

To The General Manager
Georges River Council

Thankyou for this opportunity to lodge a submission in regards to 80 Boronia Parade Lugarno. I am a resident of Lugarno and I am writing to object to Development application DA2021/0181.

The proposed development DA2021/0181 will destroy the historical, cultural and ecological values of this property. It is constructed with a complete disregard for legislation and the controls that protect the ecological and environmental values of the area. It also displays a lack of respect and sensitivity to the town plan and the character of the Lugarno neighbourhood.

The Overarching Aims of the Hurstville LEP and the Georges River LEP is to maintain and enhance the natural environment, this development application will either destroy or drastically deteriorate them.

Aboriginal Heritage

The application is flawed in that it has no Archaeological survey. On page 18 of the Statement of Environmental effects within the Development Application, a response is written to SEPP Coastal Management Development on land within the Coastal environment Area requirement (f) Aboriginal Cultural Heritage, practices and places,

The response states "The proposed subdivision relates to already disturbed residential land and therefore it is unlikely that any Aboriginal cultural heritage items or places will be impacted as a result of the proposal". This is incorrect.

There are Aboriginal objects recorded on 80 Boronia Parade Lugarno, The office of Environment and Heritage AHIMS database lists a Midden, Grinding grooves, a water hole and 2nd Midden. See Appendix. 1 They have existed preserved for 111 years of residential ownership and still exist intact today.

Prior to European ownership, the Aboriginal Cultural landscape of Glenlee is a significant portion of the area in which is evidenced the First collaborative contact made between the First Fleet and the Aboriginal community on the Georges River referred to by Robert Hayworth, in 'The Several 'Discoveries' of Sydney's Georges River: Precursors to the Tom Thumb Expedition', Journal of Australian Colonial History, Vol. 14, 2012, pp. 171-190. Written for the University of New England 2012 it reads:

"The likely trysting site between the Aborigines and the crew '12 miles from the fleet' would be at the head of Lime Kiln Bay, the inlet that begins just north of Lance Point (Gertrude Point)" (Lugarno) This location could very likely be describing the area of Glenlee.

The water hole and grinding grooves are in the natural creek bed that the development's stormwater infrastructure will concrete over and pipe, and the middens will either be concreted over or threatened by the residential development.

“Regardless of whether Aboriginal objects are owned by the State of NSW or are in private ownership, they are protected under the National Parks and Wildlife Act 1974 (NPW Act).

The NPW Act protects all Aboriginal objects and declared Aboriginal Places in NSW

“Aboriginal objects are given ‘blanket protection’ in NSW which means they are protected by the NPW Act regardless of whether they have been found and registered or not, or whether they are of particular significance to Aboriginal people or not.”

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Aboriginal-cultural-heritage/how-aboriginal-heritage-system-works-120401.pdf>

It is immensely important that we keep the Landscape intact holding this valuable information for further investigation and acknowledgement.

Now that it is a development application, the Council are the responsible authorities for ensuring recognition and protection of the aboriginal heritage.

"Historic Sites Under the Act, a place can also be established as a ‘Historic Site’ to protect and promote its culture and heritage values. Historic Sites can contain both Aboriginal and non-Aboriginal heritage. They might be associated with historical events, or contain buildings, places, features or landscapes of cultural significance.”

Glenlee should be dedicated as a commemorative park to the Bidjigal people of the Eora Nation as there is no other substantial place where they are celebrated and their role in History is of particular consequence.

European Heritage

The Statement of Environmental Effects inaccurately states that the Matthei residence titled Glenlee is 70-80 years old, the house was built in 1910, making it 111 years old. The European history of Glenlee is detailed in a National Trust listing report and is deeply embedded in the cultural fabric of Lugarno and surrounds. Glenlee may not be listed in schedule 5 of the Hurstville LEP 2012 but that does not mean the information it holds is not profoundly relevant to the LGA and the broader community.

