although the height exceedance is greater, no attempt has been made to provide new environmental planning grounds to address this reason for refusal. We therefore conclude that it must stand.

Heritage Impact

A new Heritage Impact Statement (HIS) has not been provided, only an Addendum discussing the changes to the Architectural Plans.

We note that the amended Statement of Environmental Effects (SEE) claims:

The proposed development has been designed to incorporate a high degree of articulation and visual interest that will positively contribute to the character of the area and identify the uses proposed.

The HIS addendum does not support this statement and merely claims the revised design:

- more sympathetically addresses its historic and low scale context;
- more sympathetically addresses the historic context and
- is an acceptable impact on the historic, aesthetic, rarity and technical significance of the neighbouring items and HCA.

However, no evidence or analysis is provided to show how the design is sympathetic or of even neutral impact.

Although the design of the proposed development has changed, many of the points that we made in our first attached submission (pp. 7-12) are applicable and we reference its additional explanatory detail.

⁴ NSW Government 14 July 2021 *Considering flooding in land use planning: guidance and statutory requirements (PS 21-006)* 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>

There remains a lack of objective analysis provided in the documentation. The HIS approach does not incorporate, as would be expected in reading the DCP, the methodology of the Burra Charter, *Design in Context*⁵ published by the NSW Heritage Council and RAIIA and *Statements of Heritage Impact*⁶ published by NSW Heritage. Instead, it relies on assertion both for the original and amended design.

Certainly, the LPP reason (4(vii)) for refusal that *the proposal does not positively contribute to the distinct character of Camden* as required under DCP LPP Section 5.3 Camden Town Centre Development Controls remains starkly true.

As explained under *Proposed Development* above, the development would produce a detrimental aberration within the streetscape and HCA.

The legislated HCA of the town, a very small and precious area, is of course subject to many development controls⁷ that are widely understood and supported by the community. Its heritage, sense of place and social worth is not to be subjected to degradation on the whim and persistence of private developers who have many other site opportunities in the Municipality.

In this case we find the interpretive licence presumed in both the original and amended DA to be disrespectful at best. The supporting documents are long on claims of compliance and short on analytic evidence. The DA's assertion that the significance of the HCA and cohesiveness of the streetscape will not be affected by this development (not to mention the precedent it would set) is self-serving and clearly untrue.

This proposal presents as a "saw-tooth" anomaly.

Too many design details produce an oddly jarring and inharmonious design.

The maximum height exceedance has been increased without justified reasons and the building towards the rear of the site remains of excessive bulk and interrupts the traditional development pattern and green spine of the block in the highly historic street grid.

Also, we again insist that justification is required for demolition of the cottage which is contributory according to the HCA heritage listing.

⁵ 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>

⁶ NSW Heritage Office n.d. *Statements of Heritage Impact*

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

⁷ Its heritage value is protected in LEP2010, DCP2019, Camden Town Centre Urban Design Framework (UDF) and is acknowledged in all other relevant Council policies and studies.

Little attempt has been made in the DA to explain how the proposal is consistent and compliant with the provisions of the LEP, DCP and Camden Town Centre Urban Design Framework (UDF). It does not satisfy the objectives and development controls for the HCA. For instance:

- **LEP 4.3 Height:** exceeds 7m limit;
- **LEP 5.10 Heritage conservation:** it does not conserve heritage and no justification has been provided for demolition of the cottage.
- **DCP 2.6.3 General Heritage Provisions:**
 - Does not meet the objective of new work making a positive contribution, not detracting from heritage significance, being compatible and based on an understanding the heritage significance of the street and HCA.
 - Does not comply with the following controls:

DESIGN – does not interpret and complement the general form, bulk, scale, height, architectural detail and other significant elements of the surrounding heritage place.

ROOFS AND ROOFSCAPE – does not retain the existing pattern, pitch, materials and details of original roof forms within the HCA and the secondary roof forms are not subservient.

MATERIALS AND FINISHES - Materials, finishes, and textures are not sympathetic to the historic context of the streetscape.

LANDSCAPING – does not retain the original design elements, paths, significant trees and established gardens.
- **DCP 2.16.4 Camden Heritage Conservation Area:**
 - Does not meet the objectives of retaining the unique heritage significance of the town, its cohesive and rural character and scale of each street, consistency of colours and building material palette, adaptive re-use, and evidence of its historical development
 - Does not comply with the control: *Existing cottage dominated streetscapes must be retained, new development such as extensions/additions should be compatible with the existing streetscape.*
- **DCP 5.3.2 Camden Heritage Conservation Area – B2 and B4 Zoned Land**
 - Does not comply as the general heritage provisions of DCP 2.6.3 as set out above are not observed.
- **DCP 5.3.3 Camden – B4 Mixed Use Heritage and Character**
 - Does not comply as the general heritage provisions are not observed.
 - Does not comply as the development is not consistent with the Camden Town Centre Urban Design Framework (UDF).

Extraordinarily, as covered in our attached first submission (pp. 10-11), the HIS and SEE make no reference to the UDF. This document, enshrined in the DCP, defines the town's current and future desired character and sets out the principles underlying conservation and enhancement of its unique heritage, agricultural history and country town characteristics.

This is an astonishing omission also because the Camden Local Strategic Planning Statement⁸ repeatedly refers to it and its continued implementation. That the irreplaceable and significant heritage value of the Camden Town Centre is to be preserved is reiterated throughout this Statement, which aligns with the district plan of the Greater Sydney Commission.

The 1840 Macarthur township is unique and is renowned for its village form and rural heritage. Its tourism potential is recognised as an extremely valuable asset for obvious reasons.

