

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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General Manager
Camden Council
70 Central Avenue
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Email: mail@camden.nsw.gov.au
26 April 2022

Dear General Manager,

Re: DA 2022/253/1

37 and 37A Broughton St, Camden

Child care centre proposal including remediation of land, demolition of existing structures and construction of a single storey centre-based child care centre for 60 children with associated basement car parking, civil works, landscaping, and signage

Feedback on this DA questions why a child care centre would be proposed in this location, far from the concentration of young families in the LGA, and in close proximity to many others and within metres of the recently approved facility at 18-20 Broughton Street¹.

We appreciate that the business case is beyond the scope of assessment of this the DA.

However, the location of this proposed development is problematic for other reasons, and our objections follow.

¹ At the time of writing 37 of 61 child care facilities in the LGA have vacancies according to <https://www.careforkids.com.au/child-care/camden/2570>

Heritage Conservation Area (HCA)

The site is located within Camden's HCA and as such this proposal is in contravention of the overarching objectives of the LEP (5.10) to conserve the environmental heritage of Camden including HCAs, their associated fabric, settings and views.

This DA relies on demolition of extant structures on the site which contribute meaningfully to Camden's long history and aesthetic legacy.

We strongly object to this and disagree with the following conclusion in the Heritage Impact Statement (HIS):

The proposed works will have no impact on the ability to understand the historic, aesthetic, rarity and technical significance of the nearby items or conservation area (Section 8, p. 29).

This conclusion is based on a methodology that is flawed.

The HIS seems to be clutching at arguments that are unevidenced in order to reach a pre-determined conclusion.

We point out the following mistakes in the HIS approach (Sections 1 to 6), the information gathered from which informs the HIS assessment (Section 7) and above conclusion.

1.3 Heritage Listings

The site is not only subject to the listing of the Camden's HCA but is also within the heritage curtilage of state listed St John's Anglican Church Precinct.

1.4 Methodology

No site inspection was undertaken. We submit that photographs supplied by the DA Applicant/developer are not an impartially appropriate or necessarily accurate basis upon which to assess the extent of restoration needed or the heritage impact of demolition.

1.5 Limitations

The HIS admits that a detailed history of the site and a full assessment of significance to NSW Heritage Division standards were not provided for. It is not acceptable to conclude that demolition of HCA fabric is appropriate without undertaking a full assessment and considering the site's cultural significance.

1.7.1 Principal Reference

The Burra Charter is listed, but there are few references to it. There is no reference to article 2.1 *Places of cultural significance should be conserved*. There is no indication that the Burra Charter Practice Note² on assessing cultural significance for past, present or future generations, by analysing evidence gathered through the physical investigation of the place, research and consultation has been followed.

2 Historical Analysis

There is no evidence of any attempt to determine the historical and cultural significance of the site post the subdivision of this part of Camden from Camden Park Estate in 1898.

3.2 Dwelling

The description provided is limited. It is unclear how, simply from photos provided by the DA applicant/developer, that a full description of the external fabric of the cottage can be provided or assumed to be accurate.

3.3 Interior

There is no evidence provided that original fabric is not present beneath the fit-out for the radiology business. Physical investigation, which was admitted to have not been undertaken, may reveal that original ceilings and floorings are present. Similarly other artifacts and historical features may be found given a willingness to look further than a few photos.

3.4 Surrounding area

This section of the HIS shows that the site is adjacent to and surrounded by interwar development which clearly is contributory to the significance of the conservation area as explicitly referred to the HCA listing. This DA seeks to remove original fabric and interrupt the aesthetic consistency and cultural significance of the area.

² Burra Charter Practice Note Available at https://australia.icomos.org/wp-content/uploads/Practice-Note_Understanding-and-assessing-cultural-significance.pdf

4.2 Heritage Items in the vicinity of the site

As is evident in the LEP³ and NSW Heritage Inventory⁴, there are many more heritage items in the vicinity of the site than listed in the HIS.

As noted above, an obvious omission is state listed St John's Precinct. Policy 2 of its Conservation Management Plan⁵ defines *the setting of the church as all lands within a 5km radius of the church* and its state listing⁶ refers to its historical and cultural connection to the 1836 privately designed Macarthur town of Camden (the HCA), and state listed Camden Park. The Macarthur connection and the significance of these heritage items in the development of NSW is clear and significant.

