

# *Camden Residents' Action Group*

*Incorporated*

*Camden – Still a Country Town*

**Website:** <http://www.crag.org.au/>

**Face Book:**

<https://www.facebook.com/CRAGcamdenresidentsactiongroup/>

PO Box 188

Camden NSW 2570

Email: [admin@crag.org.au](mailto:admin@crag.org.au)

Phone: 0415 617 368

**Re: Land & Environment Court**

**Proceedings No. 2021/295333**

**Graham & Sanders Pty Ltd**

**Application made directly to the Land and Environment Court pursuant to s. 4.55 (8) of the Environmental Planning and Assessment Act 1979 to modify development consent**

**DA2018/599/1 granted by the Land and Environment Court on 30 July 2021**

**On-site Hearing 31 March 2022**

I speak on behalf of Camden Residents' Action Group. This DA, which was first lodged in May 2018, has incurred significant negative press and social media commentary. We trust that you have read our evidenced objections, so far totalling 288 pages, on various iterations of this incongruous overdevelopment in the heritage conservation area. Despite being refused twice by the Local Planning Panel and failing the s34 conciliation, Camden Council issued consent orders for an iteration that was contrary to its own Statement of Facts and Contentions and even more non-compliant with the LEP and DCP.

The community is beyond outraged by what is seen as an unexplained and blatant misuse of the planning system. We found that the Court's acceptance of the consent orders did not take any account of our objections. Clearly the development does not comply with numerous planning rules including

- with the NSW and Camden Flood Policy and therefore LEP 5.21. Note that habitable rooms are below the Flood Planning Level;
- with LEP 4.3, being 60% above maximum height;
- with LEP 4.6 as the contravention of the height standard is not an appropriate degree of flexibility but a gross violation of it. No planning grounds or special circumstances were found by the Local Planning Panel in its two determinations of refusal;

- the development is also non-compliant with LEC Planning Principle<sup>1</sup> on contributory items in conservation areas and the statement of significance in the HCA listing<sup>2</sup>. We find the cottage should not be demolished.
- nor is it consistent with the town's urban design framework with its built form principle<sup>3</sup> and the concept of adaptive reuse according to the Burra Charter, both adopted by Camden's DCP.

The DCP specifies a two-storey limit, not three levels. This modification to the third level obviously exacerbates the detrimental impact on adjacent heritage listed items as well as the conservation area with its increased bulk and scale. Overshadowing is increased and, although privacy has always been a major issue, this modification tries its luck with an additional large window overlooking other properties.

Obviously, the increased roof mass will be even more preposterous in the cottage dominated streets of the 1836 Macarthur town plan. It will loom even larger from the public domain, especially from Mitchell Street looking towards the restored heritage listed cottages.

This development is not in the public interest, nor that of the community which highly values and identifies with the irreplaceable character of the town. As well as being a cultural abomination, it will negatively impact the town's economics which relies on its unique fine-grained human scale buildings and agricultural heritage as points of difference.

Already developers are buying up cottages for demolition on the strength of the approval. Developers have told us that proposals are not about the LEP and DCP, but avoiding too much delay though community opposition. More than 180 years of Australian colonial and agricultural legacy, not to mention its tourism potential is set to be lost through Council staff and Court sanctioned non-compliance with the planning instruments and Council policy including the Local Strategic Planning Statement<sup>4</sup>. The community and history will not forgive this failure of our institutions.

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<sup>1</sup> Helou v Strathfield Municipal Council [2006] NSW LEC 66. Paras. 43-46

<sup>2</sup> NSW Heritage *Camden Town Centre Heritage Conservation Area* Available at <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=1280090>

<sup>3</sup> CTC Urban Design Framework available at <https://www.camden.nsw.gov.au/assets/pdfs/Major-Developments/Camden-Town-Centre-Urban-Design-Framework/Draft-Camden-Town-Centre-Urban-Design-Framework-April-2018.pdf>

Built Form 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).

<sup>4</sup> March 2020 available at [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub\\_pdf/Local+Strategic+Planning+Statements/LSPS+2020/15278+Camden+Council+LSPS+Update+v05FA+%2428MedRes%2429\\_S-1161.pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Local+Strategic+Planning+Statements/LSPS+2020/15278+Camden+Council+LSPS+Update+v05FA+%2428MedRes%2429_S-1161.pdf)

This DA has shown developers that the planning controls are void and the community, in the end, has no voice. We insist that the consent order approval should be overturned as it cannot be justified. At the very least this modification must be thrown out.

568 words

*This modification application is for the rear section only and includes:*

- *Removing the hipped roof with Dutch gables and expanding the roof bulk;*
- *Increasing the floor area of the third level (mezzanine) by 31.6sqm;*
- *Adding extra skylights in the rear roof;*
- *Changing the first-floor side facing windows;*
- *Adding a big window at the eastern side of the building facing Edward Street.*