

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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General Manager
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21 April 2021

Dear General Manager,

Re: Second CRAG submission
2-4 John Street, Camden

DA s4.56 Modification: 2008/644/5¹

Consolidation of buildings 3 and 5 into one building, conversion of 26 multiple-unit dwellings into 26 self-contained seniors living dwellings, conversion of 2 shops into 2 self-contained seniors living dwellings, internal layout reconfiguration to provide 2 additional self-contained seniors living dwellings, reconfiguration of the lower ground floor car park underneath buildings 3, 4, 5 and 6 and replacement of a turning circle with a pedestrian path

Please note this submission is a supplement to our first submission of 9 April 2021, which is appended.

This supplement provides additional reasons for the rejection of this modification, and we expect that more reasons will become apparent when relevant information as requested through GIPA is made available.

¹ To approved development: *Staged redevelopment of the Former Camden High School Site comprising: demolition of disused school buildings, remediation of contaminated land, earthworks, staged subdivision, the erection of 26 multiple-unit dwellings, 162 self-contained seniors living dwellings, 76 bed residential care facility, 51 bed motel, restaurant, cultural & community centre, medical centre, ancillary shops, undercroft car parking and landscaping works*

In seeking information necessary to comment in detail, Council advised on 9 April that its webpage² provides all of the information regarding the originally approved development application that is freely available to the public. We also found that many relevant and necessary documents were missing from the DA Tracker for modifications in 2012, 2017 and 2018. As available information is insufficient to be able to comprehensively comment on the latest 2021 modification request a GIPA request was lodged and auto-acknowledged on 11 April 2021.

Given the time frame of our extension until Friday 23 April, it is now not possible within our association to receive and act upon the GIPA information in good time. We therefore would like to reserve the right to make a further submission when the necessary information is provided.

Nevertheless, it has become clear that this development is being modified piecemeal, and probably will continue to be attempted to be modified, to the extent that even now it bears little resemblance to what the community thought was approved within Camden's Heritage Conservation Area (HCA) with generous trade-offs between heritage controls and special circumstances.

Since our initial submission we have had further input of concerns from community members and clarification about heritage impacts including the proposed building setbacks.

We take this opportunity at this point to make the following additional comments.

Concerns raised by potential residents of the facility

An obvious concern expressed is whether the site is guaranteed to be safely decontaminated. The community needs assurance on this, but like much other planning and approval information it is not readily accessible in the public domain.

Potential purchasers and residents of dwellings in the facility have expressed concern to us that the lease/purchasing agreement is not consistent with their expectations, and that the available services and character of the "village" complex into the future are not clear. The contract indicates that the integrative concept that was proposed and understood has changed to one of a "life-style" gated community, not a facility as was envisaged, nor one that necessarily provides the services first proposed, nor one that caters for every need and eventuality.

² Available at [Former Camden High School Site Redevelopment » Camden Council \(nsw.gov.au\)](https://www.camden.nsw.gov.au/development-and-planning/development-applications/development-applications-2012-2018)

For instance, the contract

- makes no mention of a residential care facility being part of the overall development³;
- states that application to vary the terms of the development consent may be made to change size and height of other parts of the village or the external appearance of buildings or the layout of communal facilities and or the number and mix of dwellings;
- reserves the right and sole discretion to create strata lots, add to or modify the land and village, redevelop, subdivide and excise portions of the land for other purposes;
- states that the intention to undertake development of all or part of the village will most likely interfere with peace, comfort and quiet enjoyment and may require vacation of the dwelling;
- states that common areas may not necessarily be used without permission and entering and remaining in them by any person may be prohibited.

Publicly available information and the lease/purchase contract provide little comfort or assurance to potential residents of their living conditions or to the community as to the extent of eventual degradation of the significance and character of the HCA. This modification request is not consistent with what the community were led to believe about this project and is yet another reason why the community is losing faith in its appropriateness for the needs of older citizens and the HCA.

