

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

Ph: 0415 617 368

The General Manager
Camden Council
70 Central Ave, Oran Park 2570
PO Box 183, Camden 2570
Email: mail@camden.nsw.gov.au

4 March 2020

Dear Sir,

Re: BP Service Station
12 Argyle St Camden
Development Approval (DAs: 257/2018; 411/2017)
Consent Conditions
13 December 2018

We refer to our previous correspondence with Council (see Appendix) about compliance with the consent conditions of the above DA, which was approved by Camden Local Planning Panel (LPP) on 13 December 2018.

It is with great concern that, contrary to the consent conditions, the community now sees that all trees on the site have been removed. Engineering certification of the soundness of the old block wall that was to be retained, a consent condition required by Camden LPP, is not publicly available and further note that the wall is undergoing considerable work including partial demolition.

We again raise and extend issues about dying trees and the block wall covered in our letters of 14 August 2019 and 24 November 2019 about which we are yet to receive explanations.

TREE REMOVAL

The consent conditions¹ of DA approval included tree and vegetation protection (condition 7), and compliance with the Landscape Plan² showing trees that were to be retained and with an Arboricultural Report³ with the stated aim (p.4) of the retained trees remaining in a safe and healthy condition, not less than at the time of initial inspection for the report, or in a reduced but sustainable condition due to the impact of the development but ameliorated through tree protection measures. The Landscape Plan and Arboricultural Report clearly indicate the trees to be retained. The diagram below has been annotated for clarity.

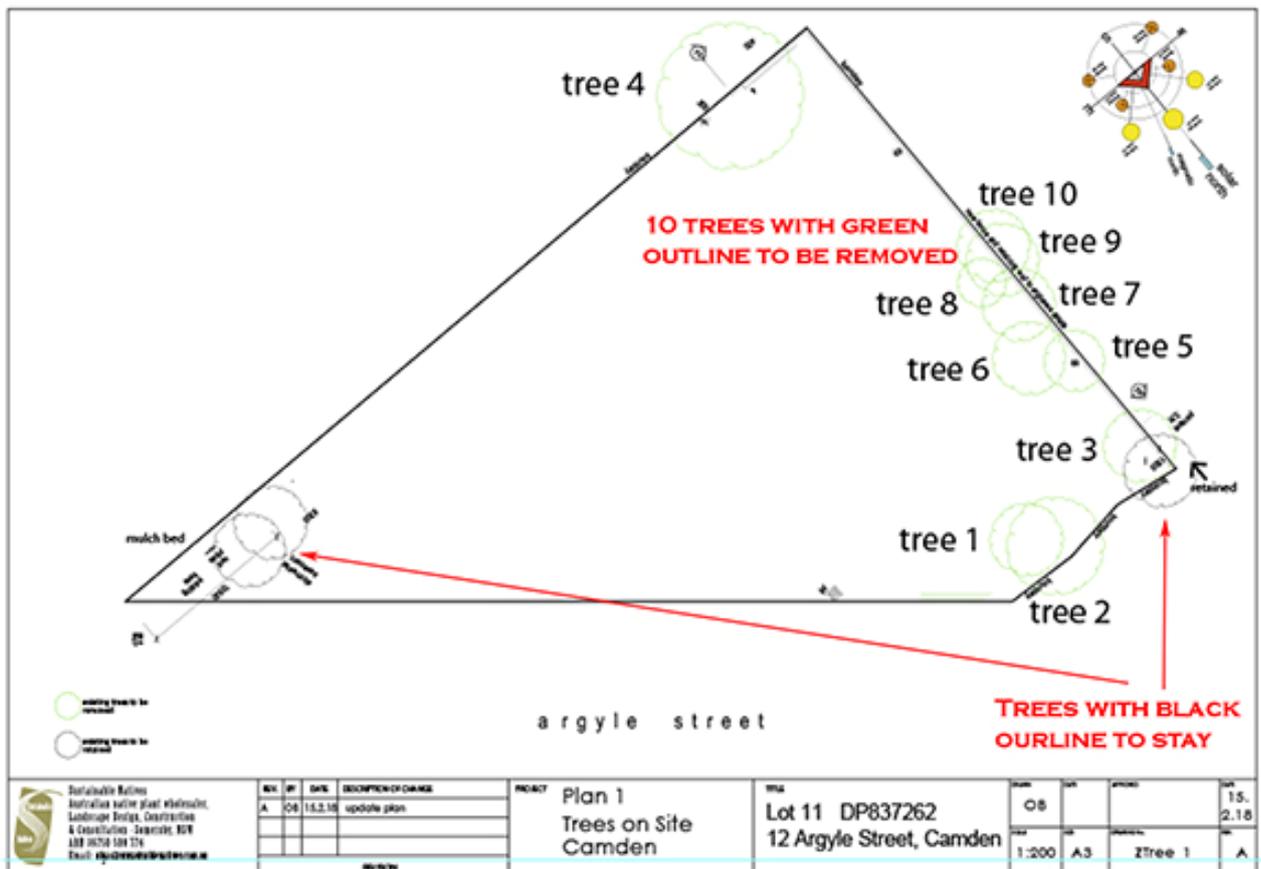


Figure 2. Location 12 Argyle Street, Camden (Existing Trees Camden Drawing dated 15/02/2018)

Source: Olga Blacha Arboricultural Report (p. 3)

¹ Camden Local Planning Panel 13 December 2018 *Agenda and Minutes CLPP 01*

<https://www.camden.nsw.gov.au/development/camden-local-planning-panel/2018-clpp-agendas-and-minutes/>
² Sustainable Natives 22 Feb 2018 (Rev C) 18/66942 DA/2018/257/1 Appendix 1 Plans Landscape 12 Argyle St Camden <https://planning.camden.nsw.gov.au/Application/ApplicationDetails/010.2018.00000257.001/>

³ Olga Blacha, Sustainable Natives 15 February 2018 Arboricultural Impact Assessment 18/66913 DA/2018/257/1 Arboricultural Report Appendix 6 12 Argyle St Camden <https://planning.camden.nsw.gov.au/Application/ApplicationDetails/010.2018.00000257.001/>

We expressed concerns in our letter of 14 August 2019 that trees that were to be retained exhibited uneven defoliation and appeared to be dying. Council responded on 19 August 2019 that the matter would be referred to its Recreation and Sustainability team for tree officers to investigate for any necessary action, and that further advice would follow.

