

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/>

PO Box 188

Camden NSW 2570

Email: admin@crag.org.au

Ph: 0415 617 368

20 April 2017

General Manager
Camden Council
70 Central Ave
Oran Park 2570

Dear General Manager,

**Re DA 169/2016
Camden Vale Milk Depot**

**Demolition, alterations, additions to the existing Camden Vale Milk buildings
for five new restaurants and a function centre, provision of car parking, associated
tree removal, landscaping and site works**

We acknowledge the effort taken to address concerns raised about the first plan for the Milk Depot site and that revised reports on flood risk and traffic and parking have been submitted to accompany revised architectural drawings. Unfortunately the Statement of Environmental Effects (SEE) and Heritage Impact Statement (HIS) have not been updated to reflect the amendments to the proposal.

The intended more sensitive restoration of the heritage listed Milk Depot façade is welcomed as is the removal of the decked car park. We note the increased setback and reduced anachronistic glass in the two storey Argyle Street facade of the proposed building additions as positive changes. Removal of the totally anachronistic upwardly projecting verandah type structures on the eastern elevation is also acknowledged. However despite these amendments, there remain serious concerns, many of which were first covered in our objections dated 22 April 2016 and 17 June 2016.

As shown in the following "before and after" the impact of the development on the historic and country character of Camden is very significant. The proposed additional building would

dominate the culturally significant landmark of the Milk Depot and be of a scale and design incompatible with the Heritage Conservation Area



As well as obvious potential problems of site ingress and egress associated with the Edward Street roundabout which may be sufficient to deny this application, the proposed development contravenes heritage controls and has major issues with flooding.



The reasons for our objections to the proposed development fall under two headings as follows.

1. HERITAGE: Changing the Heritage Value and Character of the eastern entrance to Camden, the heritage listed Milk Depot and Camden's Heritage Conservation Area (HCA).

2. FLOODING: Adding a New Building to the Nepean Floodway-leaving Camden Council open to unlimited liability to eventual flood damage.

Council cannot rely on any indemnity from liability under Section 733 of the Local Government Act 1993 as the NSW Floodplain Manual 2005 (p.18) states:

“It should be recognised that the indemnity offered by Section 733 is limited. If a Council fails to make a real attempt to perform a task relating to the likelihood of any land being flooded, then the indemnity is not available”.

1. Heritage

Camden Council¹ in providing heritage information refers to:

- the Burra Charter², widely adopted including by NSW Office of Environment and Heritage (OEH) and Heritage Council, as outlining best practice conservation principles;
- and the legal requirements of Camden Local Environmental Plan 2010 (LEP) and *Chapter B3: Environmental Heritage* of Camden Development Control Plan 2011 (DCP).

The SEE and HIS do not adequately address best practice conservation principles of the Burra Charter, guidelines of the NSW Office of Environment and Heritage (OEH) and Heritage Council, heritage protections in Camden's Local Environmental Plan (LEP 2010) and Development Control Plan (DCP 2011), or the more recent provision in the Greater Sydney

¹ Camden Council *Heritage Information* Available at <http://www.camden.nsw.gov.au/development/plans-and-policies/development-guidelines-and-policies/heritage-information/>

² ICOMOS *The Burra Charter 2013* Available at <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

Commission³ draft plan to "*protect the heritage values of Camden Town Centre and consider how its amenity and character can be maintained.*"

The elephants in the room of loss of cultural significance of the Milk Depot and degradation of sense of place and heritage value of Camden's conservation area have yet to be adequately addressed by this development proposal.

The Burra Charter

The Burra Charter⁴, referenced in the HIS, sets a professional standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance based on Conservation Principles. The HIS (p.22) refers to the conservation principles of the Burra Charter stating that *its principles can be tested against the impacts that are proposed by the development to see if they meet the criteria for acceptable conservation approaches.*

This testing was not included in the HIS, and these Principles in particular are relevant:

Article 3 advises a cautious approach based on a respect for the existing fabric, use, associations and meaning and changing as much as necessary but as little as possible.

The heritage listed factory building and its rail siding are tangible markers of history, and this development proposal will undermine the heritage value of the building and site and the town. The removal of the ramp off Edward Street and the attached garage to the east of the main buildings, fronting Argyle Street are considered appropriate as they are recent additions.

The following proposed changes are totally inappropriate for the Camden Vale heritage building:

- the removal of the metal awning fronting Argyle Street, which was used to cover the trains – refer to attached photograph of train using siding;
- the raising of the roof of the eastern side building, the height of which is integral to the heritage interpretation of the building and site.

The proposal is to add a building which is of greater mass than the Milk Depot and to obscure views. Little respect has been shown to the Milk Depot's original use as a meeting place of dairy farmers bringing their fresh milk to the major conduit of milk supply into Sydney and its associations with the Macarthur family and the beloved Pansy train. This is not a cautious approach nor one that would seem to change as much as necessary but as little as possible of the cultural significance of the building within its setting.

³ Greater Sydney Commission SW Draft Plan Action L13: Conserve and enhance environmental heritage, including Aboriginal, European and natural; Liveability Priority 7: Conserve heritage and unique local characteristics

⁴ ICOMOS *The Burra Charter 2013* Available at <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

Article 8 states that conservation requires the retention of an appropriate setting, defined as the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character, and that new construction and intrusions adversely affecting the setting are not appropriate.

The proposed additional building would obstruct views, dominate the Milk Depot, and intrude into its rural setting which is part of its distinctive character and cultural significance.

As has been previously noted, the removal of the decked car park in the current proposal is a welcome development. It is however also noted, most disappointingly, that *no* changes have been made to the 'Arboricultural Assessment and Impact Report' originally submitted.

The Report for the proposed development acknowledges that "Cowpasture Bridge to Argyle St is identified in Camden Council's 'Significant Tree Register' (1993)...as having European cultural significance "and indicates at table 10.0 'Tree Identification Assessment Summary" that the 18m tall Lombardy Poplars on the site are mature trees of good health and good structure, but concludes they are not to be retained, as they are "located within proposed carpark hence removal is required". The revision which prompted the removal of the decked car park from the original proposal should have also prompted an equally essential change in the above Report, signalling a revised intention to preserve the Lombardy poplars. For all the reasons indicated in our Objections of last year and reiterated below, it is imperative they be retained. This amended proposal removes any possible argument, now and in the future, based on logistical difficulties. With a will and some imagination, what are perceived as difficulties in complying with heritage requirements, are not insurmountable.

