

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
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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>



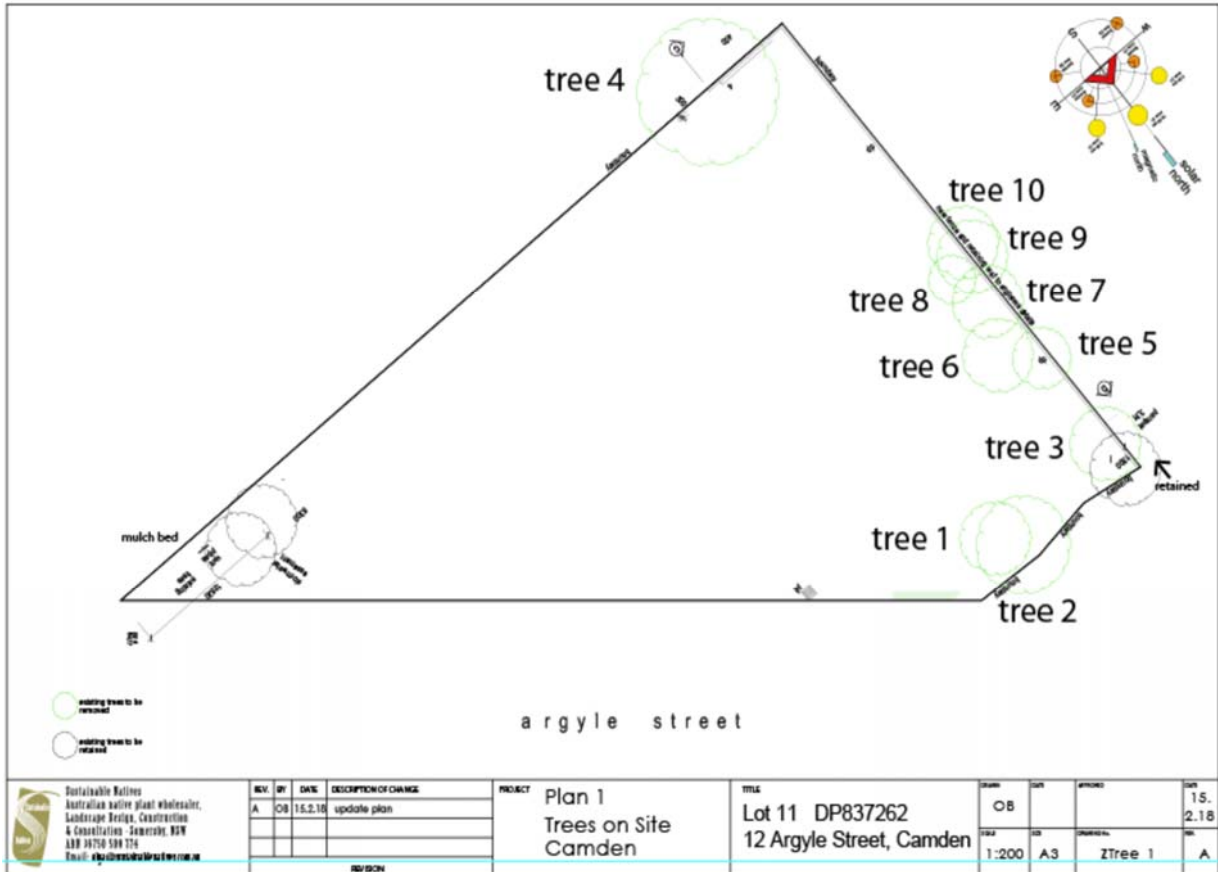
Source: Olga Blache (February 2018) *Arboricultural Impact Assessment*. Google Earth Imagery 24/1/17