The development is at the main entrance to and within the Heritage Conservation Area of Camden (1840) which is also recognised as a heritage town by the Greater Sydney Commission. The community highly values Camden’s sense of place and distinctiveness which includes its established vegetation and leafiness. Although 10 trees were (controversially) to be removed others were to stay to soften the stark character of the modern corporate two-storey service station.

Members and others in the community continued to contact CRAG with concerns that particular trees to be retained on the 12 Argyle Street site were dying, but that other trees including those adjacent on the neighbouring site appeared healthy. Mysteriously, it was observed that many of the trees in the stand of trees adjacent to the Combined Real Estate Building (16 Argyle St) that were designated ‘to be removed’ also appeared healthy.

We wrote again on 24 November 2019.

Our two letters (see Appendix) evidence the deterioration of the trees to be retained. To date we have received no follow up on our enquiries.

Today we write because the site has been cleared.

Trees adjacent in the next-door site remain healthy.

The trees ‘to be retained’ are gone, as shown in the following photos.







15/02/2020
The remnants of two trees marked
as retain on stamped Council plans

These trees are marked for removal - GONE
13/11/2019

The same fate for this tree marked
as retain

The view from across the street - with new structure

Why weren't the trees marked 'to be retained' retained? It is impossible to accept that the trees marked for retention had to be removed due to some uncontrollable environmental problem which targeted specific trees on the site.

There appears to be a violation of the consent conditions.

We note two referrals on Camden Council DA Tracker ⁴ that post-date the Camden LPP approval of the DA on 13 December 2018.

Referral-Urban Tree/Landscape	06/11/2019	06/11/2019
Referral-Urban Tree/Landscape	30/01/2020	30/01/2020

- 1. Were the referrals noted above to do with removal of trees that were required to be retained?**
- 2. We request an immediate answer as how trees that were healthy at the time of the DA approval and specifically marked to be retained came to be removed.**
- 3. Is the loss of the trees marked to be retained being followed up as a violation of the consent conditions?**
- 4. Importantly also we request advice as to repercussions including exactly what restorative and remediation action is being undertaken.**

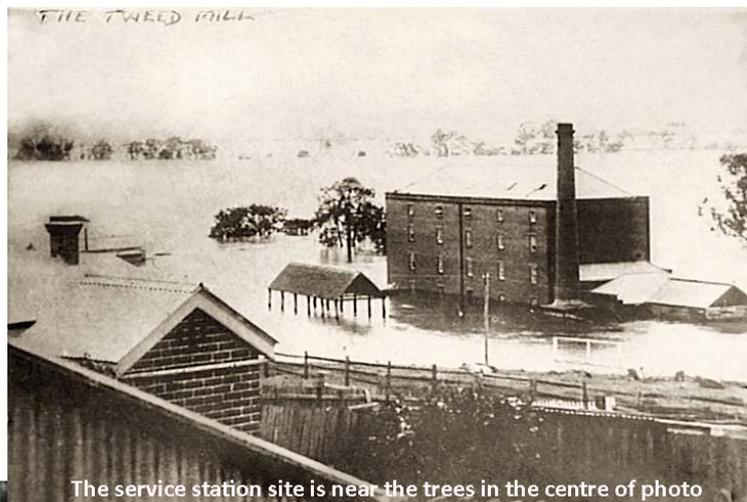
⁴ Camden Council DA Tracker accessed 4 March 2020
<https://planning.camden.nsw.gov.au/Application/ApplicationDetails/010.2018.00000257.001/>

RETAINING WALL

The site is within a high hazard flood zone, and lived experience is that it is in the path of fast flowing river water, which would suggest it is in a floodway rather than being a flood storage area as claimed.⁵

Only Flood Risk Management Report Revision 1⁶ is available to date on the DA Tracker. Appendix A of this Report shows a clear demarcation between flood storage and floodway just outside the site towards the river. We find it extraordinary that mother nature in times of climate change and regardless of weather conditions can observe such a definitive line, and question its scientific proof.

As well as these historic photos of flood events, we have provided recent photos in our previous two letters.



⁵ Henry and Hymas n.d. *Flood Risk Management Report Revision 1* p 6

⁶ Henry and Hymas n.d. *Flood Risk Management Report Revision 1*: 18/66899 DA/2018/257/1 - Appendix 7

Existing concrete block retaining wall (southern boundary)

There is little if any mention of this block wall in the Flood Risk Management Report Revision 1.

The consent conditions of approval included an additional condition imposed by the Camden Local Planning Panel as follows

(2b) Structural Soundness -The structural soundness certification required by the approved Flood Risk Management Report Revision 2 is to include the structural soundness of the existing concrete block retaining wall on the southern boundary.⁷

The response from Council (19 August 2019) to concerns expressed in our letter of 11 August 2019 advises:

... the Flood Risk Management Report Revision 2 states:

3.2 Structural Soundness

Structural certification will be required at Construction certificate Stage to ensure that the proposed building the proposed fuel filling area, fuel canopy and carpark can withstand the forces of floodwaters. Based on the proposed building materials of structural concrete, steel and masonry it is expected that these elements can be designed to withstand the forces of floodwaters. While we may not be able to force the developer to submit this structural soundness assessment prior to the construction certificate, we will however contact the owner of the land nonetheless and ask that the matter be looked into as a matter of public interest.

Two Construction Certificates⁸ have been issued by a Private Certifier. This statement from Revision 2 does NOT seem to necessarily require structural assessment and certification of the existing block wall in question as required by the consent authority, Camden LPP.

In flooding events, and especially if lived experience is correct, the structural soundness of this wall is critical for personal and property safety.

Further, although this wall, built in sections with steel rods at least 60 years ago, was to be retained⁹ subject to engineering certification as to its soundness, it has been damaged, is more than half demolished and at the time of writing its old foundation near the entrance to the site is in the process of being broken up.

The photos in this section from this point were taken on 3 March 2020 and are annotated with our concerns.