The amended proposal locates a car park within the natural topography of the area, with presumably regrading to manage storm and flood water. The historical importance of the whole area demands that any alteration to the Milk Depot site, now or in the future, must retain its relationship to and with the surrounding, tree'd environment and floodplain.

The distinctive role played in the Cowpasture approach to Camden by the tall verticals of the poplars (which are actually 2 but appear to be 3 in number- one having been cleaved long ago by a natural event such as lightning) against the predominant horizontals of the floodplain and the historic built environment, is incontestable. On leaving Camden via this route, the poplars behind the roofline of the Milk Depot serve the same function aesthetically and marry, in a line of sight with those in the distance, contributing the very particular spatial relationship.

The importance of Camden's poplars to the town and its surrounds has been reflected in previous Councils' valued commitment to replacing lost specimens as well as 'future proofing' this landscape feature by planting young poplars, between mature ones or paralleling old stands to give them time to become established as replacements. Yet on the issues of Heritage and

Ecological Significance the above mentioned 'Assessment Summary' concludes "Nil" value on both accounts, ostensibly on the premise alone that none of these trees "have been directly identified" and "no mention of Camden Vale Milk Company was referenced" in the Significant Tree Register.

It is entirely disingenuous and unacceptable to cite the lack of a specific mention of individual trees and the lack of very precise description of their location as evidence of their "nil" value and justification for their removal and the consequent loss to Camden's heritage environment.

The proposed landscape plan is completely inadequate and inappropriate for this key position at the entry to Camden. Despite the objective of 'incorporating iconic elements of Camden's rural charm' this is merely lip service. The Argyle Street frontage has no proposed tree plantings and features only a low (presumably hedge) planting of Buxus and Indian Hawthorn. The plan should at least consider continuing the established Chinese Tallow (*Sapium Sebiferum*) trees that currently exist between this location and the Cowpasture Bridge. The plan is largely made up of generic landscaping plants and only includes one Jacaranda and one English Oak.

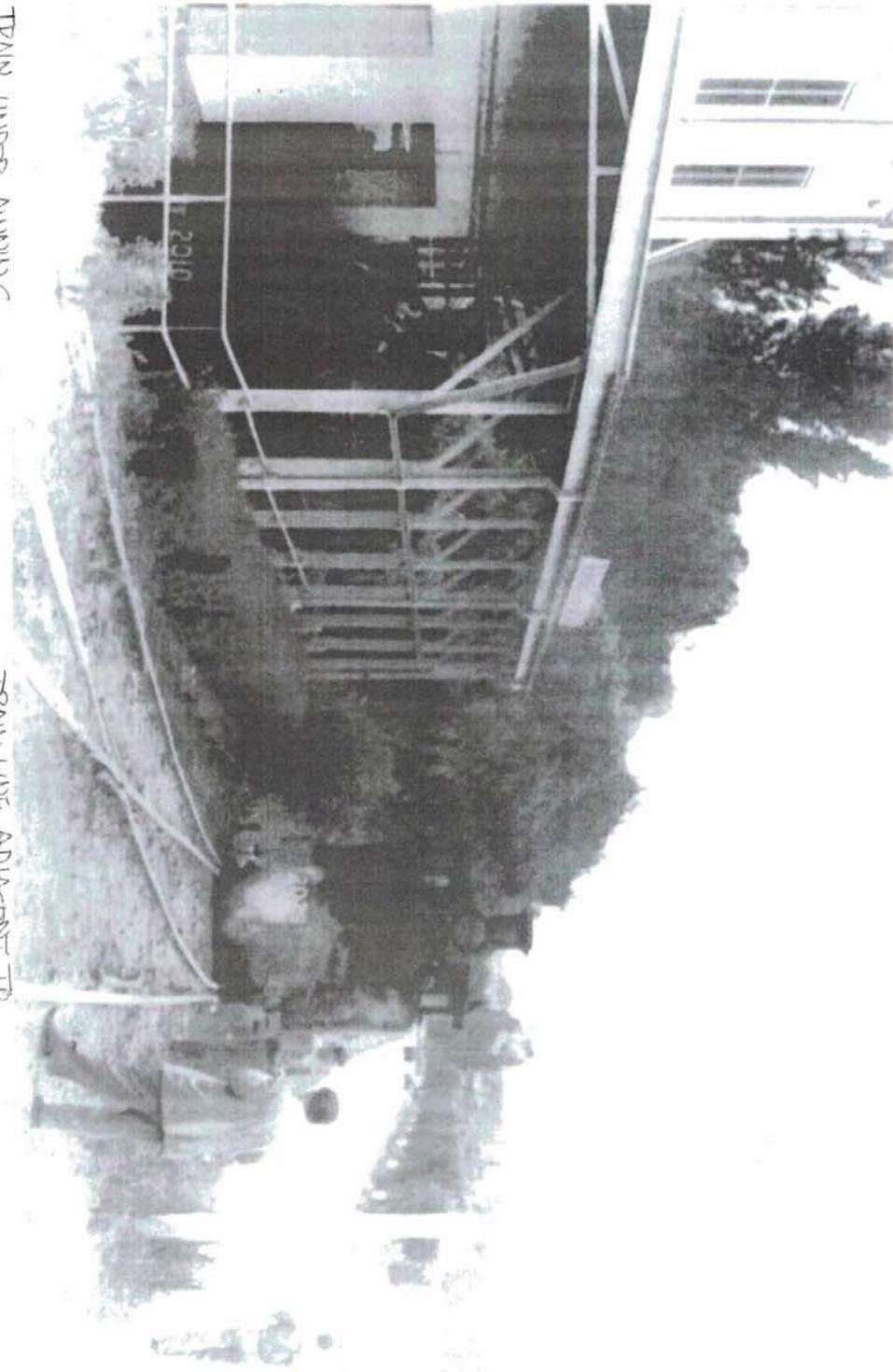
As well as the other very significant heritage issues and objections the landscape plan needs a complete revision and closer consideration of presenting a unified and sympathetic streetscape at this important entry point.

Article 11 states that the contribution which related places and related objects make to the cultural significance of the place should be retained.

The proposed development would detract from the sense of place and character elements of the Camden Heritage Conservation Area (HCA).

The rail awning and rail line as shown below are intrinsic to the cultural significance of the Milk Depot and should be interpreted and retained as elements of its restoration.

TRAIN UNDER AWNING
AT MILK DEPOT



TRAIN LINE ADJACENT TO
ARGYLE ST GOING TO
CAMDEN RAILWAY STATION

These areas of non-compliance with the Burra Charter are addressed further below.

