

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

PO Box 188
Camden NSW 2570
admin@crag.org.au

17 June 2016
General Manager
Camden Council
John Street
Camden 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**

As expressed in our objection of 22 April 2016, this major development proposal is fundamentally inconsistent with the heritage values of Camden and inappropriate in a nineteenth century townscape. The Mayor publically stated in her discussion with Alan Jones on 17 May 2016 that the milk depot DA is about conservation and refurbishment of a heritage site and that there is blanket heritage control over the old town. This proposed development does not comply with the heritage provisions or height controls of the Heritage Conservation Area. Therefore CRAG maintains on those grounds alone, the proposal is non-compliant with the "blanket heritage control" of CLEP 2010 for the old town of Camden and that this proposal should never have reached the DA stage.

However, this objection is an additional objection because this proposal, as well as being

- in contravention of the provisions of the heritage conservation area, particularly the height limit;
- silent on predictable traffic problems and how additional traffic will be managed especially near the narrow roundabout at Edward Street;

- not notified/advertised, exhibited in good faith to the community

has not appropriately addressed:

- fire risks
- flooding risks

Fire risks:

There is no fire management Plan on the available 169/2016 D.A. information. There also appears to be a contravention of the building code in the Milk Depot site's plans as no internal isolated or external fire escapes for the second story on the Milk Depot plans are shown, as would seem to be required under *Section D Access and Egress* of the Building Code of Australia.

Flooding risks:

A particular aim of CLEP 2010 (s1(d)) is to minimise the impact of flooding on existing and future communities. Section 7.1 covers flood planning, including that development consent must not be granted on land unless Council is satisfied that it is compatible with the flood hazard and does not have adverse effects on flood behaviour in relation to other properties and the community's social and economic welfare.

Councils have a responsibility to undertake floodplain management in accordance with the NSW Flood Policy and Floodplain Development Manual, 2005¹. 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. Floodways 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 Milk Depot proposed development site is recognised in its *Statement of Environmental Effects* (SEE) (p. 8) as being classified as “High Hazard – Floodway”. However the *Flooding Report and Flood Management Plan* (as repeated in SEE p. 33) does not use the term *floodway* and instead states *“In terms of hydraulic rating, the site can be considered as flood storage (p. 8) ”*

Therefore, from the information provided with the DA it would seem that the site may be categorised as both high hazard floodway and flood storage, for which no hazard rating was specified by the author of the report.

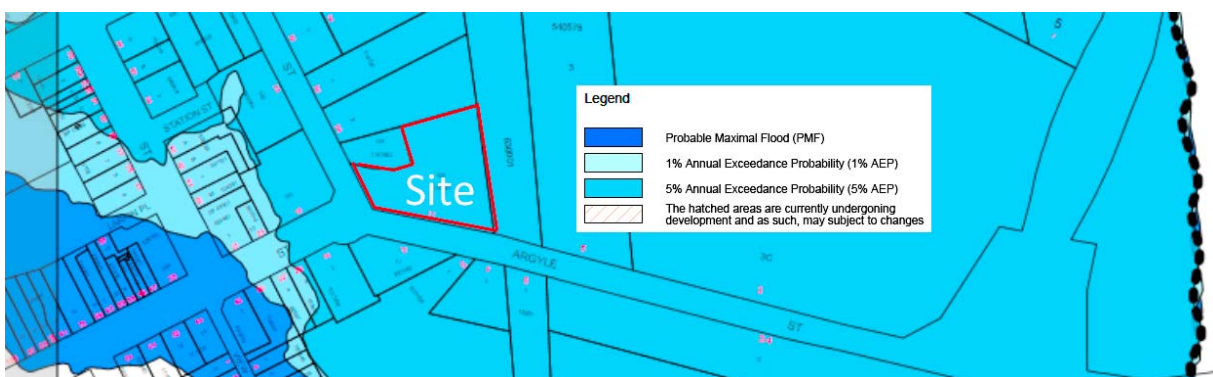
¹ NSW Government (April 2005) *Floodplain Development Manual: the management of flood liable land* Available at: <http://www.environment.nsw.gov.au/floodplains/manual.htm>

Currently, Camden Council has published a Nepean River Flood Study (2015)² and the next step is to undertake a Floodplain Risk Management Study and Plan as required by the State Government. To assist in land use planning and assessment of development proposals, an important aim of the Flood Study (p. 32) is determination of peak flood levels and velocities for a range of design floods, to provide information for hydraulic categorisation (*floodway, flood storage and flood fringe*) and the variability in flood hazard across the floodplain.