⁷ Camden Local Planning Panel 13 December 2018 Minutes (p. 5)

⁸ CC 2018/257/1 Principal Certifying Authority: Steven Saad 02/12/2019
<https://planning.camden.nsw.gov.au/Application/ApplicationDetails/011.2018.00000257.001/>

CC 2018/257/2 Principal Certifying Authority: Certifier To Be Advised 27/12/2019
<https://planning.camden.nsw.gov.au/Application/ApplicationDetails/011.2018.00000257.002/>

⁹ ADW Johnson Pty Ltd 28 February 2018 *Statement of Environmental Effects Service Station 12 Argyle St Camden*





*Photo 3 March 2020
showing original wall
height and removal of
original block work*



Ground level (Existing) on the up stream side minus 1.4m
Block wall height 3.6m
minus 0.8m overall height 2.8m
NSW Law - masonry wall not more than 1.2m high
Neapen River floodway

This area is on the downstream side of the wall





Original Creek
floodway

Roadway has been
filled many years ago

1.2m
above
ground
level (existing) NSW LAW



The Flood Risk Management Report Revision 2 as required by Camden LPP to include the structural soundness of the existing concrete block retaining wall is not publicly available, so the public cannot be assured of compliance with this condition.

State environmental planning policy makes special mention of heritage and flood affectation constraints on approval of retaining walls. The obvious and considerable work on the wall also raises questions of compliance with legislative and policy requirements introduced since the construction of the original wall.¹⁰

We are happy to be corrected, but our understanding is that the wall, given its potential reconstruction and being a masonry wall in a flood area, requires a joint report of both a civil and hydraulic engineer to state that it will not restrict the flow of floodwater.¹¹ We also understand that the natural ground level is a factor and that the wall cannot exceed 1.2m in height.¹²

At this point damage is evident in the remaining original block wall. At this point it is not clear whether the wall is to be reconstructed. It is clear that the extensive work on the wall at the construction stage would need the input of engineering expertise and certification.

¹⁰ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

¹¹ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Part 3B: Div. 5; Subdiv. 4; Clause 3B.57

¹² State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Part 2; Div. 1; Subdiv.19; Clause 2.38

5. **Was the engineering certification of the structural soundness of the original wall as necessary for public safety and as required by the consent condition imposed by the consent authority, Camden LPP provided and, if so, why it is not publicly available at least in the Flood Risk Management Report Revision 2?**
6. **Under what authority has the existing wall been demolished and/or is being reconstructed?**
7. **What engineering certification of soundness is required as a result of the damage to and demolition of the wall that has taken place during the construction process?**
8. **What engineering certification of soundness of the wall upon any repair or reconstruction will be required and will it be made public?**

As well as answering the eight issues enumerated above, we also ask that the general community be assured, at a minimum through publication on the DA tracker of the professional structural and hydraulic engineering opinion about the completed wall, that it is sound and does not pose any risk to person or property in any flood event.

Our understanding is that although Camden LPP was the consent authority for this DA that Camden Council is responsible for ensuring that all documentation is to hand and compliance with the consent conditions. Therefore, we believe Camden Council is best placed to answer the above questions in a short and immediate time-frame.

If this is not the case could you please advise as soon as possible so that we can forward our concerns to the LPP Secretariat for referral.

Thank you in advance for a quick reply to our questions.

Yours sincerely,



Glenda Davis
President.

APPENDIX

Camden Residents' Action Group

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The General Manager
Camden Council
70 Central Ave, Oran Park 2570
PO Box 183, Camden 2570
Email: mail@camden.nsw.gov.au

24 November 2019

Dear Sir,

Re:
BP Service Station
12 Argyle St Camden
Development Approval (DAs: 257/2018; 411/2017)
Consent Conditions

The above proposal for 12 Argyle St was recommended for approval to and was approved by the Camden Local Planning Panel (CLPP) on 13 December 2018 with various consent conditions.

CRAG had lodged two objections (on 22 April 2018 and 6 July 2017) against the location of a two-storey corporately modern service station within the Heritage Conservation Area at the main gateway into the historic township of Camden (1840). In our submissions we expressed concerns about tree removal and loss of Camden's heritage and green rural and country attributes recognised in Camden's LEP 2010 and DCP 2011. We note that Council unanimously reconfirmed its policy of conservation of the heritage value and agricultural legacy of the township in its adoption of Urban Design Framework 2018 and through the 2019 draft Local Strategic Planning Statement which aligns this policy with the District Plan of the Greater Sydney Commission.

On 14 August 2019 we raised two further concerns about the site: first, dying trees near to or within it and second, the safety of an unsupported block wall.

On 21 August 2019 we received a response from the Duty Planner that

- The matter of dying/defoliated trees had been referred to Council's Recreation and Sustainability team to investigate any necessary action, and that once finalised we would be advised as to the outcome;
- The second matter was subject to a consent condition imposed by the CLPP:

*1.0(2b) **Structural Soundness** - The structural soundness certification required by the approved Flood Risk Management Report Revision 2 is to include the structural soundness of the existing concrete block retaining wall on the southern boundary.*

The Duty Planner advised that this certification may not be enforceable prior to the developer's application for construction certificate, but that the owner of the land would be contacted to look into the matter as a matter of public interest.

To date we have received no further communication as to the outcome of these actions.