Heritage impacts including proposed building setbacks

Only two Heritage Impact Statements (HIS) are publicly available for this transformative development (2008 and 2021). The latest 2021 HIS does not acknowledge the 2008 HIS which did address mitigation of the impacts on cultural and heritage significance of the Macarthur town. It is not written according to Camden DCP requirements. Whilst referring to the Burra Charter and NSW Guidelines, adopted in the DCP, it does not address the issues or provide any analysis of heritage impact on the HCA. It is not written according to established professional practice but simply provides unsubstantiated opinions which are obviously wrong.

For instance, the combining of buildings 3 and 5 increases the building footprint and site coverage by around 25% which is not consistent with the 2008 HIS arguments of having a number of smaller buildings to provide view corridors and integrate better into the development pattern and fine grain of the HCA.

³ The contract does state that particular services and facilities approved in a development consent, currently including a 76- bed residential care facility, 51 bed motel, restaurant, cultural & community centre, medical centre, ancillary shops, are required to be provided, but also reserves the right to apply to modify the development consent.

Clearly the modification request exacerbates the imposition of approved over-scaled urban structures which are already known to be non-compliant with the provisions and controls of LEP 5.10 *Heritage conservation*, DCP 2.16.3 *General Heritage Provisions*, DCP 2.16.4 *Camden Heritage Conservation Area*.

In relation to the 2018 Urban Design Framework, adopted in the DCP, the 2021 HIS (p. 34) claims:

The proposed development through its design, style, materiality and siting do not detract from Camden's identity as a rural town with a human-scale heritage character.

No evidence is provided as to how this modification of combining buildings 3 and 5, which increases building size and density on the site is at all consistent with the built form principle of the UDF:

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

There is nothing rural, fine-grained, contributory or enhancing about this approved development or the proposed modification.

The latest proposed design impact is also inconsistent with Burra Charter principles, especially the Practice Notes for new work⁴ based on carefully considered design that respects and supports the significance of the place.

The SEE and HIS by not addressing the issues, disrespect the unique asset of the town and council policies which reflect how highly valued it is by the community.

It is not acceptable to make claims for more dispensations leading to greater potential degradation of the cultural significance of the HCA without substantive analysis and argument.

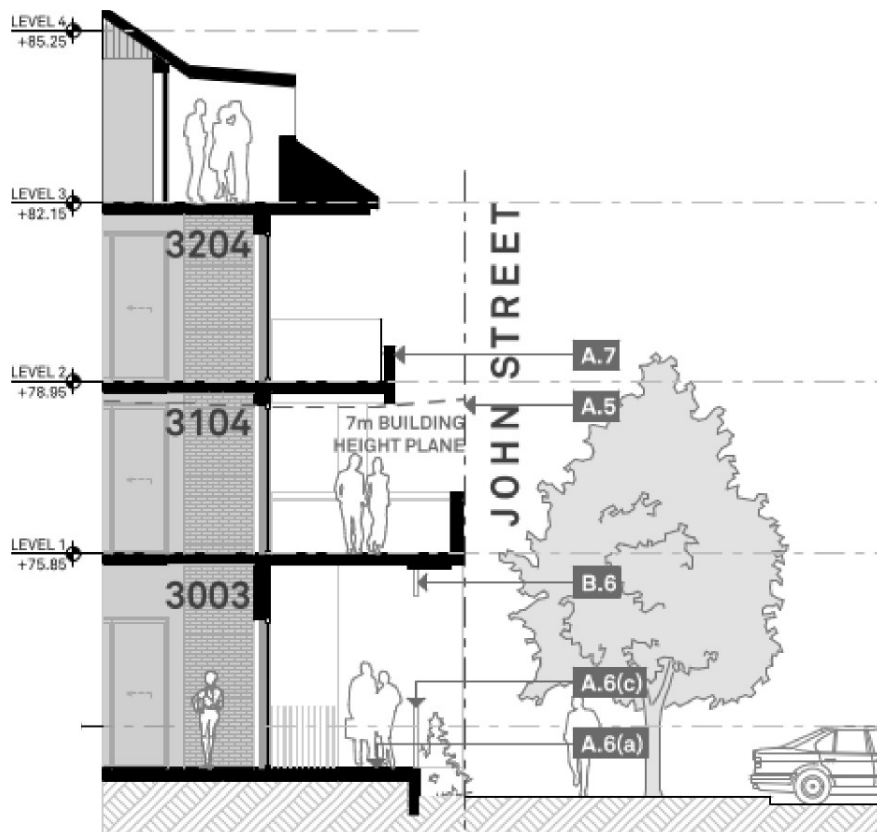
We find it astonishing that the 2021 Statement of Environmental Effects (s4.46 modification request) and 2021 HIS do not address the question of reducing setbacks.