Guidelines of the NSW Office of Environment and Heritage and Heritage Council

Office of Environment and Heritage (OEH)

OEH refers to the Burra Charter in assessing, planning for and managing heritage and has incorporated its principles and logic into guidelines and other conservation planning documents.

According to the OEH guidelines on Conservation Management Documents⁵, where proposed work departs from stated policies, or the impact is detrimental to the heritage significance of the item, the HIS must clearly argue why such work is required for the item's long term viability (p.5).

CRAG does not accept that the Milk Depot cannot be restored and be economically viable in its own right in the long term. Heritage protections were unambiguous at the time of purchase and there was no guarantee of approval of the development as proposed. Calculations on viability including restoration costs of the heritage listed Milk Depot and its potential investment yield would have been made at the time of its purchase. As most investment decisions are based on differential cost benefit analysis, the purchase of the Milk Depot should stand as a viable investment in its own right, quite possibly with a similar projected percentage return as the proposed additional investment in the new building. From a developer view the proposed large investment into a new building arguably would be easier and quicker, as well as yield the required return, if made in an area without heritage and cultural constraints.

The HIS makes this Statement of Significance about the Milk Depot and its site:

The Camden Dairy Farmers Co-op Milk Depot site is significant because of its prominent position within the Camden townscape and its association with people who were significant to Camden's history. The Milk Depot's location on one of the principal corners of Camden town centre makes it a visible and identifiable landmark in the area. The Camden Milk Vale Company, formed by Elizabeth Macarthur-Onslow in 1889, built the first Milk Depot on this site in 1921. The current building was built in 1926, after fire destroyed the first depot. The Macarthur-Onslow association continued until the Camden Vale Milk Coy merged with the Dairy Farmers Co-op in 1928. The Milk Depot is also significant for its role in the development of agriculture in the Camden area and is a significant reminder of Camden's rural heritage and past as a township separate from Sydney.

⁵ NSW OEH Conservation Management Documents Available at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmconservationman2002.pdf>

The HIS contradicts its own statement of significance in addressing a number of prompt questions as set out in the OEH guidelines for Statements of Heritage Impacts⁶. Many of the HIS answers to these questions are also not evidenced or explained. The most relevant questions, HIS responses (if any) and CRAG responses are covered in the tables below.

Minor partial demolition (including internal elements)

Question	Is the demolition essential for the heritage item to function?
HIS response	<i>None</i>
HIS assessed impact/Mitigation	<i>None</i>
CRAG response	No mention is made of the demolition of the awning over the rail line, the obscuring of the rail line and lack of interpretation of the transport link.
Assessed impact	Major negative impact as removal of the awning and lack of any interpretation of the rail line significantly reduce the cultural significance of the Milk Depot due to loss of reflection of its purpose.

Question	Are important features of the item affected by the demolition (e.g. fireplaces in buildings)?
HIS response	<i>The buildings will have original features removed during the fit-out.</i>
HIS assessed impact/Mitigation	<i>Moderate negative/ Archival record, salvage, interpretation</i>
CRAG response	No explanation is provided as to why the original features need to be removed, and cannot be integrated into the restoration of the Milk Depot. No explanation is provided as to how they are to be interpreted.
Assessed impact	Moderate negative impact

Question	Is the resolution to partially demolish sympathetic to the heritage significance of the item?
HIS response	<i>It will not adversely affect the significance of the site. It is consistent with conservation policy.</i>
HIS assessed impact/Mitigation	<i>No impact reported/ Archival record</i>
CRAG response	No detail provided. Demolition of modern additions inconsistent with the use of the Milk Depot is an improvement and is consistent with conservation policy. However demolition of awning over rail siding is not consistent with the Article 3 and 11 of Burra Charter.
Assessed impact	Major negative impact of demolition of awning.

⁶ NSW OEH *Statements of Heritage Impacts* Available at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf>

Question	If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?
HIS response	<i>Although its fabric is in poor condition, it is necessary to remove it to create a clear separation from the new development, as these and original sections are all two storeys high.</i>
HIS assessed impact/Mitigation	<i>No impact reported/ No mitigation reported</i>
CRAG response	There is no clear separation from the proposed new development, which is to be attached with a breezeway. It is not uncommon for roofing of Milk Depots to be of varying heights as is the case with the Camden Vale Milk Depot. It is not clear what roof height has to do with "separation" between new and old.
Assessed impact	Major negative impact of proximity to proposed new building

New development adjacent to a heritage item

Question	How is the impact of the new development on the heritage significance of the item or area to be minimised?
HIS response	<p><i>Key risk for the building is that it will not be sufficiently flexible to adapt to changing Camden. This area is losing industrial activity and is expected to strengthen light commercial, retail and residential occupancy in coming decades.</i></p> <p><i>As a stand-alone industrial building it lacks the form and scale to allow it to be successfully and sustainably converted to this role. Any successful solution will require it being an element of a larger scheme. On its own, the building would be unsuitable for this mode shift.</i></p> <p><i>High-quality contemporary architectural design is able to incorporate and integrate the key elements of the Milk Depot into a much more extensive structure, but maintaining its separation and landmark role.</i></p>
HIS assessed impact/Mitigation	<i>Minor negative/interpretation</i>
CRAG response	<p>The HIS does not answer this question.</p> <p>NO evidence is provided to show that the Milk Depot lacks the form and scale to be sustainably used for light commercial or retail.</p> <p>NO evidence or explanation is provided as to how key elements of the Milk depot are interpreted or incorporated into the proposed new building.</p> <p>Many light commercial and retail businesses in Camden thrive in various sized buildings and in ones that have had previous lives such The Ancient Order of Foresters Lodge, built in 1908, which from 1914 to 1933 was a</p>

	<p>picture theatre, then Retravision Electrical and other retail, the Paramount Cinema purpose built in 1933 in Elizabeth Street which is now a motor and mechanics shop⁷, the 1947 Clintons car showroom and garage, in close proximity to the Milk Depot at 16 Argyle St, is now a real estate agency⁸. The motor industry was well represented in Argyle Street: Main Southern Garage at 20-28 Argyle Street, the 1935 Cricks Garage at 31-33 Argyle Street, and 1937 Dunk House car showroom at 56-62 Argyle Street. These buildings are now all retail outlets⁹.</p> <p>There are many viable Camden restaurants in buildings much smaller and of similar capital value than the (flood prone) Milk Depot.</p> <p>There is little doubt the community would welcome a themed distinctive restaurant in the Old Milk Depot, one which offered a different experience and especially one consistent with Camden's long rural history offering open views of the landscape and floodplain. Unfortunately what is proposed is not complementary to the leafy spaciousness and heritage ambience of Camden, its point of difference and competitive advantage in attracting visitors and customers.</p> <p>No evidence or explanation is provided to demonstrate that key elements of the Milk Depot have been incorporated in to the design of the "much more extensive structure." Other than roof shape no key element is cited.</p> <p>The landmark role of the original Milk Depot cannot be fully retained when its scale is significantly less than that of the proposed new structural additions.</p>
Assessed impact	Major negative impact