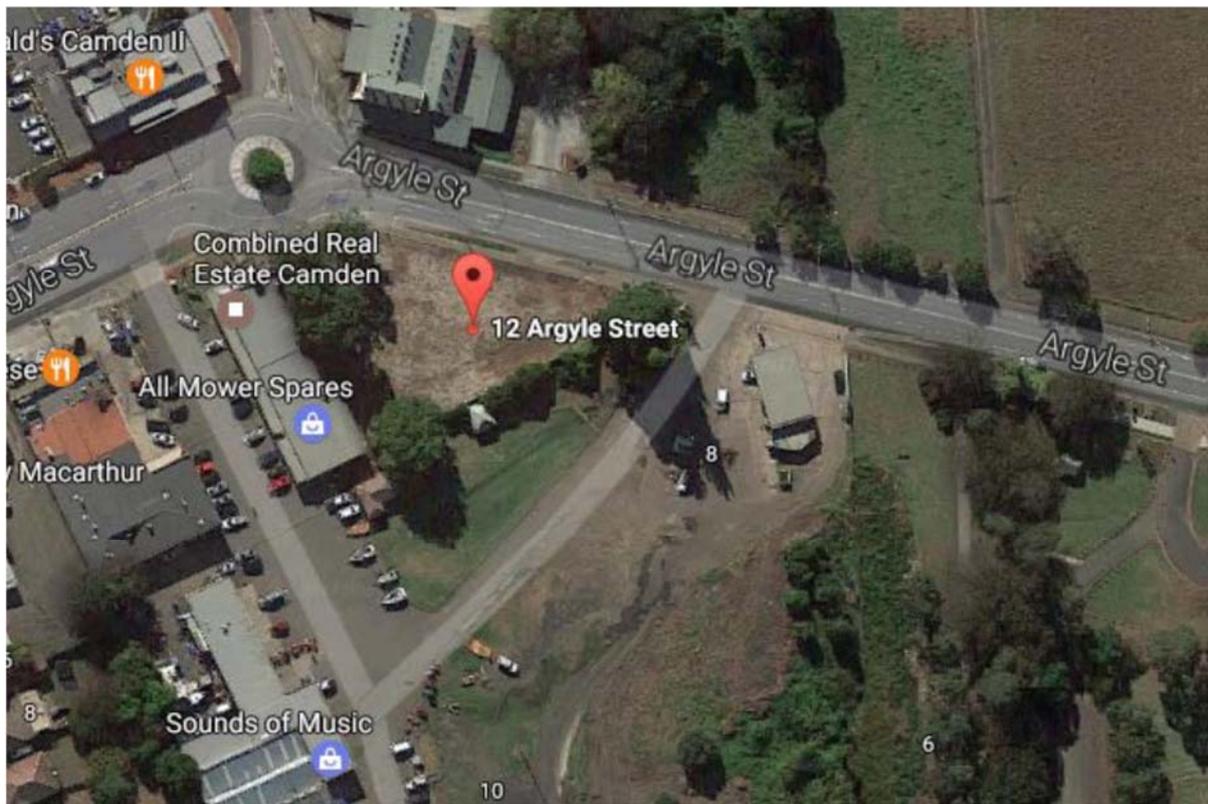
The community takes an active interest in the conservation and leafy welcome to what is renowned as an important asset being the most intact and historic town in the Sydney basin. Members of the community, particularly recently, have contacted CRAG as the site has been startlingly denuded of vegetation as work has commenced on the site. We must pass on that the concerns raised with us often cynically express that the trees most severely afflicted by defoliation are those on the site boundaries that could be expected to be retained, while many of those within the site continued to appear to be in reasonable health until removed.

As at today's date we could not find reference to issuance of a construction certificate in Council's DA tracker. This may mean that Council has been notified of the appointment of a Private Certifier but we understand that Council would still be responsible for enforcement of the conditions of development consent.

We note that Condition 7 in Attachment 1 of the staff report¹ to the CLPP states that approval must be sought from Council prior to any impact on vegetation other than that authorised in the development consent.

As can be seen in the aerial view below the area did contain significant stands of trees.

¹ Camden Council Local Planning Panel Agenda
<https://www.camden.nsw.gov.au/assets/pdfs/Development/CLPP/13-December-Agenda-Reduced-File-Size.pdf>



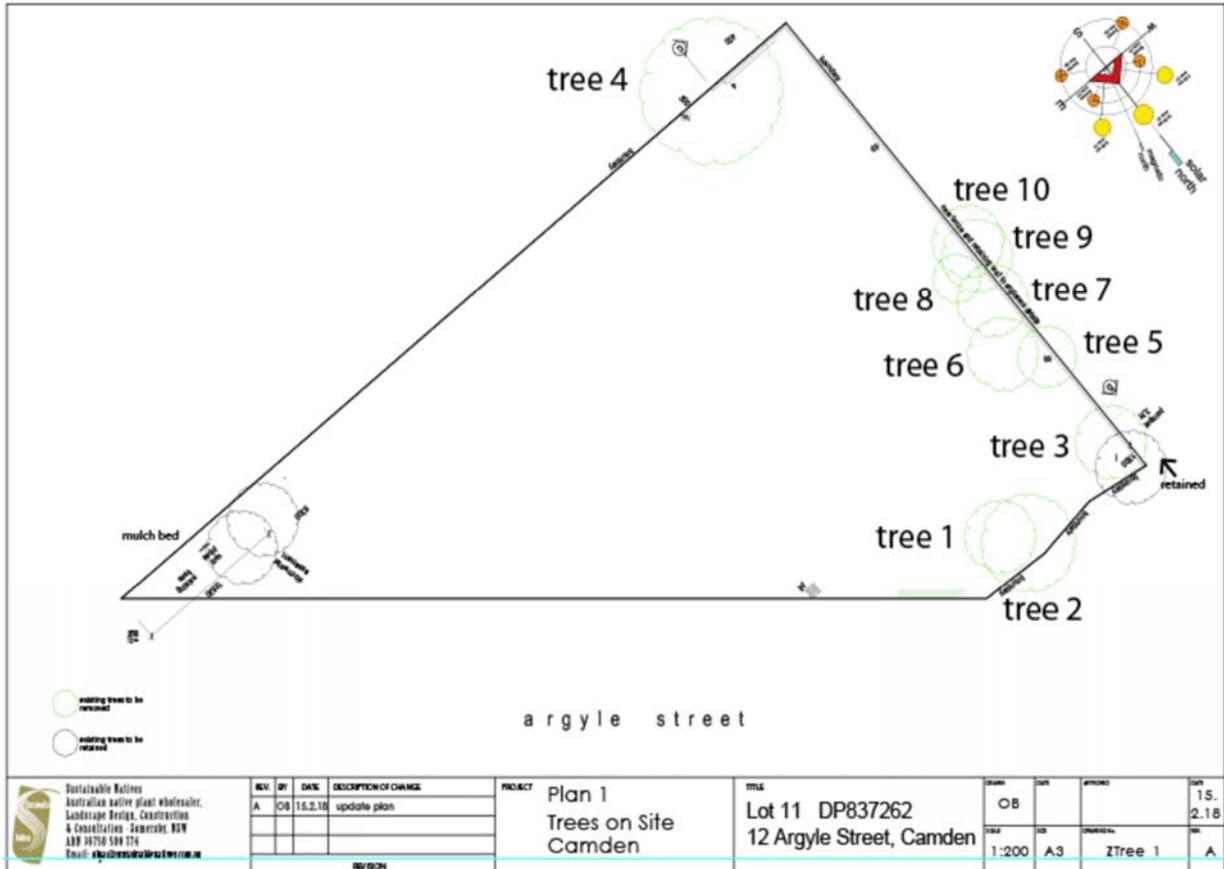
Source: Olga Blache (February 2018) *Arboricultural Impact Assessment*. Google Earth Imagery 24/1/17