A heritage report was not submitted with the development application and although the lot number 1 DP793262 of Heinrich Reserve itself adjoining the property is not listed in schedule 5 of the HLEP2012 Environmental heritage items, the Heinrich stone wharf and path situated on this adjoining property are listed. According to the 2020 report written by Conroy Heritage Planning for the Georges River Council The stone path and the Heinrich Jetty are “recommended to have their curtilages extended to include their historic setting and curtilage. The settings of these Items make an important contribution to understanding and interpreting their heritage significance by the community.” Given the proximity of these two listed Heritage items in the vicinity as well as 1 x listing (the stone path and Jetty) actually adjoining the property to be developed, along with the significant cultural landscape in and surrounding the property, a heritage report along with a heritage impact statement is requisite.

Road and Traffic Access

As Lugarno is situated on a peninsular, with no trainline and one road access, an estimated additional 90 cars would congest the Lugarno peninsular on an already busy Forest Road. In addition to this, Lugarno is forecast to have 200-400 additional dwellings leading up to 2036. (ref 1) and an impending 14 unit development at Lime Kiln Shops.

The West and South Foreshore areas of the peninsula are mapped as Bush Fire Prone Land with one road access in and out. This development is a liability to the lives of the community by proposing 31 residences and the cars associated with high income households. In previous years locals can testify to long delays in evacuation routes in Bushfire events. Please note the one road access in diagram 1 that accentuates the limited access. It is completely unacceptable that a development with this concentration of lots is being proposed on a fire prone peninsular with already congested roads. Diagram 1:



Jacaranda Avenue which is the road access to Bayside Drive is a concreted 2 x car width road that was never designed for through traffic and industrial vehicles. Due to the width of Jacaranda Avenue, it is also an impediment to timely evacuation in emergencies.

This Development Application is extremely unclear around the proposed road extension over Council owned land Zoned RE1 Lot 1 DP793262 from Boronia Parade to Bayside Avenue. It is indicated in the plans and the SoEE pg 9 and pg 42 that the road extension over Council owned land RE1 - DP793262 is imminent and intended in conjunction to proceed with this application. The road extension would need clarifying as this DA allows for no other option but for it to be extended as there is no turn around area for Fire or service vehicles as recommended on page 11 of

https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/vehicle_access.pdf. The provision of this turnaround area has been drafted in the newly proposed extension to Ballanda Avenue but not Boronia Parade. The application relies on Boronia Parade extending through to Bayside Drive, however, based on the inadequacy of Jacaranda Avenue to deal with the through traffic, owners (GR Council) consent should not be forthcoming for the road extension. Without owner's Consent to the road extension compliance issues arise due to the lack of the turnaround area in the current application and it would need to be redrafted and lodged again.

Foreshore Protection Area

Development in the Georges River LGA currently operates under 2 LEP's, HLEP2012 and the imminent GRLEP2020 that that we *should* be operating under now but has been delayed. So, right now, we should have a minimum lot size of 700sqm, that is the town plan. It was meant to be gazetted, and in action, last November, it is now scheduled for the end of this month, it is certain and imminent.

The lot size of 25 of the proposed Lots are not compliant with GRC Draft LEP2020 minimum lot size of 700sqm and as per Georges River Council's Website:

"Any Draft Plan that has been Placed on Public Exhibition. During any review, Council is required to ensure that development proposals are not only consistent with existing controls, *but (the) also the future planning intentions of Council and the community as indicated in draft Local Environmental Plan.*" And under the Environmental Planning and Assessment Act 1979 No 203 4.15 :

"Evaluation" (1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority"

HLEP2012 6.3 Limited development on foreshore area (up to Foreshore building line)

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

The "Proposed Plan of Subdivision" drawing ref SH01, details the waterfront lots 24, 26, 28 and 30 as battle axe blocks, building on these blocks is restricted to being above the Foreshore Building Line. However, the area specified in the plans above the Foreshore Building Line fails substantially to meet the size required to build a residence on and they would have to inevitably encroach over the Foreshore building line.

On page 23 of the SoEE, Foreshore Scenic Protection Area it is stated here that the FSPA is only to the Foreshore building line, this is an error in the application, the entire site was and still is Foreshore Protected area in its entirety.

