



Dear Council officers,

Please see our **attached** letter setting out our clients' submissions in opposition to the proposed development of the site colloquially known as the Wallacia Golf Club.

Our clients have also given their support to other written submissions and petitions against the development tendered by the Wallacia community. The matters set out in our letter are intended to supplement the broader community's written submissions.

Kind regards





27 February 2018

The General Manager
Penrith City Council

By email

RE: Submissions – DA17/1092 Wallacia Memorial Park Cemetery at 13 Park Road and 512 Mulgoa Road

Various stakeholders in the Wallacia community have expressed their concerns and objections regarding the nature and scale of the development application for the site colloquially known as the Wallacia Golf Club.

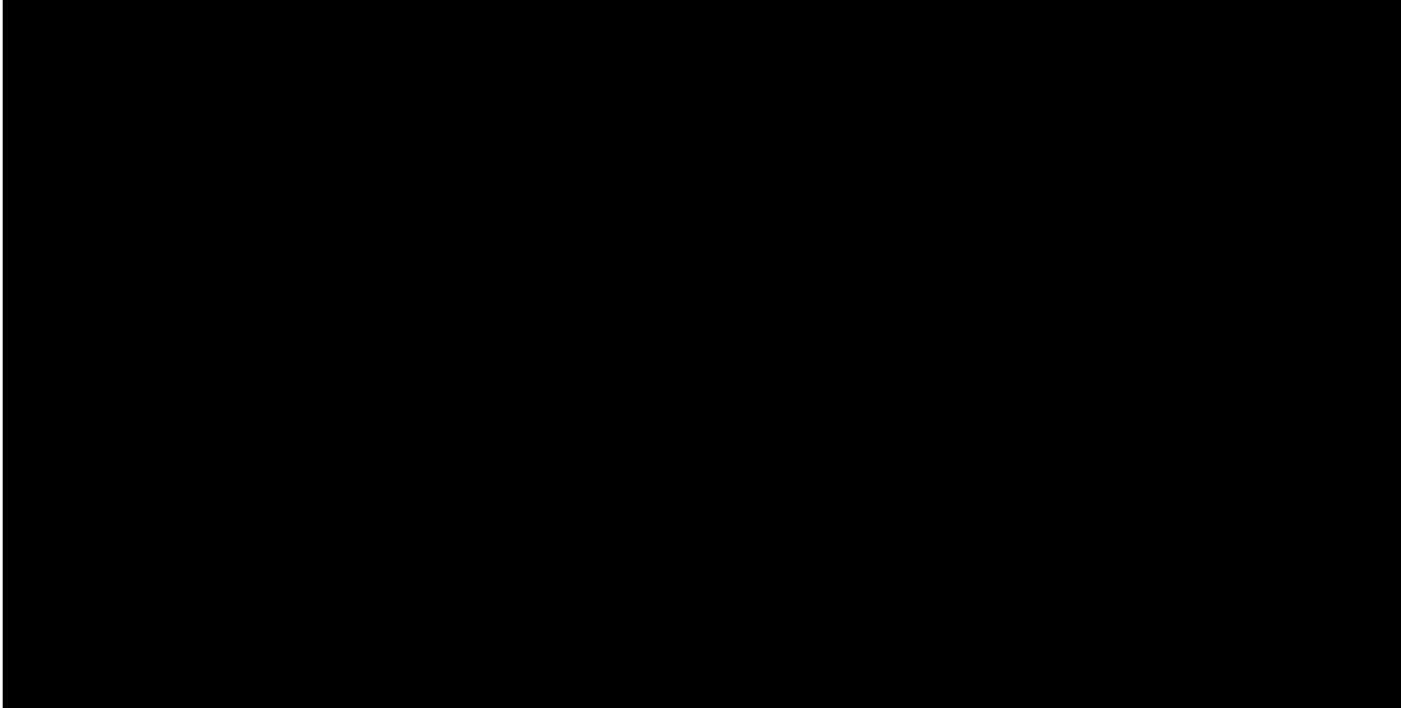
We welcome the opportunity to provide written submissions to Council.