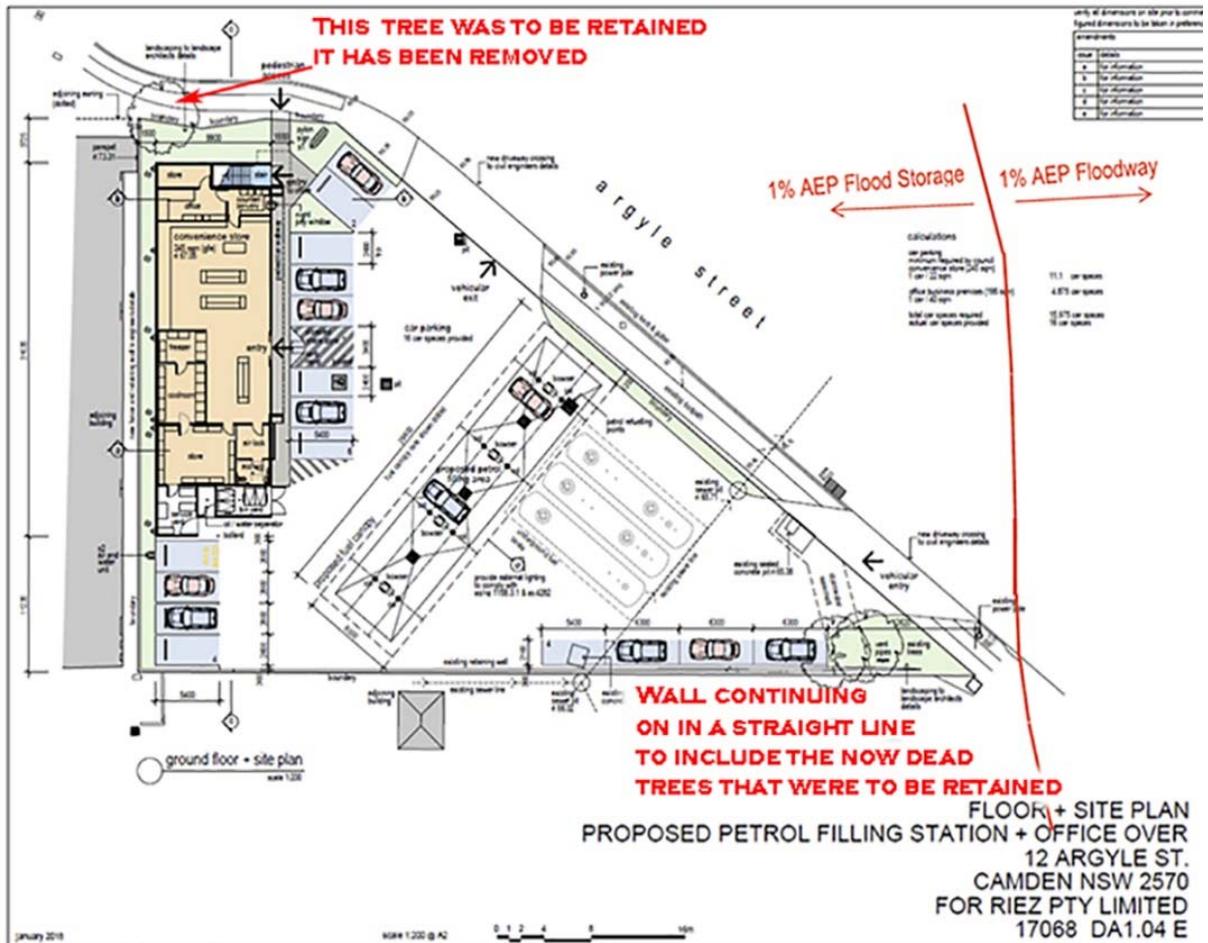
Photos 13 November 2019: Work has commenced.

Ten trees were approved for removal.

They are numbered and depicted in green in the diagram below which also shows in black two trees in the eastern and one at the western corner of the site to be retained.



Likewise, the approved architectural drawing below shows the trees to be retained. Noted also are the trees that would seem to have not survived.



As noted in the Arboricultural Report (p. 11): *Where tree retention has been considered, those trees are expected to survive the redevelopment process and remain stable and viable. The retention and protection of existing trees on site is a significant aspect of the development process, allowing those trees as components of the current curtilage to be transferred to the new build for incorporation into the landscaping works for the site.... As a renewable and dynamic natural resource the urban tree and the growing environment essential for its survival must be understood and carefully managed to balance its needs with those of people. It is crucial that as required: this resource be planned for, planted, nurtured, protected, maintained and replaced, to ensure appropriateness and suitability of new plantings and trees retained, for safety and viability, so that it remains vital, and is sustainable in continuity.*

As depicted below it appears that the requirement and expectation that the development would retain trees within the site to soften its modern starkness at the main entrance to the historic town has not eventuated.



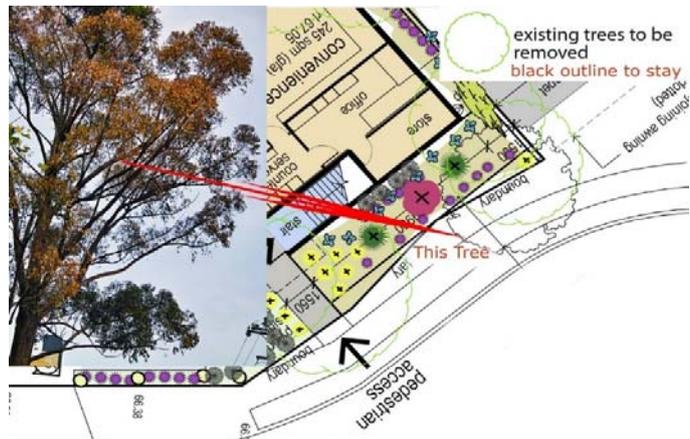
We raise these urgent questions.

Have all the trees within the site been removed or lost?

Was any tree, required under the consent conditions to be retained, subsequently approved to be removed?

If approval was granted, why?

If a reason for removal was defoliation and poor health, given that we raised concerns about this in our letter of 14 August 2019, what attempt was made to save any tree to be retained that was subsequently removed?



Was an arboreal expert consulted about the defoliation and poor health of trees to be retained?

If any tree to be retained could not be saved, why not?

We also continue to be concerned, as raised in our letter of 14 August 2019, that trees at the eastern corner of the site (multi-trunked Tallowwood; *Eucalyptus microcorys*) as shown in these photos exhibit uneven defoliation but trees adjacent to the site appear to be healthy. As shown below these multi-trunk trees at the lower continuation of the block wall on the boundary line of the neighbouring small service station appear now to be dead or close to dying.

