

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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**Local Planning Panel
15 October 2019
20 Elizabeth St Camden**

Our group has lodged three evidence-based objections on this DA.

Although the modifications made to the refused DA address a number of impacts on privacy, the building remains incompatible with the HCA and the front portion at 10.3m is 47% above the height limit to accommodate an additional tenancy on a questionable third-floor level.

A number of new documents were lodged with this Appeal including a new Heritage Impact Statement and 4.6 Variation Request.

We note that our objections about the inadequacy of the heritage statement and 4.6 request were independently confirmed by renowned heritage and legal experts who presented at the Panel hearing that resulted in the DA refusal.

We find that the new Heritage Impact Statement is largely unchanged and still incomplete and non-compliant with professional guidelines.

We find that the new 4.6 request does not present any new argument and remains legally inadequate, as previously independently advised by Minter Ellison law firm. We wish to table a second opinion of its inadequacy prepared within our group by a retired environmental lawyer.

In addition, we strongly disagree with other aspects of the Agenda Report.

- 1. It does not acknowledge the long-held position of the community on conservation of the 1840 Macarthur town with its unique rural characteristics, which is reflected in all relevant Council studies and strategies (such as Camden 2040, Camden Local Draft Strategic Plan 2018, Community Strategic Plan 2017, Camden LGA Destination Management Plan 2016)**
- 2. It does not reflect the position of community's elected representatives which was most recently reiterated on 10 September when Councillors unanimously voted to look into the HCA's state and/or national listing. The NSW Heritage Council also recommended investigation into its state listing in 2016.**
- 3. The Agenda Report correctly maintains that the proposal must be assessed on its own merits but includes various old precedents of height exceedance which are irrelevant to the current planning instruments**
- 4. Further it dismisses the Urban Design Framework 2018 and Strategy 2008 as non-binding but also cherry picks them on building height. As detailed in our objections neither document condones exceedance of the height limit as asserted.**
- 5. It seeks to rewrite the existing and desired future character of the HCA, although this is clearly set out in the DCP and reaffirmed in the 2018 Framework.**
- 6. We request to table evidence of this.**
- 7. It claims that the locality of the site is not cottage-dominated despite Council's documentation and independent expert opinion to the contrary.**
- 8. Its claim that the site is within a transition area seems to be based on the as yet unbuilt seniors living development approved by the state government on the old contaminated high school site. As explained in our objections this is irrelevant being a special case that was assessed under state planning policy and prior to legislation of the HCA.**
- 9. Importantly it does not acknowledge that the Greater Sydney Commission has designated Camden as a heritage town and that the LEP and DCP heritage controls, including the 7m height limit are critical in maintaining and enhancing the economic tourism potential and strategic place of the heritage asset in local and state planning.**

Approval of this proposal would not be in the public interest. The community sees the attempt to flout the planning rules as a bonanza for private developers and an attack on the integrity of the old town's much-loved and renowned identity, unique rural character and strong sense of place.

The fact that this DA has gone through so many iterations and is still against Council policy and grossly non-compliant with the intent and letter of the LEP and DCP has already failed the pub test.

As well as upsetting the community, approval of such non-compliance would be unfair to those relying on the planning instruments to make investment and life decisions.

We respectfully request that the appeal be dismissed.

647 words

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14 October 2019

**Re: 20 Elizabeth St., Camden
DA 2018/599/1
Cl. 4.6 Variation Request
Opinion on Legal Adequacy**

As a retired environmental lawyer, I have been asked on behalf of the community to comment on the Clause 4.6 Variation Request submitted with the development application in progress for 20 Elizabeth Street, Camden.

A fundamental component of our democracy, acknowledged by the High Court of Australia, is the doctrine of the separation of powers. This is reflected in the structure of the Australian Constitution. The doctrine is equally applicable in NSW, although our State parliamentary structure does not represent a pure form of the separation of powers.

The doctrine stipulates that the three major organs of the governmental system each perform a single and different function:

- **The legislature** (Parliament) enacts laws
- **The executive** applies those laws in individual cases
- **The judiciary**, in the event that a dispute arises about the meaning or application of a law, conclusively resolves the dispute¹.

Given the doctrine of separation of powers, where we have a planning dispute relating to the interpretation of state legislation, the opinion of the judiciary is conclusive. The dispute I have been asked to comment on specifically relates to the height standard in Camden's Heritage Conservation Area. The development proposed is significantly above the height limit of 7 metres set down in the Camden Local Environment Plan 2010. The relevant clause is 4.6 – Exceptions to Development Standards – which sets out the **requirements** that a developer

¹ R. Creyke & J. McMillan *Control of Government Action*, 3rd Ed. (2012) LexisNexis Butterworths, p 259

has to go through to justify an exception to the development standards in the LEP. Height standards are listed in Clause 4.3 of the Camden LEP.

