

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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28 August 2023

Dear General Manager,

RE: DA 2023/430/1

3 Exeter Street Camden

Proposes the demolition of the existing dwelling and the construction of a shed and use of property for a vehicle sales or hire premises

This site, 3 Exeter Street, is largely within a floodway and within Camden's Heritage Conservation Area (HCA). Camden's *Flood Risk Management Policy*¹ indicates that this proposal would be prohibited. It is also contra-indicated under the HCA listing and heritage policies including Camden's DCP which incorporates the Burra Charter and Camden Town Centre Urban Design Framework (UDF).

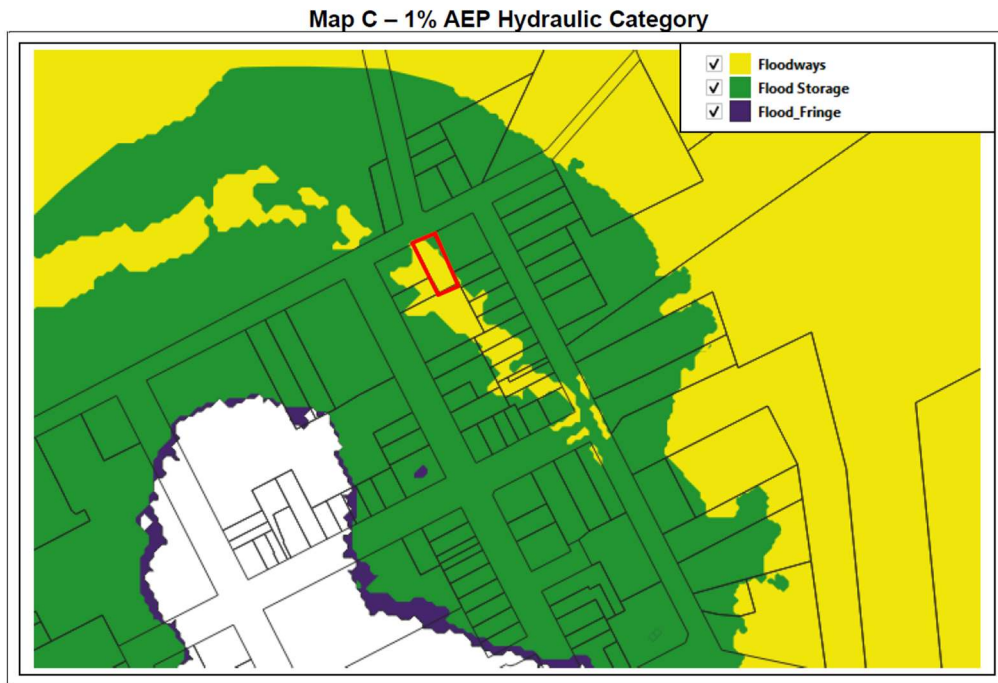
FLOODING

Neither the Statement of Environmental Effects (SEE) nor the Flood Impact Assessment (FIA) address the matter of the site being almost fully within a floodway, although the FIA includes the diagram below. We hope that the applicant was apprised of this fact before purchasing the property in August 2019 and before incurring the expense of an application in August 2023.

¹ Camden Council *Flood Risk Management Policy PI.0046.2 Adopted 14 February 2023*

The NSW Government² comprehensively covers the problems of any development in a floodway and how it can impact on natural flood behaviour with consequent devastating effects on communities.

The recent exceptional flooding in NSW including Camden and the property in question highlight the risks of climate change, the need to adapt and treat flood prone land with great caution.



Source: A.E Consulting Engineers Pty Ltd *Flood Impact Assessment 21 June 2023*

The NSW Government and Camden’s Flood Risk Management Policy³ define a floodway as *an area of significant volume of water flows during floods, often aligned with naturally defined channels...that even if only partially blocked, would cause a significant redistribution of flood flow, which may in turn adversely affect other areas...often, but not necessarily, areas of deeper flow or areas where higher velocities occur.*

In accordance with this definition Camden’s Policy prohibits any development in a floodway. The prohibition includes all commercial and industrial development:

Commercial and industrial development is only permitted in areas located outside the floodways mapped as shown at Council’s website (7.3.6). Concessional development is only permitted in areas located outside the floodways mapped as shown at Council’s website (7.3.7).

² NSW Department of Planning and Environment *Flood Risk Management Toolkit* Available at <https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-guidelines>

³ Camden Council *Flood Risk Management Policy P1.0046.2 Adopted 14 February 2023*

Surprisingly the SEE, although referring to LEP 5.21 Flood Planning (2), does not refer to 5.21 (1) which includes overriding objectives for development being compatible with the flood function and behaviour on the land, avoiding adverse or cumulative impacts on flood behaviour and enabling efficient evacuation in the event of a flood.

The issue of displacement and redirection of the floodway flows and consequent compounding of the damaging effects of a flood event is not addressed in the FIA.

