

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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General Manager
Camden Council
Oran Park 2570

2 August 2017

Dear Sir,

Re: 76 John Street DA 2017/884/1

The design of this proposed additional two-storey building to the rear of 76 John Street as currently presented in the above DA needs to be significantly revised because it is not compliant with the Burra Charter and letter and spirit of state and local planning instruments and policies. Its scale and bulk contravene heritage principles and legislated height requirements for the site and the heritage conservation area (HCA).

The proposed development considerably exceeds the allowable height limit of 7 metres at 8.129m at its highest point and is of greater bulk. Its proposed Gross Floor Area (GFA) of 199.58m² is roughly 250% greater than the site's extant 19th century cottage with a GFA of 80m². The car parking requirement for office premises under Camden Development Control Plan (DCP) 2011¹ is 1 car parking space per 40m² of GFA. The proposed GFA for the site requires 7 car spaces, a shortfall of 3 to be met by s94 parking contributions (Statement of Environmental Effects pp. 7, 13).

¹ Camden Council *DCP 2011 Part B – General Land Use Controls Page B85* Available at <http://www.camden.nsw.gov.au/assets/pdf/Development/PlanningAndBuildingInformation/2014/DCP/DCP-updates-2016/Part-B-UPDATED-18-JANUARY-2016.pdf>

However the size of the 76 John Street site ² and its considerable slope could potentially allow a single story extension with car parking underneath. Such a design solution potentially would not contravene height and heritage requirements, nor require s94 parking contributions.

CRAG's objections to the proposal as it stands are detailed below.

HEIGHT

The application to vary the height constraint within the heritage area does not satisfy Camden LEP 4.6 which states that the 7 metre height limit cannot be contravened unless the applicant has demonstrably justified that:

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

Justifications provided in the variation application involve zoning and precedents.

Zoning

The Height Variation Application states:

Strict numerical compliance with the development standard would result in the deletion of the secondary storey which is not an appropriate outcome for a site that is zoned to “promote employment opportunities” and is within walking distance of a range of services and facilities and a range of bus transit.

This argument presumes that the zoning in the HCA, which would seem to be accident of generic NSW State Government planning, overrides its legislated heritage status. Zoning is now in any case under the jurisdiction of the Greater Sydney Commission which has planned for the preservation of the Township's heritage value.

Camden DCP 2011³ states that the Statement of Heritage Impact (SOHI) must detail options considered and modifications made to reduce the impact of the proposed development on the heritage significance of the heritage place. Design options have not been addressed in the SOHI. In particular, as mentioned above, the slope of the land would seem to present opportunities to consider a one storey extension with car parking underneath.

² As Council has resolved that none of the land of 76 John St will be resumed for the public car park behind John Street

³ Camden Council DCP 2011 Part B – General Land Use Controls Page B45 Available at <http://www.camden.nsw.gov.au/assets/pdf/Development/PlanningAndBuildingInformation/2014/DCP/DCP-updates-2016/Part-B-UPDATED-18-JANUARY-2016.pdf>



76 John Street



There is no necessary inconsistency that needs to be overcome, as argued in the SOHI, between zoning, allowable building height in the HCA and employment.

The availability of public transport to Camden for employment purposes is an argument against development as infrastructure is renowned as not keeping up with population and bus travel can be highly time consuming, particularly if Narellan Road is involved.

Precedents

The cited precedents within the site context are downhill at 64 John Street (DA 564/2008) and uphill at 78 and 80 John Street (DA 491/2011).

Precedents are irrelevant to LEP 4.6 and each case is taken on its merits. Such precedents could reasonably be viewed as a reason for NOT allowing another dilution of authentic heritage character.

No new development exists at 78 and 80 John Street.

As shown in the photos below the two story building at 64 John Street is out of place and detracts from the streetscape and townscape. Although its form is more in keeping with 19th century architecture than that proposed for 76 John Street, being less squat with a roof pitch seemingly greater than 24°, it is obviously and inappropriately over-height and bluntly incongruous in its context.

The example of 64 John Street is a telling reason to look very carefully at proposals of two storey over-height infill development. It is unclear how it was ever allowed after it was refused by Council on 22 June 2009 as it obviously contravenes each of the objectives of LEP 4.3 which are

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

In any case it would have little chance of being approved today as additional heritage protections were enacted in 2010 through the HCA of Camden's LEP and in 2016 by the Greater Sydney Commission's requirement that the heritage value of the Camden Township be preserved. It sets no precedent.



64 John Street



The reasons cited for a height variation covered in the application have not been demonstrably justified.

HERITAGE CONSERVATION PRACTICE

As well as contravening Camden's LEP and DCP as covered above, the SOHI for this development also insufficiently addresses or contravenes the provisions of the following accepted guidelines and policies.