These requirements are set out in Clauses 4.6(3) and 4.6(4). Note that the legal language used in these clauses is the strongest you are likely to find in a planning statute – both clauses state that:

Development consent must not be granted for development ...unless...

The clauses provide what in my view is clear guidance to consent authorities considering an exception to development standards, although of course it is in the nature of developers to push the boundaries of the envelope (as they would clearly seem to have done in relation to the 20 Elizabeth St development) in an attempt to get their development over the line.

In relation to clause 4.6(3), the applicant must demonstrate in writing to the satisfaction of the consent authority that **both conditions** (note the crucial word “and”) 4.6(3)(a) **and** (b) are justified. The developer has to justify to the consent authority that the development standard is unreasonable or unnecessary in the circumstances of the case **and** that there are sufficient environmental grounds to justify contravening the development standard.

Clause 4.6(4) provides extra hurdles for the developer to jump.

- 4.6(4)(a)(i) is in my opinion restating the requirements in 4.6(3). The **inadequacy** of the developers’ submission in addressing the matters required in 4.6(3) would be useful grounds for attack, always referencing the wording of the section so it is quite clear to the consent authority what you are doing.
- 4.6(4)(a)(ii) opens up further grounds for attack because it requires the public interest to be satisfied (one of the matters for consideration of every development under Part 4 of the EPA Act) **and** it requires the development to meet the objectives of the standard **and** zone. I will consider LEP objectives below in more detail.

Relevant Aims and Objectives of Camden LEP 2010

1. Aims of Camden LEP 2010, Clause 1.2:

While Clause 4.6 – Exceptions to Development Standards – does not specifically refer to the LEP aims, it is always relevant to refer to them in general discussion. In my opinion, only two of the aims set out in 1.2(2) are applicable to the 20 Elizabeth Street site, and the proposed development **is not consistent with either of them.**

2. Zone B4 Mixed Use – Objectives

These objectives are so broad that an argument can be made that virtually any development fits in here, and the developers have certainly made this argument. I would argue that the proposed development is not consistent with 2 of the 4 zone objectives, viz:

- *To integrate **suitable** business, office etc development...* - the community's argument is that the proposed development is **not** suitable and therefore does not satisfy this objective.
- *To minimise conflict between land uses within the zone...* the level of opposition from owners of other land uses within the vicinity of the development and within the zone indicates that the proposed development has maximised conflict within the zone, not minimised it.

3. Clause 4.3 – Height of Buildings

The 3 clause objectives listed as 4.3(1)(a) to (c), to my way of thinking clearly argue **against** the proposed development, which violates the wording of all three objectives. The developers argue that their development does meet the height objectives, but I disagree with their foreign perspective on what constitutes a desired future character of the heritage conservation area of Camden town centre. The developers seem to have put most of their effort into arguing compatibility with existing and future character [4.3(1)(a)]. I can't see any valid arguments that indicate the development is consistent with objectives 4.3(1)(b) & (c). '

However, the developers must establish under 4.6(4)(ii) that:

“the proposed development will be...consistent with the objectives (i.e. all of them) of the particular standard”

In an attempt to demonstrate compatibility with existing and future character of the locality, the developers spend two pages (10-11) in their latest written request for a Clause 4.6 exception talking about the height of the proposed development on the old Camden High School site. Of course, this is all about “desired future character”- the site is currently just a cleared, rehabilitated open area of land.

My understanding of the history of the site is that it was owned by the State Government for decades, with Camden High School being built in the early 1950s, prior to the height restriction with buildings significantly exceeding the current LEP height standard. Once the contamination of the site became known and the High School was moved to Cawdor in 2001, the NSW Government eventually on-sold the site to a developer, who intended to retain at least one of the over-height buildings, on the condition that the site be rehabilitated as part of the development approval.

Council and the Camden community had little, or no, say about approval of the development (in 2009) as it came under State Environmental Planning Policy (specifically SEPP Housing for Seniors 2004). It is also noted that approval predated the legislation of the HCA in 2010.

It is completely invalid to use the height of the proposed buildings on the high school site as a justification for a further over height development proposal as the developers have done on pages 10-11 of their application. This is like comparing apples with oranges. The proposed development on the high school site does not represent the desired future character of the locality or its transition – most local residents would not even know what is proposed to be built at the old high school site.

Public Interest:

All indications are that the preservation of Camden as a heritage conservation area is a clear element of the public interest in the local area. Evidence for this is the listing of central Camden as a heritage conservation area in the Camden LEP 2010. More recently, Camden Council agreed unanimously across party lines to look into heritage listing of the Camden Town Centre. These are clear indications that heritage preservation is an important element of the public interest in central Camden.