⁷ Camden Library Local Studies *A Night at the Picture Show* Available at <https://changingcamden.com/2015/02/26/camden-cinemas/>

⁸ Ian Willis (2016) *Clinton's Motor Showroom & Garage* Available at http://camdenhistorynotes.blogspot.com.au/2016_02_01_archive.html

⁹ Ian Willis (2016) *Camden Modernism* Available at <https://camdenhistorynotes.wordpress.com/2016/07/24/camden-modernism/>

Question	Why is the new development required to be adjacent to a heritage item?
HIS response	<i>The integrated development occupies the site by having close proximity of new and old. Separation of the item is required and has been achieved by a high clerestory arcade between it and the new section.</i>
HIS assessed impact/Mitigation	<i>Moderate positive</i>
CRAG response	The design shows little relative separation between the smaller Milk Depot and larger additions, and the response does not explain why the development needs to be almost adjacent. <i>The site is large and the proposed development seems to be an attempt at maximising use of the space.</i>
Assessed impact	Major negative impact

Question	How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?
HIS response	<i>The Milk Depot's significant curtilage is the street frontages on Edward and Argyle Streets and the gable end of the main building. These aspects are all retained with moderate changes and without interruption. (1)</i> <i>The arrangement of the route of the railway line is not legible without additional interpretation. (2)</i> <i>The gable end formerly silhouetted and the highest element will now have higher roof lines behind. (3)</i>
HIS assessed impact/Mitigation	<i>(1) curtilage: negligible impact</i> <i>(2) railway line: moderate negative /interpretation</i> <i>(3) higher roof lines: moderate negative /colour choices</i>
CRAG response	The lack of separation between the Milk Depot and the new building impacts on expected curtilage and spacious surroundings given the Milk Depot's rural history. An important view of Camden entering from the Sydney side is the abrupt interface between floodplain and town and the view of the old Milk Depot which reflects and emphasises what Camden is, its history and what visitors expect of Camden as a heritage country town. The proposed new building would significantly degrade this important aspect of Camden's character as set out in the DCP. (1) No interpretation of the rail line is proposed, and the awning is to be removed (2) There will not only be higher roof lines; the mass of the new building clearly dominates the Milk Depot structure. (3)
Assessed impact	(1) curtilage: major negative impact (2) railway line: major negative impact (3) higher roof lines and greater mass: major negative impact

Question	How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?
HIS response	<i>All significant views – the two street frontages and the northern facade across open lot, are retained. The view coming from Narellan will be obscured.</i>
HIS assessed impact/Mitigation	<i>Negligible/none</i>
CRAG response	The above before and after pictures tell the story. Significant views are lost: the proposed addition dwarfs the Milk Depot and the view coming into Camden from the Sydney direction would not reflect the rural heritage of Camden. The introduction to Camden would be an obviously over-scaled new development.
Assessed impact	Major negative impact

Question	Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?
HIS response	<i>The new development picks up the industrial forms and creates a larger varied designed space. The Milk Depot retains its integrity within this larger structure. The choice of an industrial style, the rhythm of the roof and key elements allude to but do not mimic the Milk Depot. The selection of materials is designed not to confuse old and new to careful observers.</i>
HIS assessed impact/Mitigation	<i>Moderate positive/none</i>
CRAG response	No argument is presented that the design is sympathetic, and the statement is made that the design is intended to be larger and more varied than that of the Milk Depot. Any observer would see that the Milk Depot is smaller in scale and bulk and constructed differently to that of the additions. The siting of the proposed new building is next to the Milk Depot, but conservation principles and Camden's DCP would dictate that it be subservient to and located behind the heritage building. It is unclear how the design of the additional building alludes to the design of the Milk Depot or other rural Milk Depots which are usually located next to transport links. The roofing design, the only key element specified, seems reminiscent of waterfront warehouses constructed after World War 1 at Walsh Bay and Woolloomooloo ¹⁰ , which served a different purpose and were not directly connected to dairy farming.
Assessed impact	Major negative impact

¹⁰ See OEH:

Walsh Bay wharf complex C 1906- 1922 Available at

<http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5045067#ad-image-0>

Woolloomooloo Finger Wharf c 1910-1916

Available at <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5051359>

Question	Will the additions visually dominate the heritage item? How has this been minimised?
HIS response	<i>The scale of the new additions is larger than the Milk Depot. While new and old balance well on viewing from street on both frontages, the old section is slightly lower on ultimate height, however, the dated gable end remains the dominant visual feature, providing a sharp silhouette from street level views. (1) The sense of the Milk Depot being the first / last building at the edge of Camden will be irrevocably lost. However, it will still be the first substantial building as the flood plain is left and the town entered. (2)</i>
HIS assessed impact/Mitigation	<i>(1) Minor negative/elevate roof section (2) Minor negative/interpretation</i>
CRAG response	Clearly the higher additions of greater mass would dominate the heritage listed Milk Depot. The only attempt made to minimise their absolute dominance is a slight setback from the Milk Depot.
Assessed impact	Major negative impact

Question	Will the public, and users of the item, still be able to view and appreciate its significance?
HIS response	<i>No specific interpretation has been included in the design thus far, part from the general retention of the Milk Depot with its distinctive signage. Further interpretation of the Milk Depot former use will be encouraged within the internal building fit-out.</i>
HIS assessed impact/Mitigation	<i>Moderate negative/interpretation</i>
CRAG response	The design should include interpretation of the significance and use of the Milk Depot. "Encouragement" is not sufficient and is only referred to in relation to the internal fit-out.
Assessed impact	Major negative impact.

Re-roofing

Question	Is a previous material being reinstated?
HIS response	<i>Roof of rear original section will be elevated to provide additional useful headroom and to reduce disparity with new works.</i>
HIS assessed impact/Mitigation	<i>Moderate negative / Replicate original roof structure, new c.g.i. cladding</i>
CRAG response	No justification is provided for raising the roof of an original section of the Milk Depot. Available images of NSW Milk Depots suggest that different height roofs were a usual feature.
Assessed impact	Major negative impact.