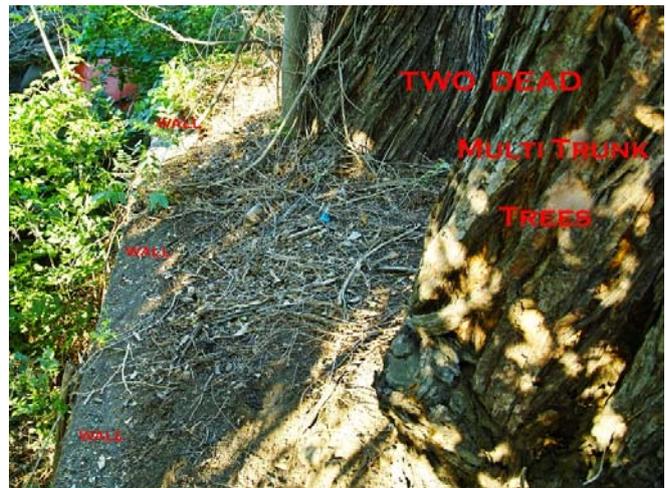
This is also potentially a matter of public safety as dying trees can collapse unexpectedly.

We note that a tree protection zone has been signposted in the eastern corner.

Why are these trees defoliated?



Photos: 15 November 2019



If the trees need fertilisation and watering then this can be remedied. If the trees have been subject to inappropriate treatment then an arboreal expert may be able to recover their health.

Could you as a matter of urgency advise:

What action is being taken to ensure that the consent conditions of the DA are complied with?

What action is being taken to save the trees in this important entrance to the town?

The other issue of public interest raised in our letter of 14 August 2019, was the safety of the unsupported block wall on the site which is located within a floodway according to the lived experience of the community.

We note that it is a condition of consent that the structural soundness of this wall be subject to certification.

Has the wall been certified by an engineer?

If so, what is the finding?

Again, as with the defoliated trees, we note that this matter is potentially one of public safety.

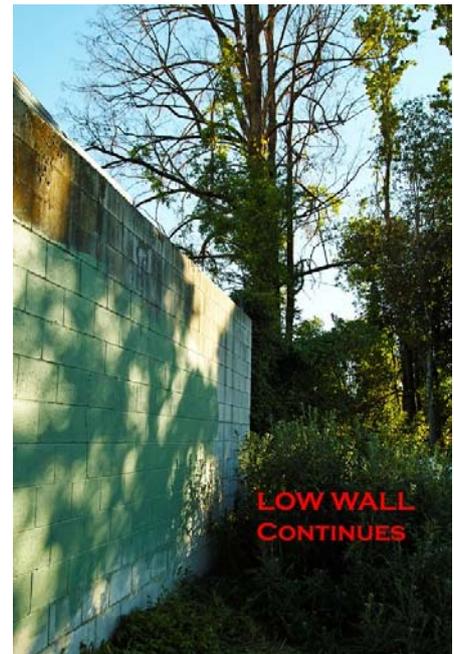


Photo: 15 November 2019

The site of this development is highly visible and subject to conjecture about what is happening.

It is raising a number of questions which we cannot answer although familiar with the development application, its history and its approval.

On behalf of the community we have put the questions and highlighted them in the above.

We look forward to hearing from you and thank you for your prompt response to these questions.

Yours sincerely

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

Glenda Davis

President

Glenda Davis

From: GatewayDuty <gatewayduty@camden.nsw.gov.au>
Sent: Wednesday, 21 August 2019 2:59 PM
To: Glenda Davis
Subject: Development Enquiry - 12 Argyle Street CAMDEN - DA/2018/257/1 - Construction of a BP service station

Hello Glenda,

Thank you for your letter regarding the development approved at 12 Argyle Street Camden under DA/2018/257/1 and issues related to the defoliation of trees and to the certification of structural soundness of an existing concrete block retaining wall.

The issue raised about defoliated trees has been referred to Council's Recreation and Sustainability team for Council's tree officers to investigate for any necessary action, and further advice can be provided once this is finalised.

The other issue raised relates to a retaining wall on the southern boundary and the following consent condition imposed by the Local Planning Panel:

*1.0(2b) **Structural Soundness** - The structural soundness certification required by the approved Flood Risk Management Report Revision 2 is to include the structural soundness of the existing concrete block retaining wall on the southern boundary.*

I note that the *Flood Risk Management Report Revision 2* states:

3.2 Structural Soundness

Structural certification will be required at Construction certificate Stage to ensure that the proposed building the proposed fuel filling area, fuel canopy and carpark can withstand the forces of floodwaters. Based on the proposed building materials of structural concrete, steel and masonry it is expected that these elements can be designed to withstand the forces of floodwaters.

While we may not be able to force the developer to submit this structural soundness assessment prior to the construction certificate, we will however contact the owner of the land nonetheless and ask that the matter be looked into as a matter of public interest.

Kind Regards

Duty Planner

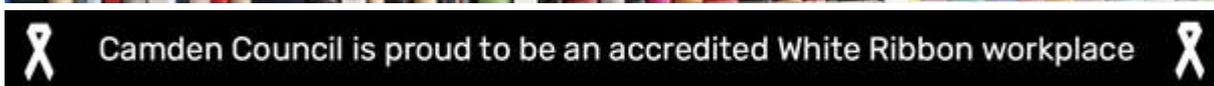


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Camden Council values your opinion, please click here to provide feedback



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From: Glenda Davis <glenda@davisco.com.au>
Sent: Wednesday, 14 August 2019 2:47 PM
To: Council Mailbox <Council.Mailbox@camden.nsw.gov.au>
Cc: admin@crag.org.au
Subject: 12 Argyle St Camden site concerns

Dear General Manager,

Please find attached a letter raising concerns about dying trees near to or within the above site and the unsupported block wall on the site.

With kind regards

Glenda Davis
President
Camden Residents' Action Group Inc

Cc CRAG Committee

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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

Face Book: <https://www.facebook.com/CRAG-Camden-Residents-Action-Group-Inc-1805705173088888/>

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The General Manager
Camden Council
70 Central Ave, Oran Park 2570
PO Box 183, Camden 2570
Email: mail@camden.nsw.gov.au

14 August 2019

Dear Sir,

Re: BP Service Station
12 Argyle St Camden
Development Approval (DAs: 257/2018; 411/2017)
Consent Conditions
13 December 2018

CRAG lodged two objections (on 22 April 2018 and 6 July 2017) to the above referenced proposal for a new service station located within the Heritage Conservation Area at the main gateway and welcome into the historic township of Camden (1840).