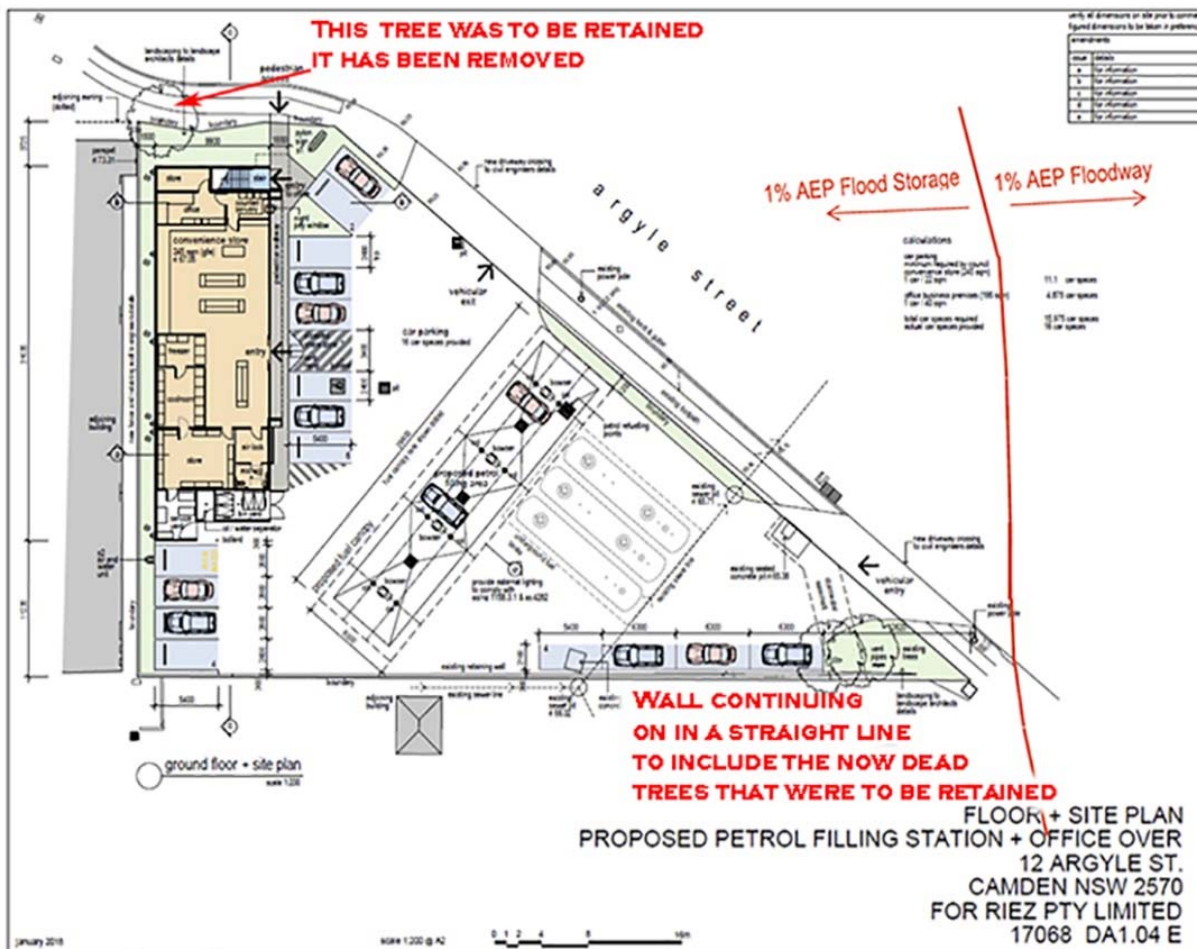
Photos 13 November 2019: Work has commenced.

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.

