

# LPP040-20

## 35 River Road Oatley, Peakhurst Ward Submission to the Local Planning Panel

20<sup>th</sup> August, 2020

Although I am in support of this proposal, there are some issues that I would like to bring to the attention of the panel:

1. Lack of notice. I am a member of 2 community groups who have had a long interest in this site and have communicated with council numerous times on it, but they or I were not notified of this LPP. Notification of the related DA left a lot to be desired too.
2. The plans shown in the LPP Agenda are not good enough to ascertain many details of the proposed work, particularly the removal and protection of trees, and the gabion details. When expanded large enough to see, the writing become too blurry to read.
3. I was able to see the tree details on the DA Documents, after I saw on social media that the arborist's report was available, although apparently only posted recently (17<sup>th</sup> Aug?), not allowing much time to examine it.
4. On looking at the Tree Protection Plan in the DA I agree that many trees have to be removed to allow the work to proceed. Generally I have no issues with this given the benefits of the work to be carried out, and the nature of those trees, but I would prefer that trees indigenous to the area be retained if possible. I am not sure if trees 2, 3, 4 and 5 are indigenous, but ask that they be retained , particularly 4 and 5, as they will be good shade trees in the final development of the site. Why can tree 1 be protected but not 2 to 5? I also question the retention of tree 6, the Illawarra Flame tree. While a nice tree, this is not indigenous to the area and seedlings have been known to propagate in the reserve, and have to be removed as they are not indigenous to this area.
5. I would like to stress that the rock filling in and finish of the gabions be as of high as a standard as possible to make them an aesthetically pleasing addition to the reserve.
6. I would also like to stress that all possible actions should be taken and enforced to ensure that there no encroachments on the adjacent bushland, including sediment run-off. This bush is in good condition due to many years of work by council Bushcare officers and volunteers, and I would not want to see any of this work being undone by poor workmanship by the contractor or council.

Graham Lalchere

18<sup>th</sup> August 2020

Attention: The Local Planning Panel, George's River Council

Please consider this objection to the Council plan to remove contaminated material and remediate the old Bowling Green site at Myles Dunphy Reserve Oatley. The objection is based on the following:

1. The submitted proposal is quite general and vague. It speaks of a mix of removal and remediation options, but without being specific and clear about what strategy will be used just where. For example, it is highly desirable to retain the existing tree cover, and this is recognised, by the intention to retain some indigenous trees, yet not others like the Lilly pillies, which are an important food source for the endangered species, the Grey headed flying foxes that roost within a few hundreds metres of the those Lilly pillies, within Myles Dunphy Reserve. Furthermore, the aged camellias too are worthy of retention as they signal the former usage and gardening style of the past. If it is possible to work around trees and leave contaminants bound up in soil, in-situ, this should be the preferred overall approach. The cost of removal and disposal of contaminated material, could be a very significant project cost blowout, and an unnecessary ratepayer burden.

2. The local character significance of the old stone retaining walls must be considered. If they are to be dismantled the valuable stone should be retained and re-used, as this is also in the interests of a sustainable re-use strategy that the council should be modelling. Instead it is proposed (Item 53) that "stones in wire cages" (ie gabions) be used as retaining walls, as this is "consistent" with a bushland setting. That is an ugly and contestable claim.

3. Item 10 refers to public exhibition, and yet somehow this matter seems to have completely slipped under the public radar. The decontamination strategy should follow the resolution of the overall framework of the Myles Dunphy Plan of Management, not pre-empt it. Since the controversy over the nature, amenity, visual impact and usages of the whole Myles Dunphy Precinct has raged since 2006, it would be wrong of the panel to first approve something like this poorly consulted strategy, that may shape outcomes and further inflame the public.

4. Given the very recent expression of concern about biodiversity in the public consultation for the draft LEP 2020, it is rather galling that this proposal in terms of ecological constraints, does not acknowledge the foraging value of the 28 trees to be removed, to an endangered species known to be within this Reserve. The Panel may wish to consider the legality, wisdom and sustainability of this.

Yours Faithfully  
Dr Sharyn Cullis

Chair and panel members,

Although we welcome Council's initiative in considering the remediation, we hold many concerns on the governance of this project (listed below):

1. This year Council sought comment from the community in anticipation of the preparation of the Masterplan and Plan of Management (POM) closing 6th March 2020 and a public session was held the following day. Although Council promised it would keep the community informed throughout the process, it did not, as it failed to relay notice of this Panel hearing (or the D.A.) to any of the 200 respondents (individuals and organisations) who had registered. <https://yoursay.>
2. Even now, there is no mention of the Panel hearing in either Council's Public Notices or on its Facebook page and the local "Leader" newspaper (which may have carried an advertisement) has major distribution issues across our LGA.
3. To date, neither the Masterplan nor POM plan have been drafted, rendering this application to remediate as possibly premature.
4. The diagrams contained in the agenda document are blurry to the point of being illegible in part.
5. The area under consideration is zoned for public recreation (RE1), being part of Myles Dunphy Reserve. However, Council has incorrectly stated "The site is bound by Myles Dunphy Reserve which provides bushland to the south and west...."
6. Council did not upload the arborist's report to the D.A. tracker until yesterday (17th August), which allows insufficient time to consider such a complex document.
7. Council states in its "Your say" document that "The decision to include Lot 106 was made due to the issue of the stability of the slope along the western and southern boundaries of Lot 100 and its relationship to the former Oatley Bowling Club Site". However as "the decision to include Lot 106" has never been a resolution of Council, this action appears to be illegal.
8. This site has been the subject of much controversy since 2006, chiefly due to proposals for a high rise aged care centre. This engendered massive public opposition to the point that the planning proposal was withdrawn by Council in 2018. Most of the objections were on environmental grounds (e.g. endangered flying foxes and powerful owls) and I fear that this application has not addressed this vital aspect. Council has cited an "Ecological Constraints Assessment" but this is now four years old, and does not specifically address the significance of the 28 trees which are now listed for removal or the consequent threat to the endangered species.

We therefore submit that Council withdraws this item until such time as all of these matters are investigated and rectified."

James & Peter