Greater Metropolitan Regional Environmental Plan

With reference to 4.2.7 Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment page 12 of the document. In table 4 of Clause 9 Planning Principles listed in The Statement of Environmental Effects states:

Item (10) "The proposed development will provide for improved management of water and will not significantly increase the level of nutrients entering the waterway"

This is clearly untrue, piped and extensive concreted surfaces will do nothing to absorb the nutrients before it's their entry into the waterway. There is no substitution for the optimal function of absorbing nutrients and runoff as performed by trees and vegetation.

Item (11) vegetated buffer zone is indicated as N/A-

This is because vegetated buffer zones are completely removed in this development application removing the function they serve.

Item (12) “water quality will be improved through better management of stormwater on the site. Stormwater will be collected and redirected in accordance with the stormwater plans.”

This statement is clearly incorrect. There are countless examples of Water Sensitive Urban Design elements of which this development is completely devoid of. An additional 31 properties along with the existing stormwater runoff from surrounding streets will be collected on hard surfaces and redirected in its entirety not 40m from the Georges River, while the remainder of the runoff that is collected on the extensive hard surfaces will flood through to the river without any facility for filtration. The water quality in the Coastal Environment Area will be impacted significantly, not improved.

This DA does nothing to fulfill the Objectives of the Coastal Environment SEPP

- (a) To protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons and (does not) enhance natural character, scenic value, biological diversity and ecosystem integrity.”

In fact this development is a “key threatening process” and there is no doubt that what is proposed will seriously deplete and impact on Biodiversity.

- (b) To reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons.

The only way these objectives would be achieved would be through dedicating the Coastal Environment Area as a reserve and honouring the historical and heritage values it contains.

Impacts on Biodiversity

The Lugarno peninsula is the highest point in the entire LGA, it has a steep topography and is mapped as of High ecological value by DPIE ref (5) descending into ecologically sensitive waterways and mapped on the Riparian Lands and Watercourses Map under HLEP2012 Sheet RLW_03 as “sensitive Land” along the Foreshore, it is in itself a delicate ecological terrain that is requisite in maintaining the biodiversity levels required for healthy functioning ecosystems that support human life. Part of the property is flood prone and water flash floods through the property from the surrounding streets flooding into Boggywell Creek and Lime Kiln Bay, the vegetation contained on the property, and the Lugarno peninsular for that matter, is vital for absorbing the nutrients in a manner that concrete and pipes simply will not.

On page 18 hard copy, (pg 24 PDF) of the *Travers bushfire & ecology* Biodiversity Assessment report it states in 3.7 Connectivity “The vegetation within the development footprint provides limited connectivity beyond the study area as it is already severed to south and west by urban development and to the east by Boggywell Creek.” This is incorrect. The properties along the Lugarno foreshore have maintained enough canopy to provide a crucial corridor for

swamp wallabies and echidnas and bird life, some of which have been recorded in Georges River Councils latest Biodiversity Survey, due to the topography and the inability to develop on the South side of Gertrude Point the habitat in Glenlee is crucial in offering refuge along the foreshore from Salt Pan Creek through to Lime Kiln Bay and Oatley Park. Just because the West and South are residentially developed does not justify the removal of this crucial habitat, it only stresses even more the importance of retaining it.

I myself photograph many species of birds in Heinrich reserve adjoining Glenlee to the North and have watched many species of birds pass over the border using Glenlee as a wildlife corridor, even though the biodiversity Assessment Survey states it is not an effective corridor. I have photographed and observed Rufous Fantails, Grey fantails, Whitebrowed Scrubwrens, Variegated wrens. Spotted pardalotes, Silvereyes, Brown Thornbills, Eastern Spinebills, Yellow faced Honeyeaters, Rose Robins, Eastern Yellow Robins, Golden whistlers, Sacred Kingfishers. etc most of these species are not detailed in the Biodiversity Assessment Report.

The DA does nothing to acknowledge the impact that the concentrated and piped water will have on the Ecologically Endangered communities listed in Heinrich Reserve.