The HIS does not acknowledge the cultural, social and economic significance of the area within NSW and Australian colonial and post federation European history, and the importance of conserving it for future generations.

4.3 Integrity

As already established, no physical investigation of the extant inter-war dwelling has been undertaken. There is no evidence that whatever alteration has been made to it is irreversible or not able to be restored.

The insertion of a new pedimented projecting gable and infill to the rear veranda, as referenced do appear superficial. There is no evidence they cannot be removed and the original design of the dwelling restored. We point out that much more challenging restorations commonly take place.

4.4 Comparative analysis

The dwelling's contribution within its surrounds is supported by the HIS itself which states

In the immediate vicinity of the site, the site directly to the north at 35 Broughton Street is a more elaborate example of the Inter-war era California bungalow. Like the subject site, this building has been converted to a commercial usage. Despite this, the building has retained much of its external integrity. Further to the north of the site at No. 4 Broughton Street is a similarly styled Bungalow style dwelling with a half-hipped roof and half-timbered gable. The dwelling externally has had its front veranda infilled with aluminium windows. Despite this, the dwelling has not had any major additions, unlike the new front entry porch addition of the subject dwelling.

³ Camden LEP Schedule 5 Available at <https://legislation.nsw.gov.au/view/whole/html/inforce/2012-04-05/epi-2010-0514#sch.5>

⁴ NSW State Heritage Inventory Available at https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems?_ga=2.39282343.560264719.1650530196-1813261132.1627799210

⁵ 2004 CMP and 2010 Addendum Available at <http://www.crag.org.au/wp-content/uploads/2016/12/CMP-and-Addendum.pdf>

⁶ St John's Anglican Church Precinct Heritage Item Available at <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5053423>

A new front entry porch is NOT a major addition – and in any case without physical investigation and further assessment it cannot be assessed as a major conversion. Likewise, it cannot be assumed that the façade cannot be restored.

No evidence has been provided that the building is of such low integrity that its aesthetic and cultural significance cannot be restored.

4.5 Assessment under NSW Heritage Assessment Criteria

These criteria provide a means of assessing an item's contribution to cultural history, including

- (a) importance in the course of local history;
- (b) associations with the life or works of local persons or community;
- (c) aesthetic characteristics;
- (d) association with community or cultural groups;
- (e) potential to contribute to an understanding of history;
- (f) its rarity.

The HIS in its assessment under these criteria incorrectly claims that the inter-war dwelling is

- a) of unsubstantiated or dubious importance because it has been so altered as to not be representative of the course of interwar cultural history;
- b) not associated with any significant event, person or group of people;
- c) so altered that it no longer provides clear evidence of its particular association with the key characteristics of an inter-war period dwellings, with fenestration, proportional gables and open veranda, original doors and windows having been removed;
- d) not known to be of importance to an identifiable group;
- e) not an important benchmark site;
- f) not rare with many examples that have not undergone alteration.

We refute this NSW heritage assessment for the following reasons.

Note that this site and its connection to prominent families is subject to much active historical research by historians⁷, Camden Family History Society⁸, Camden Historical Society⁹, Camden Museum¹⁰ and Wollondilly Heritage Centre¹¹.

It would appear that the heritage assessment is not based on consultation with those who are familiar with Camden's history, nor has research been undertaken into local history resources.

⁷ For example, see <https://camdenhistorynotes.com/?s=barsden>

⁸ <https://www.cafhs.org.au/>

⁹ <https://www.camdenhistory.org.au/>

¹⁰ <https://mgns.org.au/organisations/camden-museum/>

¹¹ https://www.digitalmasters.com.au/OaksB-051019/index_12.html

For instance, we refer to the edition of the *The District Reporter* dated Friday March 26, 2021¹² which includes an article on 37 Broughton Street by Historian John Wrigley OAM entitled *Back Then Conserving town's character* (p. 16).

The photo and transcript of the article are provided in Appendix 1.

This article demonstrates that the inter-war dwelling at a minimum

- (a) is of substantiated importance,
- (b) is associated with significant group of people,
- (c) provides clear evidence of original and aesthetic features of the dwelling, and
- (d) is known to be of importance to an identifiable group of people.

Clearly the community and visitors to the Museum care about protecting the town's heritage.