In our submissions we expressed concerns about loss of Camden's special sense of place and green rural and country attributes recognised in Camden's LEP 2010 and DCP 2011, and which Council have since unanimously reconfirmed in its adoption of Urban Design Framework 2018.

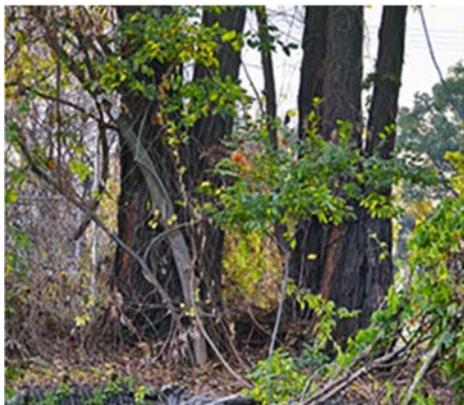
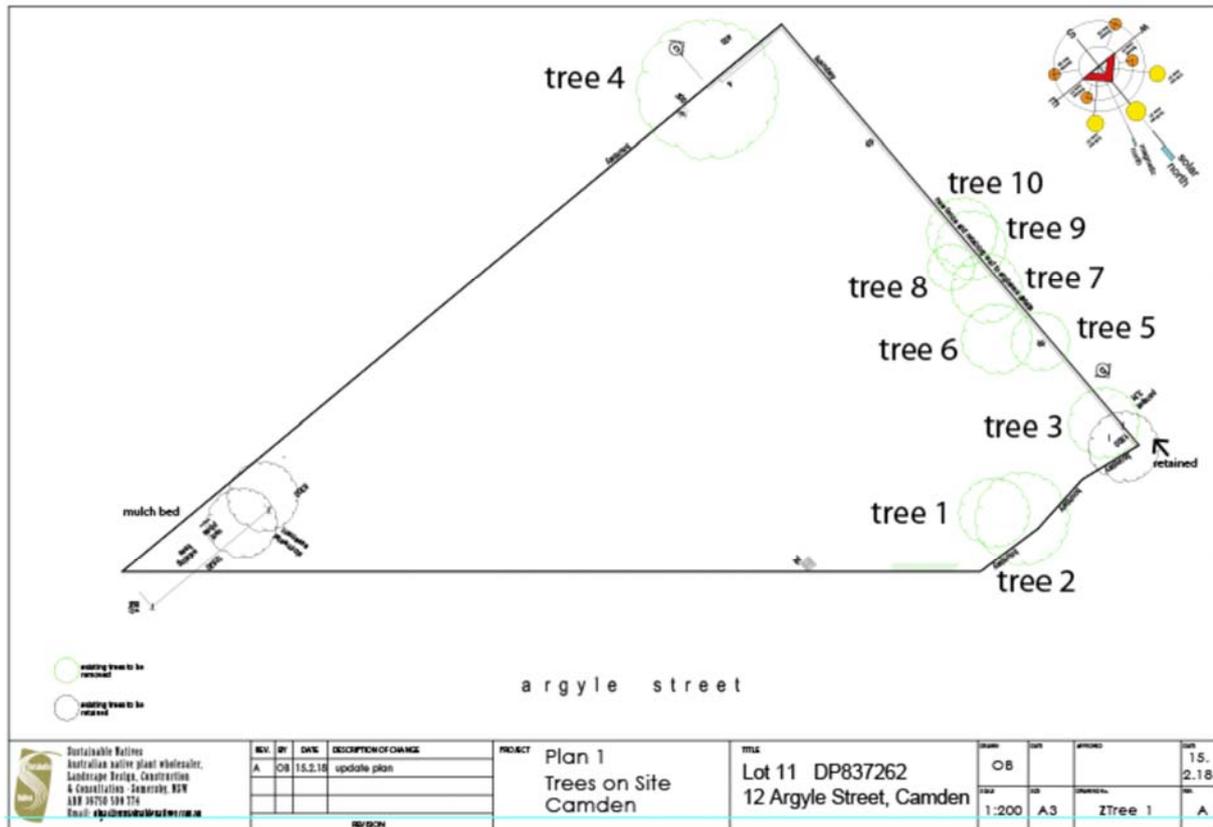
We also specifically raised concerns about loss of trees and potential flooding impacts.

The proposal was considered by the Local Planning Panel and approved with consent conditions on 13 December 2018. The conditions are as set out in Council's staff report and as determined by the Panel including submission of amended plans removing certain signage and finishing colour of canopy and the certification of structural soundness of the existing concrete block retaining wall on the southern boundary.

We wish to raise two follow up issues relating to this significant gateway site.