The proposed development is not only contrary to the demonstrated public interest, but is fundamentally inconsistent with LEP Clause Objective 4.3(1)(c), which states that the third clause objective is:

4.3(1)(c): To minimise the adverse impact of development on heritage conservation areas and heritage items

Only refusal of the DA will be consistent with this height standard objective.

Judicial Interpretation of LEP Clause 4.6

The applicants have kindly provided us with two NSW Land and Environment Court judgements, handed down by the eminent Chief Judge of the Court, Chief Justice Brian Preston. These provide us with what in my view is a conclusive interpretation on the application of the Exception to Standards Clause 4.6 in the Camden LEP (this clause is one of the commonly worded clauses inserted in all NSW LEPs when they were last revised by the NSW Government). The Initial Action case² relates to a development under the Woollahra LEP – Height Clause 4.3 differs to the Camden LEP, but the wording of Clause 4.6 is essentially the same in both Camden and Woollahra LEPs. As noted at the beginning about separation of powers these judgments are binding on the local consent authority and any opinions from Council staff, councillors, developers and panel members which contradict the judgements are legally invalid and of no effect.

Initial Action P/L v Woollahra Municipal Council [2018] NSWLEC 118 (14 August, 2018)

The facts of this case can be readily distinguished from the circumstances associated with the current case under the Camden LEP. The Woollahra LEP has a significantly different wording under Clause 4.3 – Height of Buildings to the Camden LEP Clause 4.3, and the affected land was not classified as flood prone, nor were heritage issues a factor in the judgement.

The value of the case is in Chief Judge Preston’s reference to two of his previous cases on Clause 4.6 which indicate the correct legal approach to the application of Clause 4.6. If you go back to the comments about the separation of powers at the beginning of this report, Judge Preston is providing a clear and binding guide to the resolution of disputes involving LEP Regulation 4.6.

The first case mentioned in Initial Action is ***Randwick City Council v Micaul Holdings***³. Preston CJ notes in Initial Action at 6-7 that:

*“To understand how the Commissioner misinterpreted and misapplied cl 4.6, it is necessary to recount what is the correct approach...I summarised the correct approach under cl 4.6 in *Randwick City Council v Micaul Holdings P/L*”*

In *Randwick City Council*⁴, Preston CJ stresses the importance of assessing Clause 4.6(3)(a) which requires that the consent authority must be satisfied that the written request demonstrates that compliance with the development standard (Cl 4.3) is unreasonable or unnecessary in the circumstances of the case before giving consent. Preston CJ also lists one of the established tests to allow this to be done:

² [2018] NSWLEC 118 914 August 2018)

³ [2016] NSWLEC 7

⁴ *Randwick City Council v Micaul Holdings* @ 34

“One of the established tests to demonstrate that compliance with a development standard is unreasonable or unnecessary is if the development is consistent with the objectives of the standard. The objectives of the building height standard⁵... included ensuring that the development does not cause environmental harm (such as adversely impacting on the amenity of adjoining and neighbouring land). Hence, establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”

In my opinion the clause 4.6 written variation requests for 20 Elizabeth Street, Camden do not meet this test.

The second case referred to in Initial Action by Chief Justice Preston is the Wehbe case⁶. Preston CJ stated in Initial Action @ 16:

“As to the first matter required by cl. 4.6(3)(a)⁷, I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe v Pittwater Council... Although that was said in the context of an objection under SEPP 1 to compliance with a development standard, the discussion is equally applicable to a written request under cl. 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary”.

The important clauses in Wehbe are clauses 42-49. The circumstances in Wehbe are very different to 20 Elizabeth Street, Camden and the rest of the case is of no importance as a legal precedent. Interestingly, CPS referred to the Wehbe case on page 56 of their November 2018 Statement of Environmental Effects. The reference seems to have disappeared from the Clause 4.6 variation request dated August 2019, even though the Wehbe case is highly pertinent to the assessment of Clause 4.6 and was thought sufficiently important for inclusion in the Statement of Environmental Effects dated November 2018.

⁵ Referring to Clause 4.3 of the Randwick LEP 2012, similar in wording to Clause 4.3 of the Camden LEP

⁶ Wehbe v Pittwater Council [2007] NSWLEC 827 (21 December 2007)

⁷ Same wording as Cl 4.6(3)(a) in Camden LEP 2010

In Wehbe, Preston CJ sets out 5 common ways of establishing that compliance to a planning standard is unreasonable or unnecessary. I will summarise them below:

1. The most commonly invoked way is to establish that compliance with the development standard⁸ is unreasonable or unnecessary **because the objectives of the development standard are achieved notwithstanding non-compliance with the standard⁹**... If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).
2. A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3. A third way is to establish that the underlying purpose would be defeated or thwarted if compliance was required.
4. A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. A fifth way is to establish that the zoning of particular land was unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary.