We emphasise the following points:

- a) The Camden HCA listing specifically indicates that the inter-war dwelling is contributory.
- b) Loss of fabric can only degrade the HCA. The fabric of the façade is clearly evident in the photo.
- c) The basic argument of the HIS is that the bungalow is beyond restoration. This is not proven and we dispute the assertion having witnessed much more difficult restorations.

7.2 *Helou v Strathfield Municipal Council (2006)*

Although we are pleased to see an assessment under the Planning Principle of the Land and Environment Court, we do not agree with the analysis for reasons already covered and addressed specifically in Appendix 2.

We have provided photographic documentation of the original extant structures to support restoration. We do not necessarily accept that most external fabric of the dwelling would be required to be replaced. We do not accept that restoration would not be possible or be too burdensome.

The HIS makes it clear that little effort has been undertaken to establish the historic value of the site in relation to its contribution to Camden's cultural significance.

¹² Available at <https://www.dropbox.com/s/rgb315h2g4crbk0/tdr2406.pdf?dl=0>

Further consultation and research would likely yield greater detail. There is a very active historical research culture within the Camden community and about Camden given its historic significance. It is also a fact that the old families of Camden remain in Camden or retain strong links to the town. It is likely that other documentation about the building and cultural significance would come to light.

The HIS analysis claims demolition presents no contradiction of Burra Charter 20.1:

Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric.

Irreversible damage has not necessarily occurred and there is evidence of the original dwelling.

Moreover, seeking to demolish the inter-war dwelling is demonstrably contradictory to the Burra Charter, particularly these articles:

2.1 Places of cultural significance should be conserved.

3.1 Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.

3.2 Changes to a place should not distort the physical or other evidence it provides, nor be based on conjecture.

15.3 Demolition of significant fabric of a place is generally not acceptable. However, in some cases minor demolition may be appropriate as part of conservation. Removed significant fabric should be reinstated when circumstances permit.

24.1 Significant associations between people and a place should be respected, retained and not obscured.

26.1 Work on a place should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

The missing tooth approach of piecemeal demolition of the fabric of the HCA fabric, which this DA represents, inevitably and eventually destroys its cultural and aesthetic significance. The community highly values the 1840 town's sense of place, its history and its difference which is also economically important to its viability. Turning it slowly into a generic urban space is counter-productive and is in contravention of Camden Council's policies and strategies.

7.4 Assessment against Camden DCP 2019

This section of the HIS cherry picks parts of the DCP and ignores others. For instance, the DCP (2.16.4) lists as a character element (18) of the HCA:

Federation cottages and interwar bungalows radiating out from the town centre, with adaptive reuse of these in Broughton Street.

The objectives of the DCP which are ignored include:

Retain the unique heritage significance of Camden town, recognising it as a rare and distinctive area.

Retain and promote evidence of the historical development of the town and enable interpretation of that historical development.

The controls that are ignored include:

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.

Existing cottage dominated streetscapes must be retained, new development such as extensions/additions should be compatible with the existing streetscape.

Yet, this DA proposes to demolish an inter-war dwelling that is not shown to be beyond restoration.

A requirement of the DCP (2.16.3) is also:

Protect and conserve heritage in accordance with the principles of the Burra Charter

As covered in the previous section many principles of the Burra Charter are not observed in this DA.

Intersection Broughton and Barsden Streets

We also draw attention, in relation to the location of this DA, that the proposed entrance in Barsden Street is on a steep incline at the intersection with Broughton Street, the main street for traffic accessing Camden from the south. Both Streets are single lane each way with unlimited parking. Quite often there are a number of vehicles waiting on Barsden Street to enter Broughton Street.

The lived experience is that at peak times the intersection is likely to be blocked and traffic held up, a different outcome to the *negligible impact on the existing road network* indicated in the Traffic and Parking Impact Assessment. We believe the traffic impact needs further investigation, particularly through consultation with those using the streets on a regular basis.

Conclusion


In conclusion, we see no merit in this proposal. If we are to have yet another child care centre in the HCA, then it must at the very least, like the nearby one at 18-20 Broughton Street which was itself highly controversial, be an adaptation of the original dwelling.

The DA does not demonstrate that demolition is warranted. Instead, it seeks to destroy a contributory item of the HCA, one that has cultural significance and is meaningful in Camden's long history.

This DA is not in the interests of the people of Camden or heritage conservation into the future.

We sincerely request that this DA be refused.