This Flood Study cannot be more than a general indicative study; it relies on findings of previous studies, with various dates and often of unknown methodology and computer modelling, calibration and sensitivity testing which are necessarily based on assumptions and interpolations due to limited site-specific topographical and longitudinal data. Further, critical storm durations were only considered for the locations within the study area, which only included the catchment of the Upper Nepean River within the Camden LGA. As is commonly understood flooding in Camden is associated with the wider upstream catchment area which includes Sydney Water dams, with rainfall at Robertson a key indicator. An East Coast Low event produced 29 inches of rainfall, the highest recorded at Robertson, which resulted in the highest Camden flood in living memory.

Although some quantitative historical flood level data was obtained through a total of 126 questionnaires completed by local residents (p. 13), overall the Study (p. 3) adopts a methodology which does not include qualitative data from flood wardens, the local SES and anecdotal lived experience of long-time Camden residents. This is despite acknowledgment (p. 9) that field surveys of anecdotal observations can be extremely valuable, and provide a better understanding of flooding history in specific locations. Often locals know the behaviour of flood water over particular terrain.

The Milk Depot site (see map below) is unequivocally, according to Appendices I and J of the Flood Study, in a high hazard area floodway, which is often aligned, as in the case of the Milk Depot site, with obvious natural channels.



² Worley Parsons and Camden Council (2015) *Nepean River Flood Study*: 15th April 2015. Available at: <http://www.camden.nsw.gov.au/assets/pdf/Environment/Water/2015/Flood-Information/Nepean-River-Flood-Study-April-2015-Report-Body-1.3MB.pdf>

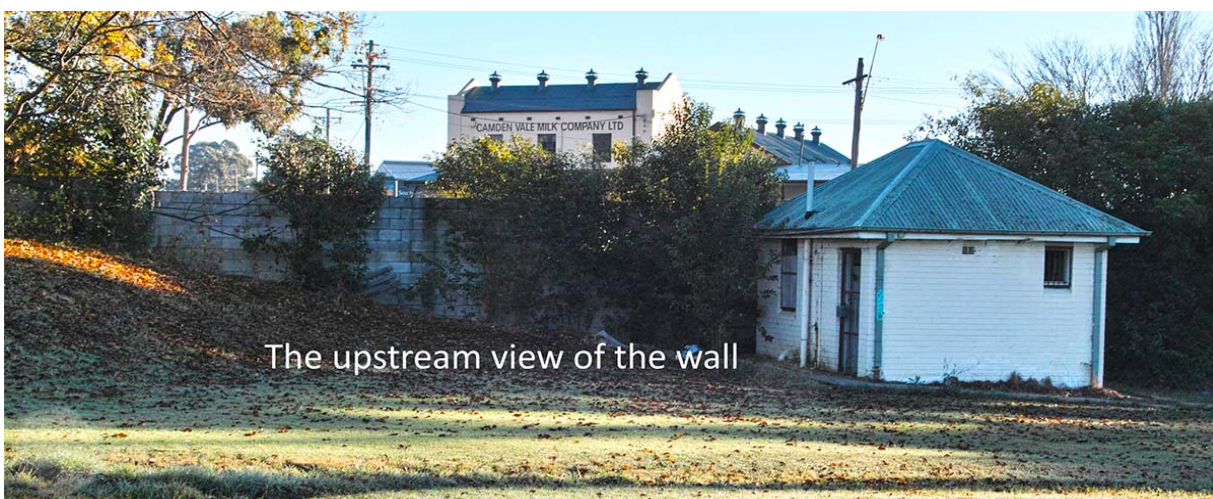
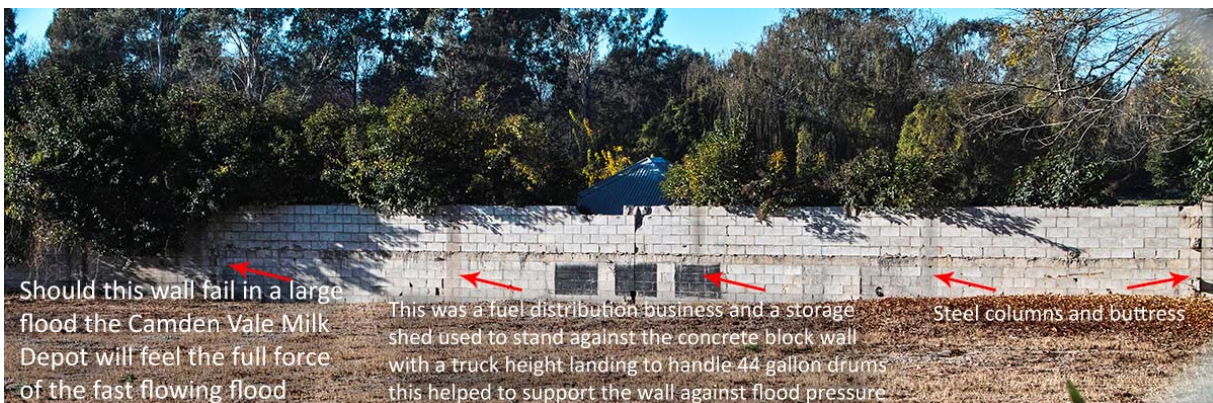
The Flood Study does not address the milk depot site specifically. Although the computer modelling shows the development site to be in a floodway, it does not show where the first flood water travels, or its speed in times of flood and heavy rain.