In my opinion, none of these 5 ways from the Wehbe case are applicable to the circumstances of the 20 Elizabeth Street development.

Any questions on this opinion may be directed to the Committee of Camden Residents' Action Group Inc. in writing.

⁸ In our case, this refers to the Cl 4.3 Height of Buildings standard in Camden LEP 2010

⁹ My emphasis

Camden DCP Camden Heritage Conservation Area

Character Elements

The distinguishing natural and built character elements of the Camden Heritage Conservation Area include:

1. Distinct tree lined visual gateways as viewed from rural floodplain on the fringes of Camden town.
2. A topographical form which rises from the floodplain.
3. A town which is surrounded by rural hinterland containing transitional community uses.
4. Prominent landmark buildings dominated by St John's Church and in particular its spire.
5. Cowpasture Bridge which opened land to the west of the Nepean River.
6. A strong grid street network of Camden town.
7. A pronounced "High Street" in Argyle Street, performing a traditional shopping and commerce role and thoroughfare function.
8. A distinctive tree lined and landscaped medium strip with minimal landscaping fronting the shops along Argyle Street.
9. Street lights delineating the carriageway and communicating "seasonal" festive and event information.
10. Buildings covering a range in stylistic periods reflecting the evolution of the town centre and reflecting a diverse palette of building materials and finishes.
11. Uniform single to two storey shop fronts along a wide main street.
12. An important historical, visual and social axis is formed by John Street.
13. A cluster of civic and community buildings in lower John Street.
- 14. A range of residential premises, from the stately to workers cottages, largely converted to commercial functions; but still some with a residential use.**
- 15. A unique roofscape of smaller roof forms viewed throughout the town.**
- 16. Remnants of a rural service town, particularly in Edward Street.**
17. A modest workers cottage precinct in View Street, transitioning into large middle class housing in Alpha Road.
18. Federation cottages and interwar bungalows radiating out from the town centre, with adaptive reuse of these in Broughton Street.
19. A health precinct surrounding Camden Hospital.
20. A series of informal pathways linking parking precincts.
21. The grand Macarthur Park is on the fringe of the Town Centre.

Part 2 – General Land Use Controls

Objectives

- a. Retain the unique heritage significance of Camden town, recognising it as a rare and distinctive area;
- b. Retain and promote evidence of the historical development of the town and enable interpretation of that historical development;
- c. Retain the cohesive character particularly evident in the scale of development in each street;
- d. Retain distinctive features which unite the place. Such as parapets, chimneys, veranda's, the mixture of roofs, the road network, subdivision patterns, pathway connections, consistency of colours and the limited building material palette;
- e. Seek to foster a balance between historic character and sensitive contemporary development;
- f. Promote the concept of adaptive reuse as a major conservation tool;
- g. Reflect an embellishment of public spaces and places in a manner which is sympathetic and does not compete with the period qualities of the township;
- h. Retain the rural character of Camden town centre; and
- i. The collection of distinctive worker's cottages in View Street, will be conserved with sensitive and appropriate development encouraged.

Controls

1. Views associated with the St John's Church spire must not be compromised.
2. The tree lined "gateway" entrances to the township must be retained and embellished.
3. The rural-urban interface must be sensitively addressed in new development proposals.
4. The strong street grid must be maintained and not compromised by closures and/or permanent malls.
5. Opportunities for enhanced pedestrian linkages must be sensitively promoted
6. Additional development on the fringe of the town should complement and not detract from the viability of the "main street".
7. Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities can be used to facilitate the conservation of these buildings.
8. Existing cottage dominated streetscapes must be retained, new development such as extensions/additions should be compatible with the existing streetscape.
9. A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.
10. Large built forms in cottage dominated precincts must be avoided through the use of various roof forms and pitches, wall openings and recesses, materials, recessive colours and landscaping
11. Development of the flood affected fringes of the town must not compromise the prevailing character.
12. In commercial areas where historical evidence exists, awnings and/or veranda's must be provided on the front elevation and must complement existing awnings and verandahs on adjacent buildings.

Claims contained in the Agenda Report about the 2008 Strategy and 2018 Framework

Both the 2008 Strategy and 2018 UDF reinforce the LEP and DCP heritage controls. There is NO evidence that 20 Elizabeth Street is in a transition zone that seeks an over-height and bulky development of a design that is not consistent with the LEP and DCP and adopted Burra Charter.

Camden Town Centre Strategy 2008

The strategy presents nine (9) precincts as the basis for future planning. The plans provide principles for site design, public realm improvements and indicative building heights (p.20). 20 Elizabeth Street is halfway between Precincts 6 and 7 (see Fig 3, p. 23).