New landscape works and features (including car parks and fences)

Question	How has the impact of the new work on the heritage significance of the existing landscape been minimised?
HIS response	<i>The Milk Depot, and before it, Thompsons Mill, were the first / last buildings on the edge of Camden. That aspect of landmark quality will be lost with the new development. (1)</i> <i>The distinct railway line siding element of the Milk Depot building is no longer clear. (2)</i>
HIS assessed impact/Mitigation	<i>(1) loss of landmark quality: Minor negative/interpretation</i> <i>(2) railway siding element loss: Moderate negative/interpretation</i>
CRAG response	As covered above under Article 8 of the Burra Charter the existing rural landscape entry into historic Camden from the Sydney direction would be lost. The at-grade car park would present as an urban feature and not reflect the rural history of Camden. The Milk Depot would no longer be the dominant and appropriate landmark reflecting Camden's history. No attempt has been made in the design to interpret the railway siding.
Assessed impact	(1) Landmark quality: Major negative impact (2) Railway siding loss: Major negative impact

Question	How does the work impact on views to, and from, adjacent heritage items?
HIS response	<i>The new development restricts views of the Milk Depot from Narellan, although the actual set-back achieved with the separation of old and new, does allow the Depot to be distinguished readily heading west.</i> <i>There are no significant current landscape links, apart from the line of the railway beside the road leading to the siding.</i>
HIS assessed impact/Mitigation	<i>Minor negative</i>
CRAG response	As noted the view from Narellan, or Sydney, is obscured. This loss affects the setting of Camden's HCA and its sense of place as a heritage town with a village profile rising abruptly from the floodplain as originally designed by the Macarthur brothers. It is not understood what is meant by "no significant landscape links". Camden's link to the rural surrounding floodplain is an essential element of its character and reflects its agricultural history. The proposed building additions would create an inconsistency in views associated with the human scale 19th century townscape and degrade the value of the HCA.
Assessed impact	Major negative impact.

The HIS responses above assessed the heritage impact as negligible or negative, except for claims of positive impacts associated with the architectural design:

- *Demonstrates high design quality and sensitivity in melding old and new buildings.*
- *Development is a thoughtful design, integrating the Milk Depot into a larger entity without losing its distinctiveness from the remainder.(p. 34)*

For the reasons given above we do not agree that there is sensitivity in melding old and new or that the Milk Depot will not lose any of its distinctiveness. As no evidence is presented to support the claims of positive impacts they should be discounted.

CRAG believes the negative impacts to be far greater than assessed in the HIS.

Heritage Council

The NSW Heritage Council in its guidelines on New Uses for heritage places¹¹ states that a new use should be compatible with heritage significance and involve minimal changes to significant fabric, layout and setting and that reuse of a heritage place and its significant elements in the new use is preferable to constructing major new additions (p12).

What is proposed includes a major new addition.

As referenced in our previous objection, Camden Council referred an application for a much smaller scale development to the Heritage Council for advice (24 January 2008, Files 90/07457/005, HC ref HRL48723, Council ref DA21/2008). Note that the advice for active conservation of the landmark site predated the legislation of the conservation area of the township in 2010, so presumably the advice would be more prescriptive in relation to any negative impact on conservation of the township itself if given today.

The advice would seem to preclude the possibility of this proposal which would dwarf the site, reduce the depot's landmark quality and destroy vistas to and from the town.

The HIS (p.20) claims although the Milk Depot is a good representative example of 1920s commercial and industrial architecture that it is by no means a rare example of dairy industry architecture or technology which was ubiquitous in eastern NSW. This claim needs to be supported by evidence. The extant 1926 Milk Depot, which replaced a former timber construction built in the 1890s lost to fire, was regarded at the time as one of the most modern for the scientific treatment of milk.

A 2006 scoping study of the Eurobodalla Dairy Industry¹² found that

Most of the disused structures (including milk depots) are not maintained and others have been demolished. Of particular concern are remnant early structures and complexes illustrative of the evolutionary development of dairying processes. Redundant structures are often on the verge of destruction through lack of maintenance. These structures may represent a valuable historical resource, and should be recorded, and where feasible, conserved. Constraints on the protection of these sites arise from the fact that many are on freehold agricultural land.

The Camden Vale Milk Depot suffers no such constraint. An internet search for milk depots and factories produced few results. The ones that were found such as Illawarra Cooperative Central

¹¹NSW Heritage Council *New Uses for Heritage Places* Available at

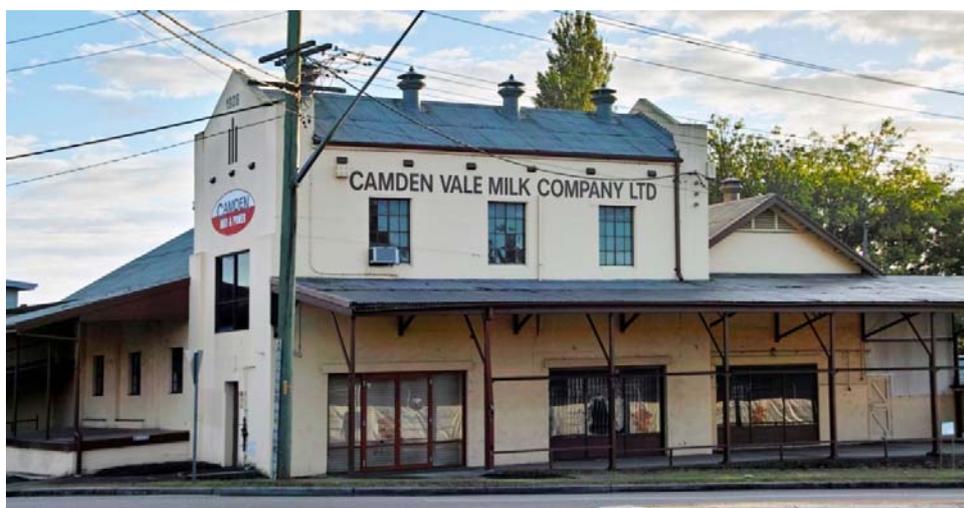
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/NewUsesforHeritagePlaces.pdf>

¹²Eurobodalla Shire Council & The NSW Heritage Council By The Esc Heritage Advisory Committee (August 2006) *EUROBODALLA DAIRY INDUSTRY HERITAGE • SCOPING STUDY • STAGE 1 2004•2006* Available at <http://www.esc.nsw.gov.au/living-in/about/culture-and-heritage/current-projects/dairy-heritage-exhibition/Eurobodalla-Dairy-Industry-Heritage-Scoping-Study.pdf>

Dairy Factory (c 1900)¹³ were of similar scale to the Camden Vale Milk Depot and attached to transport links.