The Burra Charter

The Burra Charter⁴, the international set of principles adopted by Australia in 1979, specifically recognised by Camden Council⁵ and NSW Office of Environment and Heritage (OEH)⁶, sets out Conservation Principles and the professional standard of practice for those who provide advice, makes decisions about, or undertakes works to places of cultural significance.

The SOHI (p.7) for 76 John Street states that it is prepared using principles of the Burra Charter. The Charter (p.7) states that new building work should be consistent with its Articles 3, 5, 8, 15 and 22.1. The proposal in relation to

- 3.1: does not take a cautious approach of changing as much as necessary but as little as possible with the new building over-height and bigger than the original cottage;
- 5: does not identify and conserve the property's place and cultural significance within John Street's aesthetic main view line to and from St John's Church, which was planned as the physical and spiritual focus of the original private village;
- 8: would adversely affect the extended environment of its setting and distinctive character due to its height and bulk and interruption of view lines;
- 15: would change and reduce the cultural significance and interpretation of the property and streetscape within the heritage conservation area due to its inconsistency of scale and prominence;
- 22.1: detracts from the cultural significance of the place by not fully retaining the setting because of the proposed new work's siting, bulk and scale.

⁴ ICOMOS *The Burra Charter 2013* Available at <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

⁵ Camden Council *Heritage Information* (2017) Available at <http://www.camden.nsw.gov.au/development/plans-and-policies/development-guidelines-and-policies/heritage-information/>

⁶ NSW OEH *Conservation* (2013) Available at <http://www.environment.nsw.gov.au/conservation/>

Draft South West District Plan

The Greater Sydney Commission⁷ has specifically selected the character and heritage value of Camden Township to be protected and requires that a proposal made since its publication of the *Draft South West District Plan* demonstrate how this is to be achieved.

The proposal for new work, especially in terms of its height and bulk, does not demonstrate how it preserves and does not detract from Camden Township's heritage value nor how it is consistent with the character⁸ of:

- the heritage listed existing cottage at 76 John Street,
- with John Street as an important historical, visual and social axis,
- and the Heritage Conservation Area.

Statements of Heritage Impact

The SOHI (p. 7) for 76 John Street states that it uses methodology consistent with NSW OEH guidelines in its *Statements of Heritage Impact*⁹.

Whilst acknowledging a number of questions from *Statements of Heritage Impact* these two questions which need to be addressed are inexplicably omitted:

- Can the additional area be located within an existing structure? If not, why not?
- Will the additions tend to visually dominate the heritage item?

Design in Context: Guidelines for Infill Development in the Historic Environment

The NSW OEH and Royal Australian Institute of Architects¹⁰ have endorsed guidelines of design criteria, based on the Burra Charter principles, for infill development. The guidelines (p.4) provide information on the legislative context for infill design and state that the criteria should be used by both state and local authorities in assessing development applications for new buildings affecting a heritage item or within a conservation area.

⁷ Greater Sydney Commission (November 2016) *Draft South West District Plan Liveability Priority 7* p. 115 Available at <https://www.greater.sydney/south-west-district>

⁸ Camden Council *DCP 2011 Part B – General Land Use Controls P. B51*. Available at <http://www.camden.nsw.gov.au/assets/pdf/Development/PlanningAndBuildingInformation/2014/DCP/DCP-updates-2016/Part-B-UPDATED-18-JANUARY-2016.pdf>

⁹ NSW OEH *Statements of Heritage Impact* Available at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

¹⁰ NSW OEH (2005) *Design in Context Guidelines for Infill Development in the Historic Environment* Available at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/DesignInContext.pdf>

The guidelines state that to achieve a successful infill design new development must be appropriate under the following design criteria: character, scale, form, siting, materials and colour, detailing. This proposed infill development is inappropriate of character, scale and form being in close proximity to heritage items and within the conservation area.

The site context of 76 John Street is represented in photographs in the Appendix, which show that extant cottages and view lines are consistent with Camden's small-scale heritage character.

The SOHI should address the criteria and how a proposed design is appropriate.

The reasons provided in the application for a height variation from the limit of 7 metres are not convincing. They simply relate to what has been designed rather than considering how the design could accommodate the height restriction. Exceeding the height limit may usually only be considered to accommodate architectural roof features, not much of the roof itself.

A different design could and should be considered to balance the aspirations of the applicant for economic returns whilst not detracting from the heritage value and character of John Street and the Camden Heritage Conservation Area. The township cannot attract patronage on a level playing field with modern developments at Narellan, Oran Park and Gregory Hills. Erosion of the character of the old area will eventually compromise its economy as Camden's competitive advantage and important attractive point of difference are based in its heritage and rural amenity.

We ask that Council require the design to be revisited to address the issues raised.

Yours sincerely,

A handwritten signature in cursive script, reading "Glenda Davis".

Glenda Davis
President

Appendix: Site context consistent with Camden's small-scale heritage character

Site context: Extant cottages



70 John Street





74 John Street



Site context: Roof lines and vistas



Site context: roof lines and vistas



Site context: Back areas