Precinct 6 - Mixed Uses

The precinct is currently a mixture of uses marking a transition between more formally designed precincts. Current uses should be reinforced with development sensitive to residential street frontages opposite.

Precinct 7 –Arts and Culture (Mixed Use)

The precinct can be considered as a location for the development of cultural activities combined with a modest residential component. As the land is flood prone the range of uses may be significantly restricted. Existing houses might be adapted for community arts facilities and or as private studios.

- *Complementary activities to the adjoining town farm;*
- *Introduction of town entry treatment on Macquarie Grove Road;*
- *Possible through block pedestrian access with redevelopment. (p. 21).*

Unlike what is portrayed in the Agenda Report, the 2008 Strategy may be interpreted as meaning that current uses should be reinforced with development sensitive to residential street frontages and that the existing house should be adaptively reused. It cannot be interpreted as meaning that the height limit should be grossly violated.

In relation to height the 2008 strategy also states

Review of Building Heights

In some parts of the town centre, there is the possibility for considering moderate increases in permissible building height. In some locations 3 storeys with suitable roof forms and siting could be successfully incorporated into the existing streetscape and would not detract from the overall character and design principles of the town centre. For sites affected by the 1 in 100-year flood, appropriately designed buildings with additional height to facilitate the raising of habitable rooms above flood levels would be one way of utilising this land provided safe access to flood free land can be facilitated. Taller buildings could allow increased residential development without impacting on character of more sensitive 1 and 2 storey residential areas. Opportunities to introduce taller landmark elements on prominent sites should be investigated in more detail as part of a future revision of planning controls affecting the town centre. (p. 20)

Even if the height review had been undertaken at the time of the 2008 Strategy it is a great stretch to claim that 47% is a moderate increase. Also, as in the 2018 Framework, there is an emphasis on residential accommodation within the town. Its current prohibition is intended to be rectified as pursued in the Urban Design Framework 2018.

There is no evidence within 2008 Strategy supporting the claim that a 10.3m commercial building of the design proposed is suitable for 20 Elizabeth Street.

Camden Town Centre Urban Design Framework 2018

Documentation of Camden Council's adoption of the Urban Design Framework on 14 August 2018 is attached. In summary this documentation:

- ❖ recognises that the town centre has a unique and distinct heritage character that is highly valued by the community and should be retained.
- ❖ recognises the importance of heritage in the town centre and **the need to preserve and enhance it**
- ❖ does not propose radical change, but rather it considers opportunities for minimal change to the built form and uses within the town centre, with a **focus on enhancing the attributes that make Camden unique.**
- ❖ **recommends reinstating dwelling houses as permissible land uses**
- ❖ **does not propose to amend the height control of 7m over the Camden Town Centre**
- ❖ identifies Murray Street for potentially viable for a minor increase in height. It is understood that most or all of the area identified is not within the HCA.

Criteria for consideration of **minor** height amendments will be further investigated as part of a future planning proposal to provide clarity and consistency when considering variation requests. **Any change in height requirements will be the subject of further investigation and a future planning proposal and community engagement.**

- **does not propose major changes to increase commercial floor space** or incentivise growth.
- **does not specify or promote development in the floodplain.**
- **identifies that residential use adds to the vibrancy and viability of a town centre**

The 2018 Framework makes the following statements about desired future character which are consistent with the DCP:

Built Form Place Principle: 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. (p33)

It explains this principle as follows:

The term fine grain as used in this document refers to the human scale of the town centre. Fine grain contributes to a kind of spatial experience and allows for a diversity and range of specialised activities. Urban components of the fine grain include small shops, micro plazas, active arcades, laneways, and the specifics of how people relate to each of them. These elements all contribute to the vibrant and diverse offering in the town centre.

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...., the community of Camden emphasised the importance of recognising the current heritage fabric of Camden by limiting over dominating built form into the area and retaining the existing 7m building height limit.

<p>There is no evidence within 2018 Framework supporting the claim that a 10.3m commercial building of the design proposed is suitable for 20 Elizabeth Street.</p>
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ORDINARY COUNCIL

ORD01

SUBJECT: POST EXHIBITION REPORT - CAMDEN TOWN CENTRE URBAN DESIGN FRAMEWORK

FROM: Director Planning and Environment

TRIM #: 17/278945

PURPOSE OF REPORT

The purpose of this report is for Council to consider the submissions received from the public exhibition of the draft Camden Town Centre Urban Design Framework (the Framework).

The report recommends Council adopt the Framework subject to minor post-exhibition amendments. A copy of the Framework, as amended, is included as an **attachment** to this report.

BACKGROUND

The Camden Town Centre Strategy was adopted by Council in 2008. The aim of the Strategy was to *'manage and maintain the character of the town centre while making provision for modern planning and development requirements'*.

With the Camden LGA experiencing rapid urban growth since 2008, the role and context of the town centre has changed with developing urban centres at Narellan and throughout the Growth Centre.