Camden LEP and DCP

As would be expected from the above analysis, the design for the Milk Depot site is not compliant with heritage controls in the LEP and DCP. Substantive arguments for waivers have not been made.



*Camden Vale Milk Depot
Photos 2017*

The roof ridge line of the proposed new building is half a metre higher than the original Milk Depot, which overall with its varying roof heights presents as small scale.

¹³NSW OEH *Illawarra Cooperative Central Dairy Factory (Former)* Available at <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2380016>

The proposed addition to the Milk Depot site, which is at a signature gateway to the town remains inconsistent with Camden's cultural heritage and rural character and the spirit and letter of the Heritage Conservation Area LEP and DCP development controls. Importantly the proposed additions set a precedent for development on the interface between rural flood plain and the town.

As described in the DCP (Section B3, p.B51) this interface is fundamental to the distinguishing natural and built character of the Camden Heritage Conservation Area, including character elements of a topographical form which rises from the floodplain, distinct tree lined visual gateways as viewed from the floodplain on the fringes of Camden town and the Cowpasture Bridge with open land to the west of the Nepean River.

CLEP Clause 5.10 on Heritage Conservation includes the objective of conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views and the requirement that the consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item and area.

The SEE (Section 5, p. 22) refers to planning controls including Camden's LEP and DCP.

The objectives of CLEP Clause 5.10 on Heritage Conservation include:

- to conserve the environmental heritage of Camden and
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

However, the SEE (pp. 27-28) only specifically references the LEP in relation to the height limit and the need to apply for a height control variation.

The height limit (7 metres) standard is referred to in CLEP Clause 4.3, which states its objectives as being to minimise the adverse impact of development and ensure compatibility of height, bulk and scale with heritage conservation areas and heritage items.

The height, bulk and scale of the proposed new building will dominate the original Milk Depot, and are not sympathetic or compatible with the village profile and human scale of the 1840 township. The roof line of the proposed addition is .505m higher than the existing Depot height.

The incompatibility of scale is also very significantly accentuated from the Cowpasture approach by the natural topography of the floodplain rising to the town centre. On this approach one will be confronted at 'ground level' with the substantial plinth on which the structure sits, in addition to the 2 storeys plus roof profile that loom above it. Architecturally, the plinth is part of the structure- not merely an engineering necessity- and adds approximately a further ½ storey to the

actual and perceived height of the proposed built additions to the Depot site. The *impression* of height, bulk and scale are also accentuated because this approach features the natural substantial rise from the floodplain. The gaze, inevitably drawn upward, will be met with this imposing structure: obstructing the Depot Building from view and compromising this iconic approach to Camden with a building that, in its dimensions, is blatantly out of keeping with and unsympathetic to the historic and valued human scale of the town centre.

CLEP Clause 4.6 states that development consent must not be granted for development that contravenes a standard unless justified by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The SEE simply states that there are sufficient environmental planning grounds to justify contravening the development standard and refers to Annexure B which is blank. No argument has been presented to justify that the height, bulk and scale of the proposed additions are compatible with and do not adversely impact the heritage value of the Milk Depot and the Heritage Conservation Area.

The HIS (pp. 24-25) refers to Section 5.10 of the LEP on heritage conservation but only in relation to the requirement to obtain consent from the Council for altering a heritage item or an item within the Heritage Conservation Area.

The SEE repeats sections of and refers to the HIS, but neither the SEE nor HIS address the DCP planning provisions that support the LEP heritage controls referred to above.

The HIS (pp 34-35) draws this conclusion about the Milk Depot's place in this proposed development:

The proposal to include it in a larger development has some concerns, but the chief aspect of its significance, its landmark quality and its adverting to its important local role in the dairy industry will remain readily apparent.The development proposal attempts a complex task of giving the historic building its space, yet integrating it effectively into the overall complex.

As is apparent the HIS is constrained to the impacts on the Milk Depot itself. The HIS provides little justification that its landmark quality is not degraded by its annexation to a much larger proposed development and no explanation as to how the Heritage Conservation Area itself is not degraded by an interruption to its floodplain interface and the loss of a compatibly scaled symbolic rural gateway.

Currently the Milk Depot and its setting present as authentically rural and complementary to the other rural characteristics of the town such as the sale yards and town farm. What is proposed presents as urban and generic suburban. The impact may also be exacerbated by fast food chain tenancies, at home in modern suburbia but not in and certainly not at a major gateway to an iconic heritage country town. Fast food chains have no link to the history and past and present rural functions of Camden and should therefore not be considered suitable for this gateway location. The location of the common MacDonald's building should never be used as a precedent. From a heritage conservation perspective, as was argued strongly at the time of its development application, the business should have been located in an existing building, not in its own generic new building in a signature location. The heritage value of the town cannot withstand more discretionary decisions to waive heritage planning controls, which in any case today would be in contravention of the Greater Sydney Commission plan for the conservation of Camden.

No reference has been made to the planning controls in the DCP (Section B3, pp B46- B51). The HIS does not explain how the materials, height, scale and bulk of the proposed addition are compatible with the Conservation Area or the heritage item of the Milk depot.

The proposal as submitted is not consistent with conservation of the character elements of the HCA and its DCP objectives. These inconsistencies have not been addressed in the HIS.

Conservation of the distinguishing natural and built character elements of the Camden Heritage Conservation Area which include:

- *Distinct tree lined visual gateways as viewed from rural floodplain on the fringes of Camden own*
- *A topographical form which rises from the floodplain*
- *Cowpasture Bridge which opened land to the west of the Nepean River*
- *A unique roofscape of smaller roof forms viewed throughout the town.*
- *Remnants of a rural service town, particularly in Edward Street*

Objectives which include:

- *The tree lined “gateway” entrances to the township shall be retained and embellished.*
- *The rural-urban interface shall be sensitively addressed in new development proposals.*
- *Additional development on the fringe of the town should complement and not detract from the viability of the “main street”.*
- *The development of the flood affected fringes of the town shall not compromise the prevailing character.*
- *Corner buildings should make a statement through their stature and signature qualities, whilst at the same time integrating with adjoining development and development located opposite.*

The design of the proposed additional building does not comply with these DCP provisions and they have not been addressed in the HIS:

- *New development must be designed reflecting the general form, bulk, scale, height, architectural elements and other significant elements of the surrounding heritage items and heritage conservation areas*
- *Alterations and additions to existing development will be sited and designed to retain the intactness and consistency of the streetscape and retain elements that contribute to the significance of the conservation area; and the relationship of that building to the other buildings of the group.*
- *Additions are to be predominantly to the rear of the existing building.*
- *Additions to the side of existing buildings will be considered where it is substantially setback from the front building alignment and the style and character of the building will not be compromised*
- *The existing informal and irregular pattern of rear property building alignments is to be retained.*
- *Secondary roof forms should be subservient in form, such as low skillion extensions and veranda roofs*
- *Materials, finishes, and textures must be appropriate to the historic context of the original significant buildings within the streetscape.*
- *Contemporary materials are permitted where their proportions, detailing and quantities are in keeping with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.*

As there is no explanation in the HIS as to why it omits to explain the proposed design in terms of these Camden HCA development controls that specifically apply to the Milk Depot site, it must be seen to be inadequate.

