

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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Local Planning Panel

21 February 2023

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

We contend that the contribution of the cottage to the heritage significance of the HCA has not been accurately assessed by the DA Applicant or within the Agenda Report. We emphasise two points, both of which amongst other issues, are covered in detail in our submissions on this DA.

Firstly, the NSW Heritage Manual on assessing heritage significance¹ very clearly includes an investigation into what the community values. The heritage value and contribution of the inter-war dwelling to local identity and its importance to the people of Camden has not been examined or even mentioned. This is despite a rich research culture in Camden which would yield detail about the historical and cultural significance of the site post the subdivision of this part of Camden from Camden Park Estate in 1898. This is a breach of faith with the community, and one that the people of Camden will not forgive.

Secondly, the LEC Planning Principle² on assessing contribution of a non-listed item and its demolition within an HCA was incorrectly addressed.

Under this Principle, the starting point in determining whether an item is contributory is the HCA Listing. In other words, if it is contributory under its listing, it is not subject to a different assessment regardless of any assessment by any other expert.

¹ NSW Heritage Assessing heritage significance <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/assessing-heritage-significance-2001.pdf>

² Helou v Strathfield Municipal Council [2006] NSW LEC 66. Paras. 43-46
<https://www.caselaw.nsw.gov.au/decision/549f84273004262463abec2e>

In Camden's case³, built forms c. 1841 to mid-20th Century period are defined in the Listing as important and contributory. Therefore, under this Principle the inter-war dwelling is unquestionable contributory⁴.

The principle is also that demolition of an item which contributes to a conservation area according to its Listing will detrimentally impact heritage significance. This is so even if its replacement building "fits", because the original heritage element has been removed. Only contributory items that are structurally unsound can be considered for demolition.

Much of the argument for demolition rests on changes to the original bungalow. These can be restored. Under the Burra Charter and Camden's DCP it could again be adaptively re-used for commercial purposes.

Clearly the replacement building would be classified in HCA terms as "uncharacteristic" ie less than neutral value.

It is logically impossible to argue that demolition and new build would not detract from the town's significant qualities as referenced in the HCA Listing.

466 words

³ NSW State Heritage Inventory *Heritage Item ID: 1280090 Camden Town Centre Conservation Area*
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1280090>

⁴ The following is included in the Statement of Significance of Camden's HCA:

While some built forms within the Township outside the generally important c. 1841 to mid 20th Century period, provide less than contributory values, they remain in a minority, yet act as reminders for the Town's abilities to grow, albeit with a need for respect to its significant qualities.