The proposal makes no attempt at compatibility with the rural and heritage character of the HCA, and is in fact disrespectful to the people of Camden and greater Sydney who so value Camden's special character. It is not fair to those who rely on the planning provisions to make life and investment decisions.

Once again, the community is infuriated by an application to develop property, purchased in full knowledge of both flooding and heritage constraints, that persistently attempts to overturn the provisions of the planning instruments for private purposes at the expense of others in the community. This does not pass the pub test and is socially unconscionable.

As explained above the proposed development is not compliant with legislation, policy or strategy which all invariably support that Camden's heritage and rural character must be preserved.

We do believe, for the reasons explained, and because of the importance of upholding the integrity of and confidence in the planning system, that this amended proposal should not be approved.

We respectfully ask that it be refused.

Yours sincerely,



Glenda Davis
President

⁸ Camden Council March 2020 *Camden Local Strategic Planning Statement* Available at <https://www.camden.nsw.gov.au/assets/Uploads/adopted-LSPS.pdf>

APPENDIX

Camden Local Planning Panel 16 March 2021 CLPP01 - DA/2020/741/1

Determination summary of reasons for DA refusal

1. *contravention of LEP 4.3 Height of buildings without justified reasons*
2. *excessive bulk at the rear of the site; failure to maintain the character of landscaped rear setback of buildings fronting Elizabeth and Edward streets*
3. *non-compliance with LEP 7.1 Flood Planning: incompatibility of the built form with the flood hazards; adverse effect on flood behaviour and impact on other properties.*
4. *non-compliance with the DCP:*
 - (i) *Section 2.3 Water Management*
 - (ii) *Section 2.8 Flood Hazard Management*
 - (iii) *Section 2.14 Waste Management*
 - (iv) *Section 2.16 Environmental Heritage as the proposed built form is not sympathetic to the heritage place in relation to the design as it relates to the streetscape as well as the bulk of the building at the rear of the site;*
 - (v) *Section 2.18 Traffic Management and Off-street Parking as the proposal involves a shortfall of three car parking spaces;*
 - (vi) *Section 2.19 Landscape Design as the proposal, by virtue of its layout / excessive site coverage, does not maximise the protection and provision trees and vegetation;*
 - (vii) *Section 5.3 Camden Town Centre Development Controls as the proposal does not positively contribute to the distinct character of Camden.*

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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-20111230-1pfd/>

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:

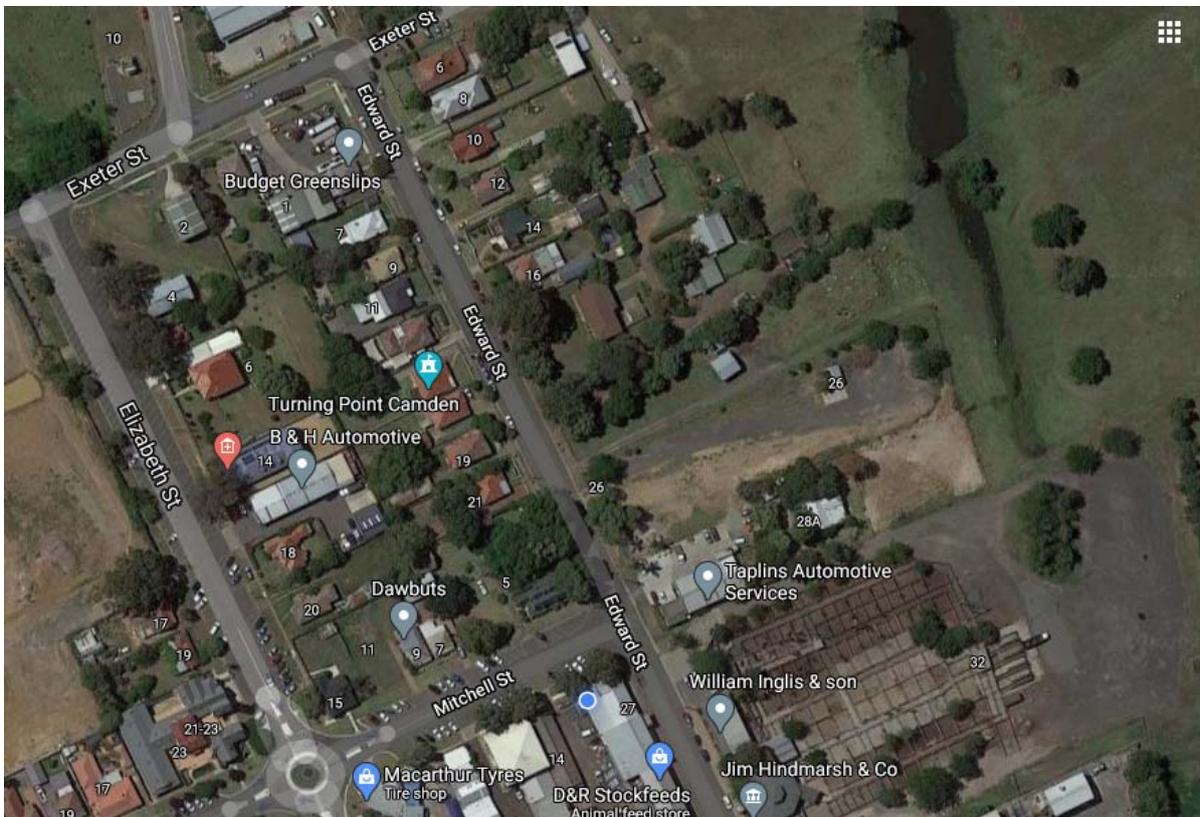
Protect and enhance the unique character of Camden's heritage, it's human scale and network of urban fabric ensuring all built form contributes to Camden's identity as a rural town (p. 33).

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