In 2013, Council undertook a series of studies and community engagement to inform a revised vision for the town centre. The Camden Town Centre Vision (the Vision) was endorsed by Council at its meeting of 14 April 2015.

The intent of the Vision is to protect and strengthen the town centre's valued and distinct character whilst at the same time facilitating appropriate change and growth. The Vision contains a series of initiatives, several of which have been combined into the Framework, including:

- Prepare an urban design framework to establish objectives for the town centre and to identify development opportunities and associated controls for selected catalyst sites;
- Preparation of a public domain and streetscape plan;
- Preparation of a place focused, performance based DCP;
- Investigate current planning controls;
- Undertake master planning for the John Street Precinct;
- Preparation of a wayfinding and signage strategy; and
- Commencement of detailed investigation for a new public square.

In June 2016, Council engaged McGregor Coxall, urban designers to undertake the project along with a team of specialists including heritage experts and engagement specialists. Figure 1 below shows the study area of the Framework.



The draft Framework was publicly exhibited from 24 April to 6 July 2018. During the exhibition Council officers offered and met with key stakeholder groups including the Camden Historical Society and the Camden Resident Action Group.

Councillors have been briefed on the progress of the Framework with the latest briefing on 10 July 2018.

MAIN REPORT

Structure of the Framework

The Framework is structured around six key principles or 'place vitality criteria'. These include;

- Natural Environment
- Economics
- Access and Movement
- Public Domain
- Built form; and
- Culture.

Central to the key principles has been engagement with the community of Camden.

Informed by the community engagement and investigation of key principles, a series of initiatives were developed under each of the key principles. If adopted, these initiatives will inform an implementation plan to deliver the outcomes of the Framework.

In addition to the initiatives, the Framework considered four catalyst precincts within the town centre including Larkin Place, John Street, Murray Street and the Nepean River Link.

Key Findings and Initiatives

The Framework recognises that the town centre has a unique and distinct heritage character that is highly valued by the community and should be retained. The Framework does not propose radical change, but rather it considers opportunities for minimal change to the built form and uses within the town centre, with a focus on enhancing the attributes that make Camden unique.

Zoning

The Framework reviewed the current B2 Local Centre and B4 Mixed Use zonings within the town centre and recommends that the current zoning be retained. However, the Framework does recommend a review of the permissible uses within these zones and consideration of reinstating "dwelling houses" as a permissible use.

Built Form – Height

The Framework reviewed the current height restrictions within the town centre, as well as considering the height of existing buildings and preferred architectural style. The

Framework does not recommend amending the current 7m height limit throughout the town centre. Rather, the Framework identifies opportunities for further investigation of specific sites and recommends reviewing controls to provide greater consistency in the consideration of development applications.

The Framework identifies that, in some circumstances, the height restriction reduces the ability to achieve pitched roofs which complement the existing heritage buildings. The Framework found there is an opportunity to investigate controls that restrict the number of storeys combined with height restrictions to achieve the desired urban design outcomes.

The Framework also recommends further investigation be undertaken regarding height, including developing criteria for when variations may be considered. The Framework identifies some opportunities for minor height increases where improved architectural and urban design outcomes can be achieved, and where it is clearly demonstrated that there is no impact on key view corridors to and from the town centre.

The Framework recommends a further study be undertaken to establish criteria where variations could occur. Matters that need further investigation include building design, built form, topography, view corridors and impact on the human scale of Camden.

Public Domain – Signage & Materials

The Framework includes a Public Domain Manual that establishes a street hierarchy and provides a standard palette of materials to guide future public domain works.

The manual also considers wayfinding and signage within the town centre as integral elements to the success of the public domain and recommends that Council undertake further work to develop a suite of heritage signs and a wayfinding strategy that minimises ad hoc signage in the town centre.

Access and Parking

The Framework identifies that while the town centre is dependent on vehicular traffic, it is a highly pedestrianised centre with most of the town centre contained within a 400m walkable radius.

The Framework includes initiatives that emphasise the pedestrian nature of the town centre and provide opportunity to increase cycle access into the town centre.

The Framework also recommends investigation into parking restrictions within the town centre that will create a greater turnover of parking and encourage long stay parking to the outer edges.

Key Precincts

The Framework identified and investigated four key precincts within the town centre to test the proposed strategies.

Larkin Place

Larkin Place is well positioned to connect to the John Street Precinct and other civic uses, such as the Camden Library and Museum.



The Framework identifies Larkin Place as having the potential to provide a flexible (temporary) town square and civic space for events, whilst still functioning as a public carpark.

The Framework also identifies opportunities to improve the interface with the rear of buildings facing onto the Larkin Place carpark, providing opportunities for infill development for small commercial or retail use.