Yours sincerely,

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

Glenda Davis

President

APPENDIX 1



Source: Ryder-Smart wedding 1935. Photo by Roy Dowle (the photographer's Jean Dowle was one of the bridesmaids); The Oaks Historical Society Roy Dowle Glass Plate and Film Collection Photo 448 and 449. Available at https://www.digitalmasters.com.au/OaksB-051019/index_12.html

Back Then Conserving town's character by John Wrigley

The central part of the historic town of Camden is covered by two legal town planning documents, a Local Environment Plan and a Development Control Plan. These plans were put in place following extensive public consultation some years ago. There was a good degree of consensus that the people of Camden wanted the existing character of the town to be protected and enhanced.

Since that time Camden Council has worked with developers to ensure that new developments in the Heritage Conservation Area allow for appropriate modern facilities while respecting the existing surrounding buildings. This has been successful in some new buildings and not so successful in others. I mention this background to bring to the reader's attention the photo for this article.

The photo was taken on January 26, 1935 at a house at 37 Broughton Street on the corner of Broughton and Barsden streets Camden. At the time it was owned by the prominent Camden business family of Wes and Ethel Clifton and was the home of the little flowergirl Enid Clifton.

The wedding brought together several well-known Camden families. The wedding party was (left to right): Groomsman Gerald Williams, Bridesmaid Miss Nina Smart (later Hanger), Groom Aubrey (Aub) Ryder, Bride Iris (Iley) Smart, Harold (Snow) Smart, Miss Jean Dowle (later Doust), and Enid Clifton the flowergirl. The wedding was held in the Methodist Church and a reception in the Methodist Church Hall.

The Camden News of January 31, 1935 reported:

"The bride, who was given away by her father, was gowned in ivory satin and lace which fell into a long graceful train. She wore a halo of orange blossom that held the embroidered veil which fell to the tip of the train, and she carried a shower bouquet of frangipani and cream roses with trails of Cecil Brunner roses. She was attended by two bridesmaids, her sister, Miss Nina Smart, and Miss Jean Dowle, dressed in apple green silk and green velvet shoes to match, halo of green and lemon, and carried shower bouquets of yellow roses and frangipani."

The photo was taken by Camden's most active photographer of the time Roy Dowle whose own house is visible at the far left, on the other side of Barsden Street.

Both of these houses are still at this location and a number of Camden residents will have visited the main house for X-rays and scans when it was used for many years until recently as the Macarthur Diagnostic Imaging Centre. Both are in the inter-war style of Australian architecture. The Clifton house is of double brick with some lead glass bay windows and strong chunky joinery on the verandah in the Californian Bungalow style. There are panels of coloured render or ashlar below the windows. The house contributes to the existing period character of central Camden, and council approval would be required for the demolition of any building in this location.

During World War Two the Clifton family made the garage at the rear below the house available for National Emergency Service use by uniformed volunteer air raid wardens. At that same time there was a related unit of volunteer Air Observers recording aircraft movements operating at the kiosk/shelter shed at the highest point in Macarthur Park.

Of interest to historians, the lady on the right is the photographer's daughter Jean Dowle who later as Jean Doust, was the person who saved her father's vast collection of over 1100 glass negatives. The Roy Dowle photo collection in recent years has been donated by the Dowle descendants to the Wollondilly Heritage Centre at The Oaks and can be viewed on line at the photographic archives: <http://www.wollondillymuseum.org.au>. There is an ongoing project underway coordinated by the Wollondilly Heritage Centre to improve the captions for all these photos and the Camden Historical Society is assisting with that project. Any suggestions for adding to these captions would be welcome at the Camden Museum.

Rather worryingly, the house and some nearby similar period houses in Broughton Street have been vacant for some months and people coming to the Camden Museum have been asking is there some proposal afoot to redevelop these properties. We have not been able to answer that question so far.

Watch this space.