The property contains an outstanding forest of Smooth-barked Apple-Blackbutt-Red Bloodwood including Grey Gum and Sydney Peppermint Trees and is some of the last of the original remnant vegetation from the LGA being genetically best suited to survive in its location. Nature enthusiasts who were invited on to the property have assessed the understory on the property and it is in better condition than most of our bush reserves.

A development footprint of this density and lot size does not leave space for these trees. These trees are a substantial provider of habitat for many threatened species. Trees can take up to 70 to 100 years to reach ecological maturity and to provide the nectar, fruit and hollows for wildlife to shelter and breed in. Once these trees are removed we will never see them again in our lifetime, nothing that is planted now, either on site or in another location will substitute the resource they provide for the survival of the threatened species that rely on them.

There is a new breeding pair of powerful Owls on the Western side of the peninsular who were photographed last week in Boronia Parade, this falls within the 800 hectare foraging area required for their survival. I myself have seen Grey Headed Flying Foxes disturbed from their roosting site in the trees on the Northerly border of the property in the Summer months. Despite the lack of observation of Eastern Osprey's in the latest Georges River Council Biodiversity Survey, the first pair of Osprey's to successfully breed in 16-20 years on the Georges River forage daily in front of the property in the waters of Boggywell Creek and use the trees for roosting. They were also witnessed by the 80 people attending the Save Glenlee rally on Saturday the 12th June just past, including Mayor Kevin Greene. It is not circumstantial that they choose Boggywell Creek for foraging, it is because of the trees preserved on the slopes that the health of the water is such that food sources and fish breeding grounds are maintained. If you take 1.5+ hectares of trees away from Glenlee, given

its key location in ameliorating stormwater runoff, there is no question biodiversity along with water health will be impacted.

Open Space

The statement that there is more open space in Peakhurst ward than other wards in our LGA is a flawed argument in that a large portion of that open space is allocated by default due to the steep topography and terrain which is too difficult to build on, which is not the case in other wards. It is the highest point in the LGA and the rugged inclines in some areas are not feasible to be built on along the East and areas of the West of the peninsular.

Georges River LGA is short overall by 6.4 hectares of open space, ref (2) and it is only set to get worse with a 20% population increase in our LGA forecasted by 2036 ref (3) and a looming 14 unit development close by in Lime Kiln Bay Road.

By 2036 open space provision for catchment 2 area in which Glenlee sits will have dropped from 5.4 hectares per 1000 people to 4.4 hectares to per 1000 people.ref (4)

It is difficult to build open spaces once the horse has bolted.

It is widely known that residents from within our LGA and neighbouring LGA's travel to Lugarno and Oatley to enjoy the quality open space on or near the foreshore, it is a destination location.

A deficit of open space in other suburbs is not an excuse to remove this significant quality asset for future generations, it lacks vision and the wisdom to identify the irreplaceable value that goes beyond just "open space".

Scenic Amenity

Glenlee contributes substantially to the scenic amenity viewed from Oatley Park as circled in red in the picture below. The end result of this subdivision will lead to the removal of the trees to the ridgeline. It is an iconic view enjoyed by 1000's of visitors to Oatley Park and surrounds each year. Using the viewshed visibility criteria from The Foreshore Strategic Directions Paper the trees indicated should be protected.



Threat to the Character Values of Lugarno

According to the Georges River Council's Foreshore Strategic Directions Paper 2018 page 114 the Character Typology of Glenlee and the Lugarno peninsula is "Naturalistic Edge":

"The Naturalistic Edge Character Typology is associated with a number of identified foreshore values, including E1, E2, E3, E4, E5, A1, A2, A3, A4 and A5 and as such is of significant landscape value. The threats posed by clearing of significant vegetation, increased stormwater run-off, altered geology and changes to the surrounding aquatic habitat, will alter the very key characteristics that contribute to these values, and as such the typology is *significantly susceptible* to change. Therefore, the sensitivity of this character area is considered to be Very High." This DA does not approach the landscape with respect to this in any way.