In doing this, the Framework reviewed the Camden Town Centre Strategy (2008) which recommended a formal Town Square in John Street. The Framework concludes that Larkin Place has the potential to become a flexible town square, providing opportunities for more commercial and social activity and recommends that the proposed John Street Town Square not proceed.

John Street

The Framework identifies John Street as the cultural hub of the town centre. Given its existing strong heritage character and existing civic uses such as the Camden Library, Museum and the Alan Baker Art Gallery this precinct could further be developed as a cultural and community precinct. The Framework recommends investigating public domain works including signage and lighting, and other small-scale facilities to support public performance and enhance the civic amenity.

Murray Street

Murray Street plays an important role as a gateway entry point into the town centre. The Framework identifies the Murray Street precinct as an opportunity for re-imagining as an eat-street with a program of public domain improvements to increase pedestrian amenity and traffic calming.

The Framework also identifies Murray Street as being potentially viable for a minor increase in height, subject to demonstrating design excellence and undertaking further analysis with regards to key view corridors.

Nepean River Link

The Nepean River Link provides an opportunity to better connect the river and rural floodplain with the town centre. The establishment of a river pathway could provide linkages with existing pathways and the Camden Town Farm.

Public Exhibition Process

The draft Framework was placed on public exhibition from 24 April to 6 July 2018. Copies of the document were placed in Council's administration centre and in the Camden and Narellan libraries.

During the exhibition period Council staff conducted information kiosks at:

- Camden Library – 6.00 to 8.00pm, Tuesday 1 May 2018.
- National Australia Bank corner Camden – 10.00am to 12.00 noon, Friday 4 May 2018 and Saturday 5 May 2018.

A total of 15 submissions were received. Copies of submissions are provided as a **supporting document**. A summary table outlining the issues raised in submissions and Council officer response is provided as an **attachment** to this report.

Summary of key issues raised and responses

A list of key issues and officer responses is provided below.

1. Building Height

Several submissions raised concerns regarding the potential to increase the height limit of 7m within the town centre. Submissions also called for Council not to consider variations to this control. Concerns were also raised regarding the review of heights in the Murray Street Precinct.

Officer Response

The Framework does not recommend changing the existing 7m height limit throughout the town centre. Rather, the Framework identifies that the height control combined with a storey control could be used to achieve better urban design outcomes, including the ability to have pitched roofs.

The Framework recognises that many existing buildings within the town centre do not meet the 7m height limit and recommends that clear criteria be prepared for how and when variations to the height control will be considered.

The Framework also identifies Murray Street for possible further consideration in relation to height. The Framework recognises that the typography and location of the Murray Street Precinct may facilitate a minor height increase subject to detailed design and analysis with regards to key view corridors.

Any change to height in the town centre would be subject to a separate planning proposal to amend the Camden LEP 2010 and this would require further investigation and community engagement.

2. Signage and Wayfinding

Concerns were raised regarding the general suite of signage within the town centre, and that it detracts from the heritage of the town centre.

Officer Response

The Framework recommends the preparation of a heritage suite of signage for the town centre. This will be undertaken in conjunction with a wider wayfinding strategy for the town centre.

3. Heritage and its role in the Framework

Concerns were raised that the heritage significance of the town centre was not prominent enough within the Framework, and that heritage should be strengthened in terms of the overall document and, more specifically, within the economic principles, as heritage has a key role in the economic viability of the town.

Officer Response

The draft Framework recognises the importance of heritage in the town centre and the need to preserve and enhance heritage in the future. There is no objection to amending the Framework to further recognise and support this.



4. Zoning

Concerns were raised regarding the zoning of the town centre and the St Johns Church Precinct.

Officer Response

The Framework does not recommend changing the current zoning within the town centre, however it does recommend a review of the current permissible uses within the B2 Local Centre and B4 Mixed Use zones as they currently prohibit dwelling houses.

With regards to the St Johns Church precinct, this was not included within the scope of the Framework, however zoning will be considered as part of the broader review of the Camden LEP 2010.

5. Arrival experience

Concerns were raised regarding the need to improve the entry points into the town centre.

Officer Response

The Framework identifies potential initiatives to improve the arrival experience into the town centre. These include investigating the opportunity to underground power infrastructure (where possible) and reinforcing tree lined avenues on the approaches to the town centre.

6. Public Art

The need for a public art strategy was raised, including the opportunity for public art to emphasise the history and significance of the town centre.

Officer Response

The Framework identifies an initiative to develop a public art strategy for the town centre.

7. Traffic and Parking

Concerns were raised with the speed of traffic in the town centre and a need to reduce the speed limit. Concerns were also raised regarding the availability of parking close to the town centre.

Officer Response

The Framework doesn't review traffic or parking, however, it includes initiatives to further improve access and movement within the town centre, including initiatives to improve walkability and cycle access into the town centre.