Source: The District Reporter Friday, March 26, 2021 Available at <https://www.dropbox.com/s/rgb315h2g4crbk0/tdr2406.pdf?dl=0>

APPENDIX 2 Comments HIS 7.2 Helou v Strathfield Municipal Council (2006)			
Question to be answered	Court guidance	HIS response	CRAG comment
1. What is the heritage significance of the conservation area?	The starting point for these questions is the Statement of Significance of the conservation area. This may be in the relevant LEP or in the heritage study that led to its designation. If the contributory value of the building is not evident from these sources, expert opinion should be sought.	Camden Township maintains tangible evidence of its growth and development from private town influence and origins in 1841 to the present day. Many built forms, cultural landscape features and township layout contribute to the character which is held in high esteem. The significance of the building stock is defined by the consistent development as a private city from c. 1841 to mid-20th Century period. The site is associated with the latter part of the HCA's development.	Whilst the HCA listing is a starting point, the significance and value to the community of the HCA is also expressed in many Council documents such as the Camden Local Strategic Planning Statement and the Camden Town Centre Urban Design Framework (UDF) which is adopted into Camden's DCP. These are not referenced in this HIS analysis.
2. What contribution does the individual building make to the significance of the conservation area?	The starting point for these questions is the Statement of Significance of the conservation area. This may be in the relevant LEP or in the heritage study that led to its designation. If the contributory value of the building is not evident from these sources, expert opinion should be sought.	The original dwelling on site originally exhibited characteristics considered significant to HCA, as a single storey Inter-war era Bungalow style dwelling. When compared to the dwellings in the above table that are identified as demonstrating the influences of the Inter-war era Bungalow style dwelling, the subject dwelling can be seen to be a highly compromised pastiche of the style and no longer exhibits its design intent. The alterations have resulted in the building has lost all the detailing that once made it an example of the style, notably the exaggerated gables timber framed and vertically proportioned windows/window groups and, most significantly, the open veranda with its timber detailing.	No investigation of the building has been undertaken and there is no evidence that the features of the original dwelling are severely compromised. In any case the Burra Charter (article 20.1) promotes restoration as photographic evidence of the original is available. The DCP (2.16.4 Camden Heritage Conservation Area) promotes the concept of adaptive reuse as a major conservation tool. Comparison with other dwellings is irrelevant as piecemeal demolition of HCA fabric must diminish its significance.

3. Is the building structurally unsafe?	Although lack of structural safety will give weight to permitting demolition, there is still a need to consider the extent of the contribution the building makes to the heritage significance of the conservation area.	N/A. The building is structurally sound.	This is another reason why it is worthy of restoration, and should not be demolished.
4. If the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the applicant in a way that would have a lesser effect on the integrity of the conservation area than demolition?	If the answer is yes, the cost of the necessary remediation/rectification works should be considered.	N/A Most external fabric of the dwelling would be required to be replaced. Furthermore, if reconstruction was encouraged by Council, there is no documentation of the original extant structures to support restoration, which contradicts Article 20.1 of the Burra Charter which suggests that <i>reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric.</i>	There is no evidence that most external fabric would need to be replaced. In any case there is sufficient evidence to reproduce it or whatever parts were missing, which under Article 20.1 would be appropriate given the buildings significance in local history and its contribution to the cultural significance of the HCA.

<p>5. Are these costs so high that they impose an unacceptable burden on the owner of the building? Is the cost of altering or extending or incorporating the contributory building into a development of the site (that is within the reasonable expectations for the use of the site under the applicable statutes and controls) so unreasonable that demolition should be permitted?</p>	<p>If these costs are reasonable, then remediation/rectification (whether accompanied by alteration and/or extension or not) should be preferred to demolition and rebuilding.</p>	<p>N/A While there is no cost plan provided it can be surmised that replacing/ reconstructing most fabric that is in poor condition would be of considerable cost.</p>	<p>Quantity surveyors can easily establish cost estimates. An assumption about the state of original fabric or its cost of restoration and any reconstruction required is inappropriate given the lack of any investigation into the existing physical structure.</p> <p>There is no evidence that the costs of retaining the building place an unacceptable burden on the owner. We submit that the costs would be likely reasonable (especially compared to demolition and rebuild).</p>
<p>6. Is the replacement of such quality that it will fit into the conservation area?</p>	<p>If the replacement does not fit, the building should be retained until a proposal of suitable quality is approved.</p>	<ul style="list-style-type: none"> • The proposed dwelling is appropriately orientated on the lot. • The proposed dwelling has similar front and side setbacks to the existing, which are appropriate to the area. • The massing and scale of buildings in the immediate streetscapes vary, the scale of the building is comparable with other buildings. 	<p>The proposed development is not a dwelling. An important element of the cultural significance of the extant building in the HCA is that it was built and used as a family home during the interwar period. A fundamental principle of the Burra Charter relating to ‘change” (Article 15) is that of conserving cultural significance. Although the use may change the form and fabric of the dwelling should at least be retained.</p>