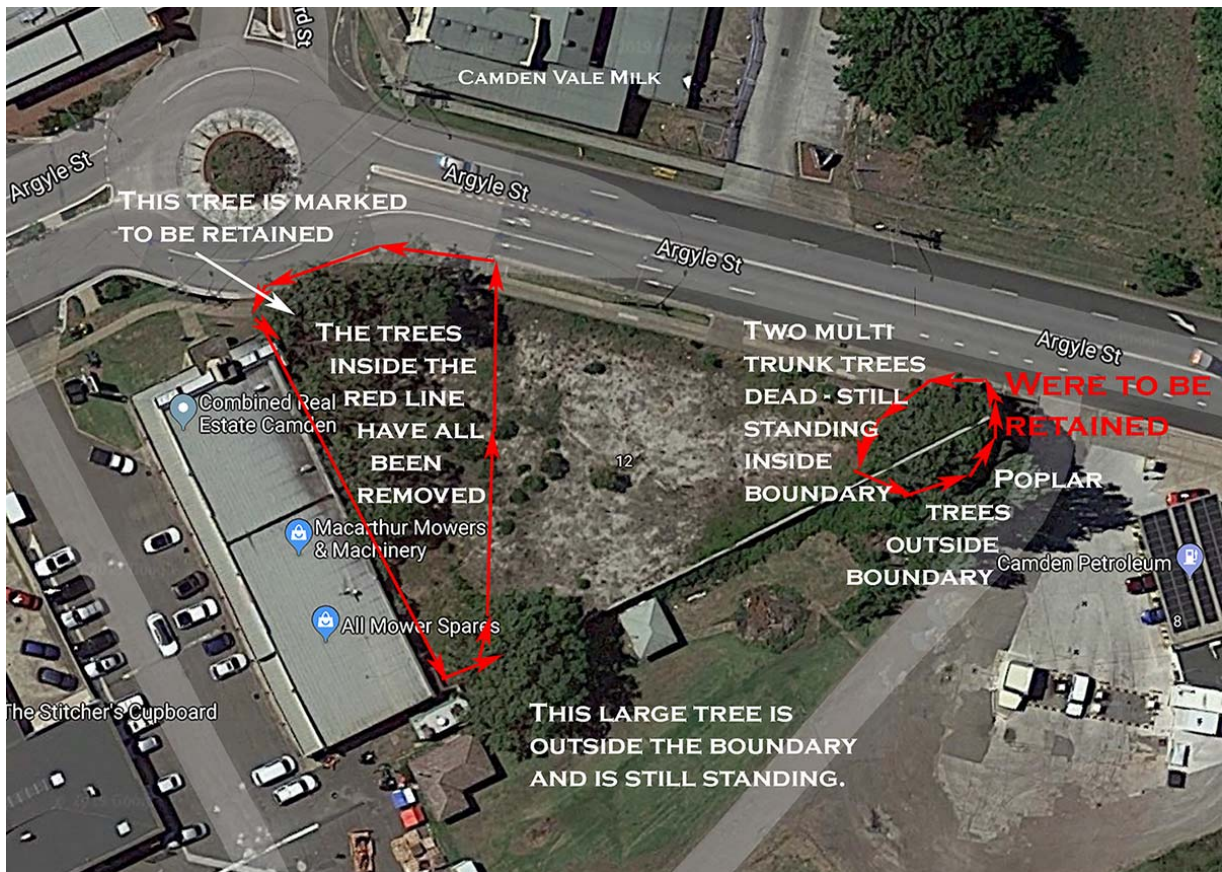


Likewise, the approved architectural drawing below shows the trees to be retained. Noted also are the trees that would seem to have not survived.



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.

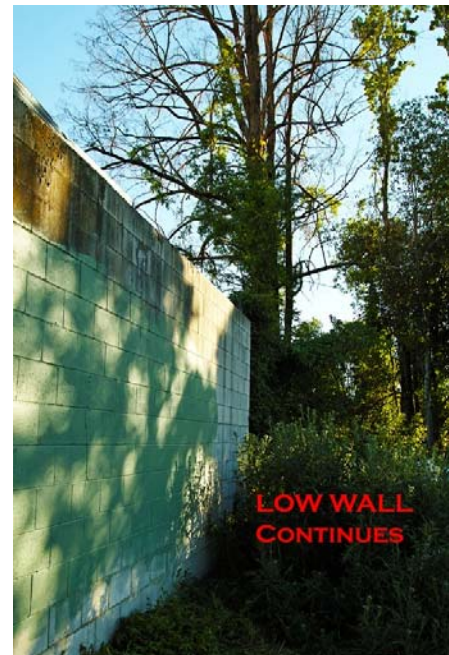


Photo: 15 November 2019

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