In opposition to the Greater Sydney Commission's Objectives

Objective 25 of the Greater Sydney Commission "The Coast and Waterways are protected and Healthier" This development application removes the trees and vegetation that filter the water before entering the river, then pipes it directly into Heinrich Reserve containing ecologically endangered communities and less than 40m into the Georges River not protecting nor contributing to the health of the river.

Objective 27 of the Greater Sydney Commission states that "Biodiversity is protected, urban bushland and remnant vegetation is enhanced" The state governments biodiversity values mapping and Bio net Atlas mapping Appendix 2 detail the occurrence of threatened flora and fauna on the Lugarno Peninsular and in this property. Loss of hollowbearing trees is listed as a key threatening process along with urban development. This DA will remove complex understory, habitat for smaller bird species, and

hollowbearing trees promoting an expansion in the Noisy Minor population which in itself is a key threatening process. Removing old growth trees is a direct threat on the existence of listed threatened species on the peninsular.

Objective 28 “Scenic and Cultural landscapes are protected”. This development application will destroy the European, aboriginal Heritage and remove the trees

Objective 30 is that “urban tree canopy cover is increased” it is inevitable that close to 200 trees will be removed reducing our shortfall of tree canopy cover even further.

Objective 33 of the Greater Sydney Commission

“A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change”

The shade from a tree can save residents substantial amounts in the cost of energy and reduces the Urban Heat Island effect. The density of the lots and 2 x new roads will contribute substantially to Climate Change.

Some Solutions:

One of GRC’s key recommendations in their **“Georges River Open Space, Recreation and Community Facilities Strategy 2018-2036”** is to develop a community hub in Peakhurst or Lugarno. On page 12 of the document it states “Develop a community hub in Peakhurst or Lugarno to provide around 1,000-1,200sqm of multipurpose community space”

MEDIUM timeframe
\$7,200,000”

The plan also states again that Local (Community) hubs identified in this strategy are:
“Peakhurst/Lugarno Local Hub: a future hub providing access to high quality community space, with a potential bushland focus”

Acquiring Glenlee for community purposes would also support the open space requirements of the Impending development of 14 units at lime kiln shops

Under the **“Georges River Foreshore Access and Improvement Plan”** Council have rezoned the Foreshore strip of private residences along salt pan creek to RE1, public recreation zone, affecting the profitability of their land, so why not take the opportunity to rezone the foreshore of a development site which circumstantially is undevelopable land of ecological sensitivity within the foreshore building line.

This is the last opportunity that Council has to secure a piece of land with all of these combined significant qualities for the use of the community. This offers the last opportunity on the Lugarno Peninsular for the community to be able to have a place where they can picnic on the shores of the river.

The community is asking Georges River Council to please apply to the appropriate ministers in State Government for funding and protect the values that are inherent in Glenlee 80 Boronia Parade Lugarno.

Community Response

Over 1700 signatures on the Save Historic Glenlee Parliamentary Petition

Speech by Mark Coure MP to Parliament in support of Saving Glenlee

Two articles in The Leader on the community's asking to Save Glenlee

Two interviews with Save Glenlee campaigners Live on ABC Radio

Sincerely

Megan Argent

References

(1) See page 27 of Planning Proposal Low rise medium density housing in the Georges River Local Government Area (PP2018/0001)

<http://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Development/Planning%20Controls/D19-43998-PLANNING-PROPOSAL-Low-Rise-Medium-Density-Housing-Code-MARCH-2019.pdf> <https://forecast.id.com.au/georges-river/population-summary>

(2) pg79 <https://ethosurban.com/projects/single/georges-river-foreshore-strategy-georges-river-council>,

(3) According to 2016-2017 data reported by councils to the NSW Office of Local Government, on pg 27 of the Planning Proposal for Low rise medium density housing in the Georges River Local Government Area (PP2018/0001) March 2019

(4) Page 81

https://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Council/Exhibitions/Draft_Open_Space_Recreation_and_Community_Facilities_Strategy_1.pdf

(5) <https://datasets.seed.nsw.gov.au/dataset/hevwater-georges-river>