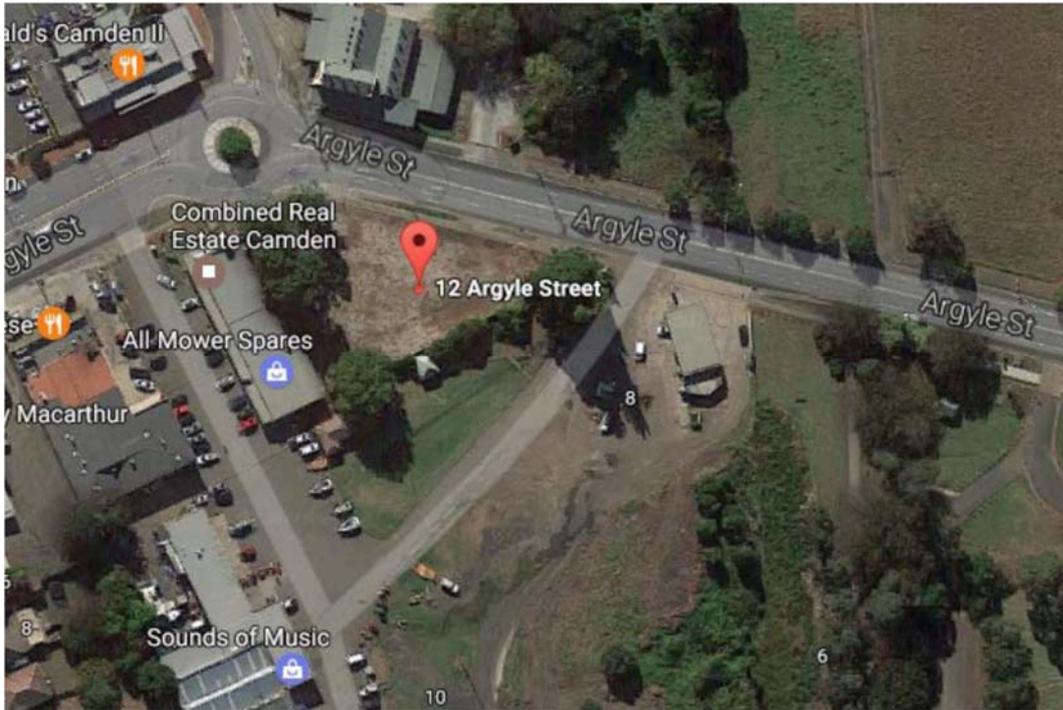
Defoliated Trees

Removal of 10 mature trees as applied for in this DA, shown in the diagram below, was approved. We understand that the desirability of retention and enhancement of the leafiness and a tree-lined welcome to the acknowledged and renowned heritage town, is not disputed by developers, and is expected by residents and visitors.



We are concerned that trees either within or adjacent to the site (multi-trunked Tallowwood; Eucalyptus microcorys) exhibit uneven defoliation and appear to be dying.

We note in particular that the eastern stand of trees on Argyle Street is to remain. Trees near to neighbouring business, Combined Real Estate, appear to have been dying since the latter part of 2018 and more recently trees have been observed to be dying near to the neighbouring service station, the Hot Spot.



Source: Olga Blache (February 2018) *Arboricultural Impact Assessment*. Google Earth Imagery 24/1/17

The representation and the nearby surrounds of the development, as submitted in the proposal and shown below, also indicate mature trees to the west along Argyle Street, heading into the Edward Street roundabout.

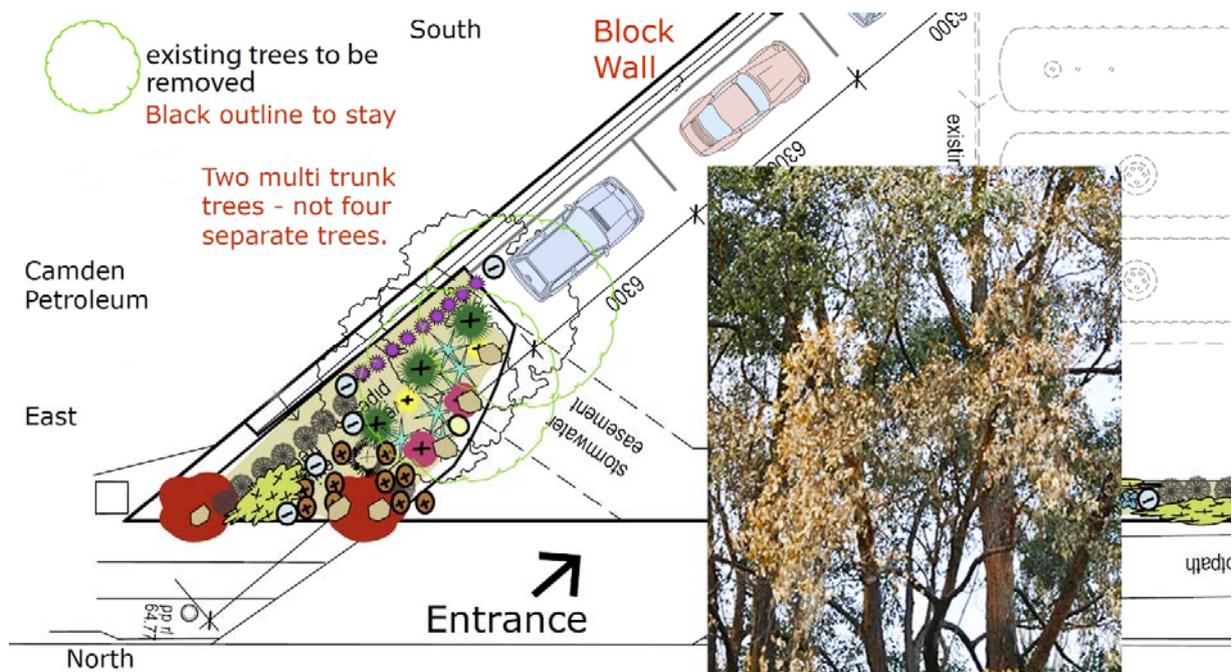


Source: Tropman & Tropman Architects (February 2018) *Heritage Impact Statement: Proposed Petrol Filling Station & Offices 12 Argyle St Camden Figure 23*



Source: Tropman & Tropman Architects (February 2018) *Heritage Impact Statement: Proposed Petrol Filling Station & Offices 12 Argyle St Camden Figure 9*

We understand that at least some of the trees that are observed to be in poor health and dying are within the boundary of the site of the above-mentioned service station development.



This issue of the potential death of the mature trees was also raised by a CRAG committee member, Robert Wheeler, with the Camden Office of the Council approximately one month ago, and recorded by the attending Council staff member. If the trees are not restored to health, they do of course pose a safety threat to pedestrians and occupants of passing vehicles.

We would like to request as a matter of urgency that Council investigate why trees appear to be dying within and/or near to the site of the above-mentioned development, and act to save them.

We look forward to receiving your assessment.

1. Unsupported Block Wall

As noted above, a consent condition imposed by the Local Planning Panel was engineering certification of structural soundness of the existing free-standing concrete block retaining wall on the southern boundary. This condition was included in the minutes as follows:

(2b) Structural Soundness -The structural soundness certification required by the approved Flood Risk Management Report Revision 2 is to include the structural soundness of the existing concrete block retaining wall on the southern boundary.

We do understand that before building can commence that an application for a construction certificate must be made and address whether proposed structures can withstand floodwaters.

However, we believe the safety issue of the existing wall is of immediate public interest.

The Flood Risk Management Report (February 2018; 2.3, p.6) that accompanied the DA claims the site is located in a flood storage zone. We accept the lived and long experience of residents and previous business owners in this area that the site is located in or very close to a high hazard floodway which follows an apparent natural watercourse following through beyond the wetland to the site and the Milk Depot opposite on Argyle Street.





Floodway to the right of the above photograph

June 2016

Local knowledge is that the wall, in the event of a flood, is in the path of fast-moving flood waters and in danger of collapsing and potentially causing injury and damage. The wall needs to be reinforced.

As such we request that the engineering report be required immediately.

Thank you for your consideration and response.

Yours sincerely

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

Glenda Davis

President