2. Flooding

The SEE (February 2016) acknowledges in the Executive Summary (p. 8) that the site is in a floodway and subject to high flood hazard, the highest risk category in the NSW Flood Policy and Floodplain Development Manual, 2005.¹⁴

Floodway areas are defined in the Manual as *“those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodway’s are the areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood level.”*

The Flood Risk Management Report (February 2017) maintains that only the lower area of the site is in a floodway and that the proposed building is to be located in a flood storage area. This is demonstrably not true as shown in our objection of 17 June 2016. In a large flood the water would be moving quickly – possibly with large dead logs floating with the fast current which would break through the glass doors.

Major Flood History: 1825 May and June, 1867, 1869, 1870, 1873, 1879, 1897 said to be the largest in Camden, 1900, 1904, 1911, 1922, 1929, 1930, 1934, 1938, 1943, 1952 June and July, 1956, 1961, 1964, 1978, 1986, 1988, 1990.

Information from “The Town of Camden by G. V. Sidman and NSW Government records.

Climate scientists warn of increasing numbers of extreme climate events and a recent example is the unprecedented example of rapid and extensive flooding in Picton in June 2016. The accurate designation of flood risk is critical to this proposal as LEP Clause 7.1 states that Council must consider climate change and development consent must not be granted unless the consent authority is satisfied that the development:

- is compatible with the flood hazard of the land, and
- is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- incorporates appropriate measures to manage risk to life from flood, and
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

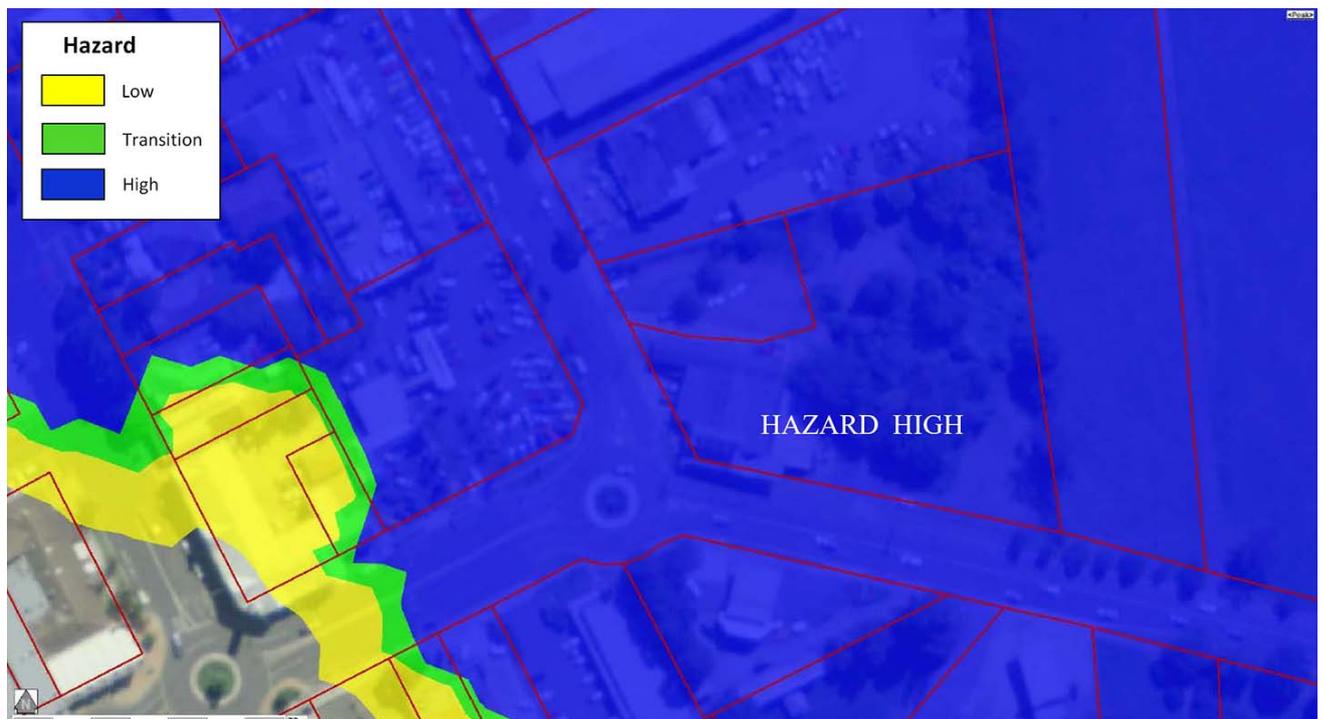
¹⁴NSW Government (April 2005) *Floodplain Development Manual: the management of flood liable land* Available at: <http://www.environment.nsw.gov.au/floodplains/manual.htm>

Council cannot rely on any indemnity from liability under Section 733 of the Local Government Act 1993 as the NSW Floodplain Manual 2005 (p.18) states:

“it should be recognised that the indemnity offered by Section 733 is limited. If a Council fails to make a real attempt to perform a task relating to the likelihood of any land being flooded, then the indemnity is not available”.