The FIA provides an evacuation route which would seem unworkable according to local knowledge and it is not made clear why St John's Anglican Church Precinct is chosen or suitable to accommodate so many large and heavy vehicles. Evacuation orders for properties are given early and often in heavy rain events because roads to services become cut, not necessarily because a property will imminently flood. The proposal to house even more vehicles on site would certainly exacerbate road congestion during a flood evacuation, as experienced during four floods in 2022.

Development is prohibited in a floodway for good reason. Development such as this proposed large shed in a floodway diverts water from its natural course with detrimental consequences to other properties and the environment. Given that the last flood (July 2022) resulted in much damage and vehicles being swept away⁴ there is also the danger that vehicles would not be able to be removed in time and cause danger to people and property, and compromise the safety of others

Although the SEE and HIA would seem to presume that the proposal is able to be approved, common sense tells us this is a very bad idea.

Our reading of Camden's Flood Risk Management Policy confirms that what is proposed is prohibited development.

HERITAGE

We also take the opportunity to make clear our understanding that there are other reasons why this proposal is unacceptable.

The proposal involves demolition of HCA fabric. Demolition in a heritage conservation area is a last resort and requires much analysis to show that it is appropriate.

The documentation provides no analysis under the accepted LEC Planning Principle⁵ to determine the contributory status of the extant dwelling.

Under this Principle demolition of a building which contributes to a conservation area will impact on the area's heritage significance even if its replacement building can be argued to be satisfactory.

⁴ ABC News 4 July 2022 VIDEO: *Helicopter footage shows extent of flood damage in Camden* Available at <https://www.abc.net.au/news/2022-07-04/helicopter-footage-shows-extent-of-flood-damage-in-camden/13957594>

⁵ *Helou v Strathfield Municipal Council* [2006] NSWLEC 66 paras 44-46

The starting point under the LEC Principle is the Statement of Significance in the heritage listing. The conservation area listing of the Camden Town Centre deems built forms within the Township c. 1841 to mid-20th Century generally significant and contributory.

Although the Heritage Impact Statement (HIS) acknowledges that the subject site, originally part of the Macarthur land grant, is representative of the development of Camden Village in the twentieth century it provides no analysis, only an opinion that the extant cottage makes a neutral contribution to the HCA and therefore can be demolished. This is not consistent with the HCA listing.

Demolition is also not consistent with:

- the objectives of LEP 5.10 *Heritage conservation* including to conserve the heritage significance of heritage conservation areas, including associated fabric, settings and views;
- control under DCP 2.16.3 *General Heritage Provisions*, that demolition is last resort and only if incapable of repair;
- Burra Charter articles (8, 15.3, 22).

The HIS argues that the large over-height shed would make a neutral contribution to the HCA. Camden DCP requires new work to be compatible and make a positive contribution to the heritage place and conservation area as a whole (2.16.3).

In this case the proposed new building also cannot be argued to be a satisfactory replacement because it is over-height (LEP 4.3) and unsympathetic with the development pattern and fine grain of the conservation area as articulated in the DCP and UDF. The proposed shed is not fine grain being over-height with a large footprint and roof pitch uncharacteristic of the HCA built form and roofscape. It also deletes the rear setback of the domestic lot which is another significant characteristic of the development pattern of the 1840 town.

We point out that the site is at the Macquarie Grove Road gateway into Camden and in the vicinity of the town farm. The fact that there are other “sheds” in Camden is irrelevant – more a reason not to increase the number unconnected to the history of the town so as to retain its unique sense of place.

But the real issue is the number of large and heavy vehicles, that have nothing to do with Camden as a rural town, that are being housed on the site, and which have already begun to spill into 3 Exeter Street. This development would greatly increase the visibility of the vehicle yard. The crowded site and its electric signage as viewed from Exeter Street and Macquarie Grove Road are already unsightly and can no longer be seen to conform to the built form place principle of the Camden Town Centre UDF as adopted into Camden DCP:

Protect and enhance the unique character of Camden’s heritage, it’s human scale and network of urban fabric ensuring all built form contributes to Camden’s identity as a rural town.


We support small business and enterprise, and it is pleasing to see how this business has adaptively reused the adjoining cottage on the corner of Edward Street. However, it has expanded significantly into bus, truck and other large vehicle sales⁶ and we feel it has grown too large for the sensitive HCA.

It is indeed unfortunate that the site, unlike other most other properties in the HCA, is almost fully within a floodway. We suggest that the site would be best returned to the environment, even if that meant sacrificing the extant mid-century cottage.

The NSW Government⁷ has instituted measures and guidelines in its Floodplain Management Program for voluntary purchase schemes. These include removing urban development from floodways which would also improve flood flows and reduce upstream flood levels. The NSW Government may also contribute funding for approved projects⁸.

We do not believe for the reasons explained above that this proposal can be approved. We respectfully ask that it be refused and the option of voluntary purchase be considered.

Yours sincerely,



Glenda Davis

President

⁶ Interstate Motor Marketing Services, see <https://www.immspl.com.au/truck-sales>

⁷ NSW Department of Planning and Environment *Flood risk management measures. Flood risk management guideline* MM01 Available at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Floodplains/flood-risk-management-measures-230232.pdf>

⁸ NSW Department of Planning and Environment *Floodplain Management Program* Available at <https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-management-program>