We do not have sufficient information to easily establish the exact change in the John Street setback to that originally planned and approved.

⁴ ICOMOS Burra Charter 2013 and Practice Notes Available at https://australia.icomos.org/wp-content/uploads/Practice-Note_Burra-Charter-Article-22-New-Work.pdf

However, it has now been confirmed to us that the proposed John Street setbacks for the modified buildings 3 and 5, will range from approximately 3.48m - 3.5m to the main building façade line at the ground, first and second floor levels, with the second-level balcony having no setback and the third-floor level having the largest setback as depicted below.

This means that that verandas are very close to the site boundary. We cannot understand why any resident would want their personal space to be so close to or on the boundary of a public footpath. This will surely devalue the apartments as well as the streetscape.



Source: Benson McCormack Architecture

There is no practical discernible setback from John Street, and little room for landscaping which is of paramount importance to accommodating such over-height, over-scale and bulky urban style structures within the HCA.

We refute this claim (HIS p. 35) as unsubstantiated

..... the new development from the street offers an extensive landscaped area with minimal visibility from the public domain⁵. The works will have a negligible impact on the significance of the Camden Town Centre Heritage Conservation Area in which the development is located. The position of the development and the siting of Building 3+5 is such that there will be no encroaching or dominating bulk and scale that will impact the streetscape character of the Conservation Area.

From our reading we conclude that the proposed setbacks are not compliant with any planning controls. For instance:

Camden DCP 2019 (4.6) *Multi-dwelling Housing* indicates a minimum setback of 4.5m.

If this development was subject to the NSW Complying Development Code⁶ a 10m setback would be required.

NSW Apartment Design Guide⁷ includes the following aims:

- *establish the desired spatial proportions of the street and define the street edge;*
- *provide space that can contribute to the landscape character of the street where desired;*
- *create a threshold by providing a clear transition between the public and private realms;*
- *assist in achieving visual privacy to apartments from the street.*

The proposed setback to John Street does none of the above.

We do not accept the 2021 HIS as a reasonable assessment of heritage impact and refute its claims. The additional heritage impact of this modification is unacceptable. We categorically state that the proposed setbacks are an affront to the HCA and community expectations as well as being non-compliant with planning controls. They must be increased and planned to accommodate extensive softening landscaping, including tall specimens that delineate the public space and obscure and provide privacy to the private dwellings.

⁵ This statement may be referring to the new buildings in Exeter St, which has limited relevance to but also seems to imply mitigation of the issues of the set back and bulk of the proposed new building (3 + 5). In any case no extensive landscaped area is apparent in Exeter Street and the buildings under constructive are highly visible.

⁶ NSW SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 - REG 3.10 *Minimum setbacks and maximum height and length of boundary walls* Available at

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>
⁷ Available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

What was understood to be approved in 2009 (which as covered in our first submission was seemingly different to what was actually approved) already provided many controversial dispensations, which were reluctantly accepted by the community because of special circumstances and because people could see the benefits for older people of living close to services in a leafy and walkable town of unique rural and historic character. The 2008 HIS promised mitigating measures to protect this special character.

What is now proposed is a degradation of the streetscape and HCA, a degradation already being alarmingly witnessed in Exeter Street. The original arguments and vision are seemingly lost.

The buildings 3 and 5 should not be combined and enlarged to become more imposing and anomalous in the historic development pattern of the town. The two buildings must be set back and effectively landscaped to soften their impact and integrate appropriately into the HCA.

Yours sincerely,

A handwritten signature in cursive script that reads "Glenda Davis".

Glenda Davis
President