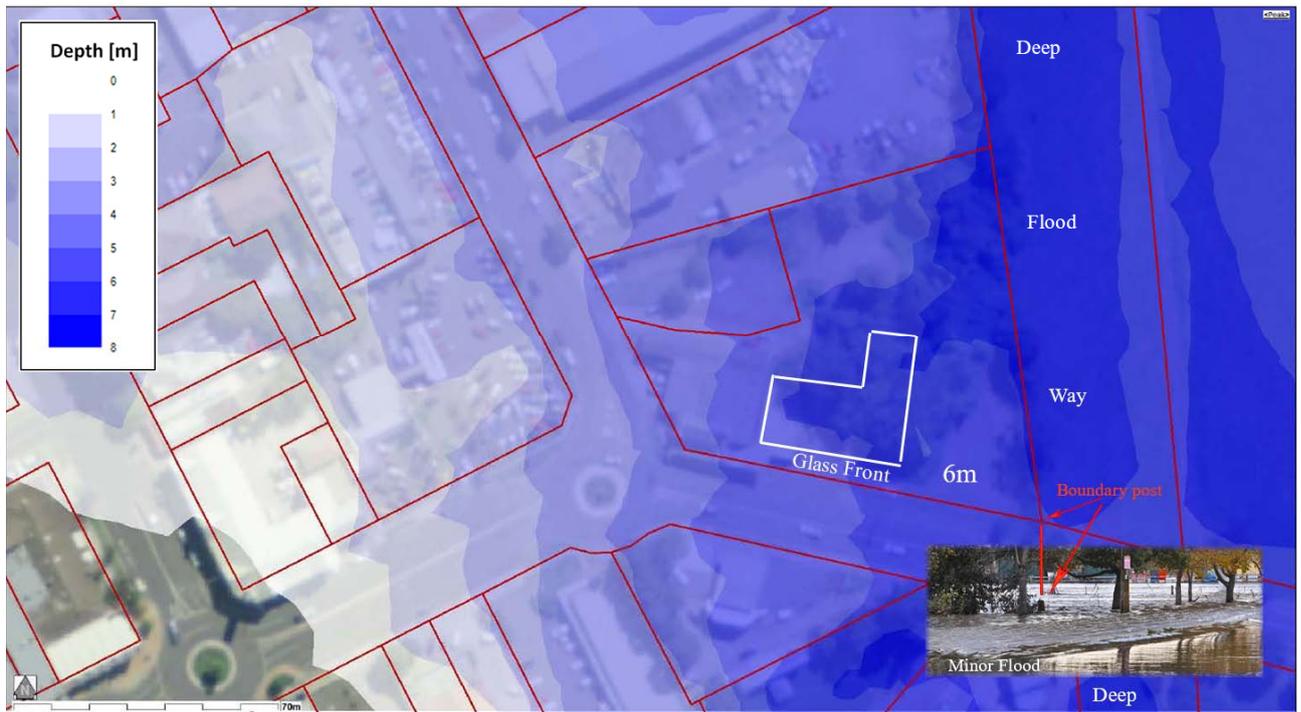
Although the SEE and amended Flood Risk Report dated March 2017 accompanying the Milk Depot DA acknowledge that the site is (partially) in a floodway, the highest risk category in the NSW Floodplain Development Manual 2005, it is unlikely that the proponents of the Milk Depot development are fully aware of the high flood hazard.

We note the amended Flood Risk Management report designates the area for the building addition as being in the hydraulic category of "flood storage", but this does not concur with our lived understanding and documentation of flood behaviour on the site. Comments have been added to information below as supplied in the report.



1% AEP Hydraulic Category – Nepean River





This proposed very substantial new development on the floodplain is people focussed and many people including employees would be affected by a flood event. It is nonsensical to plan to make more work for emergency services and for damages or loss of fixtures and fittings.

Insurance would be impossible to obtain for the building and impossible to obtain for losses of stock, fittings and income of business tenants.

It is unclear how the retention basin is to work or where it is to be sited as the plans only show a storm water easement. It is entirely unacceptable to divert fast flowing water to other properties by placing a substantial building in the path of a flood.

The Flood Risk Management Report (March 2017) accompanying the revised plans states in its Executive Summary "Compensatory earthworks are proposed across the site to ensure that no adverse flooding impacts result from the development. This ensures no loss of flood storage or changes to flood levels as the floodwater contains very low velocities in major flood events."

The plans do not clearly explain the compensatory earth works and it is an observed fact that the water does not move slowly. This behaviour was captured in photographs during the flood event of 5-6 June 2016 as shown below.



Appendix C of the flood risk report shows the edge of the proposed new building at the edge of the floodway. Accepting that this is correct (which it is not as it contradicts lived experience) one wonders if Mother Nature is aware of the demarcation. In any case it is too close for comfort and does not take into account the potential effects of climate change.

This demarcation is critical as Council's Flood Risk Management Policy 3.19¹⁵ prohibits building in a floodway.

After only a short period of heavy rainfall on 5 and 6 June 2016, as shown in the photos above, water came to the base of the roller door of the milk depot building and resulted in a channel of fast flowing flood water. Anecdotally this is a fast flowing stream and more dangerous than a floodway generally.

This fast flowing channel is positively dangerous in relation to any development in its path, and water would be diverted to other properties.

Council's Flood Risk Management Policy (para. 4.12) states that: *For all development sites, the total flow rate and concentration of stormwater runoff in the post-developed state is to be no more than that which exists in the pre-developed state.* The Flood Risk Report does not satisfactorily explain and demonstrate how this requirement is to be achieved.

It is unclear how compensatory earthworks or a retention basin would work as much of the area available would be in the floodway as conceded in the Flood Risk Report. The following statement (p. 15) is unclear

"The site has been assessed for on-site detention storage, and found to have a need for a stormwater detention tank and above ground storage areas in parking areas. The proposed development will generate more stormwater runoff, so there is a need to provide detention storage.... Therefore a volume of 27 cubic metres located in the parking areas as shown in DA Plans will suffice for the total on-site detention storage."

There are many questions to be answered. CRAG does not accept the flood risk report as well researched or necessarily accurate. The report lacks detail and explanation.

¹⁵ Camden Council FLOOD RISK MANAGEMENT POLICY 3.19 Available at http://www.camden.nsw.gov.au/assets/pdf/Council/PublicationsPlansAndPolicies/319_-_Flood_Risk_Management.pdf

Concluding Comments

- As fully demonstrated the proposed development does not comply with heritage provisions. The HIS inadequately assesses the heritage impacts and does not address the Camden LEP height control or the DCP heritage protections as supported by the Burra Charter and NSW OEH and Heritage Council guidelines.

We urge Council to reject the proposed additional building immediately for the reasons cited.

If the proposal for the additional building is not to be rejected as non-compliant we urge Council to require that a rigorous heritage management document or conservation management plan under *CLEP Clause 5.10 Effect of proposed development on heritage significance* be lodged with this development application before it is submitted to a Council meeting.

- As explained the Flood Risk Management Report as submitted is not accepted as rigorous or sufficient in detail to adequately assess the flooding impacts on the proposed development or on other properties.

We urge Council, if only to mitigate its own liability, to reject the proposed additional building immediately on flood impact grounds. If the proposal for the additional building is not to be rejected outright we urge Council to insist that a rigorous and fully evidenced flood risk report be lodged with this development application before it is submitted to a Council meeting.

Yours sincerely,



Glenda Davis
President
Camden Residents' Action Group Inc