

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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Camden Local Planning Panel

16 December 2021

BP 24 Hour Service Station

12 Argyle St Camden

CLLP 01 DA 2018/257/2

Section 4.55 Modification

I am speaking on behalf of Camden Residents' Action Group. We wish to make clear we are not speaking against the recommendation in the Agenda Report as such, but against the seeming lack of consequences for non-compliances with the Panel's determination of 13 December 2018. We believe we speak on behalf of the broad community in expressing our dissatisfaction with the history of this DA and the time and effort taken to reach this point.

We wish to thank the Council Officer for carefully considering our objections about the s4.55 attempt to legitimise the non-compliances and for including many consent conditions that creatively redress the insult to this sensitive gateway in the Heritage Conservation Area.

However, the fact remains that the Service Station was constructed and has been operational for a whole year despite being non-compliant with the approved plans and consent conditions. The history of this DA has raised many questions in the community and damaged confidence in the role of private certifiers and enforcement of consent conditions. The community asks whether the breaches would have slipped under the radar if it has not persistently pursued them for well over two years.

Whilst we appreciate the recommendation to restore a level of landscaping that is commensurate with the site's prominence, there is seemingly no compensation or consequences for the breaches. Even if these are outside the scope of the Panel to action, we request that it be put on the record for follow up. Otherwise, it is an open invitation for developers and Private Certifiers to regard the detail of determinations including consent conditions as optional.

In short, we consider that achieving something similar to the approved landscape plan is not sufficient to satisfy the community's sense of outrage. The community highly values the conservation area and feels that it has been grossly disrespected. Feedback from the community is that the developer should be required to maximise vegetation and now contribute to Camden's unique sense of place.

We request off-site compensatory planting for the following breaches.

Firstly, the omission of approved landscaping and concreting of the area between the Service Station and the heritage listed property next door at 16 Argyle Street has resulted in a jarring contrast in architecture and degradation of the setting and significance of the heritage building. On inexplicably finding, after the approval, that there was not room for the landscaping, compensatory measures should have been investigated and a modification lodged. The building could have been repositioned slightly to allow greater room. Instead, no action was taken to comply with the landscape plan and we are left with a glaring contradiction.

Secondly, it is understood that the community first brought attention to the mysterious ill-health of trees to be retained as early as May 2019. Our Group, many times, provided photographic evidence of their deterioration from the ground up, despite other trees and vegetation remaining healthy.

These lost trees were mature and provided a canopy and backdrop contributing to the renowned leafiness of the conservation area.

This cannot be replaced in the short or even medium term, particularly as Council's Landscape Officer has discounted our request for very large or heritage pot size plantings.

Council has already very generously allowed the Applicant to plant street trees to overcome some of the non-compliances.

We strongly request that Council require further significant plantings on Council land in compensation for the breaches of the approval and publicly record that outcome.

We insist that it is imperative that a clear message be sent to all developers and private certifiers that respect for approval conditions and consent authorities is not optional.

We also submit that nothing less will restore the community's faith in the planning system which has been severely tested throughout the history of this DA.

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