In relation to parking, the Framework recommends Council undertake monitoring and investigate parking restrictions within the centre and promote long stay parking on the outer edges of the town centre.

8. Development in the Floodplain

Concern was raised with potential future development within the floodplain surrounding the town centre and the need to preserve the floodplain.

Officer Response

The Framework doesn't consider or promote development within the floodplain surrounding the town centre. Any future proposals within the floodplain would need to take into consideration all relevant planning controls.

Proposed Changes to the Framework

Minor post-exhibition changes are recommended to the draft Framework resulting from the submissions. These are listed in the table below.

Reference	Proposed Amendment
Page 15	Add the following sentence to the last paragraph: <i>'In addition, the entire Camden Town Centre is within a heritage conservation area.'</i>
Economics Place Principle - Page 57	Replace the existing place principle with the following: <i>'Maintain and evolve the local retail, commercial and residential economy by creating a range of opportunities that complement the heritage fabric of the Town Centre.'</i>
Outcome 04 Page 87	Replace with the following wording: <i>'Allow small scale (2 storey with pitched roof) residential development facing Larkin Place.'</i>
Outcome 03 - Page 95	Replace with the following wording: <i>'Any built form, or modification to existing facades on Murray Street is to engage with the streetscape and provide enclosed outdoor space.'</i>

Where to From Here?

Subject to Council adopting the Framework, an implementation plan will be prepared. A summary of some of the key initiatives and broad delivery timeframes are provided below:

Short Term

- Further investigation into the LEP and DCP provisions.
- Prepare a signage and wayfinding strategy.
- Review and monitor Camden Town Centre parking restrictions.
- Prepare a public art strategy.
- Explore use of Larkin Place for future events.

Medium Term

- Public domain works, including pedestrian crossings on John Street and Murray Street.
- Investigate opportunities to enhance cycling experience.
- Investigate planning for a cycleway along the Nepean River.
- Investigate Water Sensitive Urban Design in parking areas with increased permeability of surfaces.



Long Term

- Physical works in Larkin Place car park to improve its usability for events.
- Investigate underground power (where possible) to strengthen entry experience to the town centre.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council from this report.

There is funding currently available for the preparation of strategic studies, including studies as part of the LEP/DCP review. Specific initiatives will be subject to consideration in the preparation of future budgets.

CONCLUSION

The Framework builds on the initiatives from the Camden Town Centre Vision. Consistent with the Vision, the Framework recognises the unique and distinct heritage character of the town centre and provides a series of initiatives which aim to protect and strength the future of the town centre.

The community has been engaged throughout the process and have assisted in the preparation of the Framework. Having considered the submissions received, it is recommended that Council adopt the Framework.

RECOMMENDED

That Council:

- adopt the Camden Town Centre Urban Design Framework (as amended);**
- publicly notify the adoption of the Camden Town Centre Urban Design Framework; and**
- advise submitters of the outcome of this report.**

ATTACHMENTS

1. Camden Town Centre Urban Design Framework
2. Table of Submission responses - Camden Town Centre
3. Submissions - *Supporting Document*

ORD01 POST EXHIBITION REPORT - CAMDEN TOWN CENTRE URBAN DESIGN FRAMEWORK

AMENDMENT

Resolution: Moved Councillor C Cagney, Seconded Councillor Morrison that Council:

- i. adopt the Camden Town Centre Urban Design Framework (as amended);
- ii. publicly notify the adoption of the Camden Town Centre Urban Design Framework;
- iii. advise submitters of the outcome of this report;
- iv. revisit the concept of residential development in Larkin Place in 12 months' time; and
- v. remove Outcome 04 – *'allow small scale (2 storey with pitched roof) residential development facing Larkin Place'*.

ORD151/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD02 RMS ACQUISITION OF COUNCIL OWNED LAND

Resolution: Moved Councillor Sidgreaves, Seconded Councillor Fedeli that Council:

- i. agree to the compulsory acquisition of land and easement – part of Lot 1730 DP 1032925, part of Lot 1701 DP 1034645, part of Lot 233 DP 843696, part of Lot 240 DP 852594 and part of Lot 5740 DP 873263, being the areas highlighted in pink and brown on the attached plan;
- ii. agree to a reduction in the Proposed Acquisition Notice (PAN) period to seven days, with Council reserving the right of appeal should Council not agree with the Valuer General's determination;
- iii. note that a further report will be brought back to Council if the Valuer General's determination is to be appealed; and
- iv. make the appropriate budget adjustments for the provision of compensation, as determined by the Valuer General, for the acquisition and note that all necessary documentation, including acceptance of the Valuer General's determination, will be executed under delegated authority by the General Manager or his nominee.

ORD152/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)