This behaviour was captured in photographs during the flood event of 5-6 June 2016 as shown below.



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 the floodway generally. Although the SEE of the Milk Depot DA acknowledges that the site is 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 flood hazard. Apart from being in a floodway this fast flowing channel is positively dangerous in relation to any development in its path.

There has not been a medium or major flood since the service station opposite was demolished. The remaining old concrete single block wall at the back of this site, as shown in the photos below, is unlikely to withstand a major flood without the buildings that were supporting it. Without the wall, even in a medium size flood the proposed glass fronted building will be exposed to greater forces of flooding, especially the fast flowing natural channel of water than indicated in the above photos.



Clause 7.1 of CLEP 2010 covers flood planning and the DA lacks sufficient detail for Council to satisfy itself that the five criteria in Clause 7.1(3) can actually be met.

Clearly the flood report and management plan document submitted in support of the DA is seriously inadequate, as the site is much more than a flood storage area. The Milk Depot site, as shown in the photo below, is at a low point in the flood plain. Floodways by definition are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood level. This is an important consideration as substantial buildings in the initial path of flood waters during a flood event would immediately divert water, creating a greater hazard and potential loss for other property owners and businesses. This is clearly not acceptable under CLEP 2010 or the NSW Flood Policy.



The example of what happened in Picton should be sufficient warning to prohibit new buildings on the flood plain. There are good reasons why it has not been developed historically. In order to suggest that this development is reasonable and safe by allowing the Milk Depot proposal to DA stage, it seems Council is indulging in wishful thinking about flooding in Camden, or the current Council and staff are too new to the area to have experienced past floods.

The flood in the late 1890's reached the low point near present day South Camden School. The 1964 flood, was so high because there were two floods in quick succession. Some of the most extreme flooding events that have occurred would, if they were to occur today, have catastrophic impacts due to the high rate of urban development in recent years³.

The NSW Flood Policy and Floodplain Development Manual of 2005 indicates that responsibility for management of flood risk is with local government. Council needs to be prudent, err on the side of

³Callaghan, J., & Power, S. B. (2011). Variability and decline in the number of severe tropical cyclones making land-fall over eastern Australia since the late nineteenth century. *Climate Dynamics*, 37(3-4), 647-662.

caution and take into account the many examples of how dumps of rain can cause rapid flooding events such as in Toowoomba, Brisbane, Picton and large parts of Tasmania.

With climate change, the likelihood of extreme weather events is increased and it is incumbent on Council to factor the additional risk into their flood management plans and development approval processes.⁴

Development on the floodplain is fraught with future consequences for property owners and businesses for which Council, as the approving authority, is accountable. Council should not rely on the indemnity provided for exemption from liability for granting consent to a DA in a flood prone area under Section 733 of the Local Government Act 1993. The NSW Floodplain Manual notes (page 18) that:

“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”.

Yours sincerely,



Glenda Davis
President

⁴ Baker & McKenzie (22 July 2011) *Local Council Risk of Liability in the Face of Climate Change – Resolving Uncertainties: A Report for the Australian Local Government Association*. Available at <http://alga.asn.au/site/misc/alga/downloads/environment/ALGA%20Consolidated%20Report-v7B-1392955-SYDDMS%20-%20Final.pdf>