Annexure A sets out our submissions in opposition to DA17/1092.

Due to the volume of material lodged by the applicant, we did not have sufficient time to provide comprehensive submissions on the original and supplementary documents. To this end, our submissions focus upon the DCP Compliance Assessment report prepared by Urbis.

Should Council identify further areas where DA17/1092 requiring further address by the applicant, we request that Council re-invite the Wallacia community to make further submissions on such matters.



Submissions in opposition to DA17/1092

C1 Site Planning and Design Principles

1.1.2 – Key Areas with Scenic and Landscaping Values

- Visual Impact Assessment methodology adopted in that report includes the adoption of a visual sensitivity system used in the United States prepared by the United States Department of Agriculture Forest Service, 1995; the immediately surrounding vicinity of the subject land comprises, the Wallacia town centre and low-density residential and rural land. The subject land is not in the nature of a forest.
- The applicant's analysis relies on existing vegetation to shroud or obscure the visibility of the sight. For example, if those vegetative barriers are removed (say, due to bushfire destruction or other land clearing activities) the site will be clearly visible and its impact will not be ameliorated by existing vegetation.
- Further, there is no apparent consideration in the visual assessment as to the likely impact of the proposed substantial tree removal activities in the Travers Bushfire and Ecology report (Tree Assessment Report).
- In our view, once the above considerations are taken into account, the proposed development is likely to be appraised as a high visual impact site and the present development proposal is unlikely to comply with this requirement in the DCP.

2.1 – Preservation of Trees and Vegetation

- The Urbis DCP summary report describes the proposed development as involving the removal of 382 out of 1800 trees on the basis all of those trees are unsafe or dangerous. This is misleading because at page 3 of the Tree Assessment Report it is stated that 215 trees will be removed as they are situated within or immediately adjacent to the development footprint out of which 167 are unsafe trees.
- The Tree Assessment Report only assessed 1,012 trees (within or immediately adjacent to the proposed development footprint) the percentages are also misleading and significantly understated as to the extent of the proposed tree removal activities; 382 out of 1,012 equates to the proposed removal of 37.75% trees as a consequence of the proposed development.
- Section 3.1 of the report confirms the existence (but not the extent of) critically endangered ecological community woodlands / endangered ecological community forest. The applicant submits that only 21.22% of total trees on site will be removed (which we have demonstrated above is a misleading percentage).
- Section 3.4 of the report identified hollow bearing trees (some observed to be occupied by fauna) but the application does not state how these trees will be managed and protected (see page 15 of the report).

- Having regard to the above matters, we consider there is a material risk that the proposed development may result in significant impact requiring national consultation unless such risks are mitigated. Further submissions from the applicant should address the above concerns.

2.2 – Biodiversity corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas

- The Flora and Fauna Assessment indicates that further studies of identified trees with hollows is required; it also recommends revisions to road alignment in light of the study’s findings as to occupation by threatened species (see page 20 and 23).
- The Civil Engineering Services Report provided by the applicant suggests that internal roads have been shifted to lessen the impact on existing trees and vegetation. It goes on to state that “ecological offsets” are contemplated due to proposed road placement affecting native vegetation. However, the Flora and Fauna Assessment does not identify what steps have been taken (if any) by the applicant to incorporate and carry out those recommendations, particularly where the authors of the report indicated a “not significant conclusion” “provided recommended mitigation measures are carefully adhered to”.

3.2 – Catchment Management and Water Quality

- We have had the opportunity to consider other submissions prepared by the Wallacia community in relation to stormwater drainage concerns and in particular the prevalence of historical flooding in the Jerrys Creek system.
- Given the crematorium activities and extensive burial activities contemplated in the development, we consider that the proposed civil engineering works will not sufficiently mitigate the risk of contamination of greater waterways and groundwater arising from the proposed development. This is because the proposed development is likely to result in heavy vehicular use along the proposed roads and groundwater contamination will need to be treated in appropriate stormwater retention facilities.

3.3 – Watercourses, wetlands and riparian corridors

- We observe that the trapping of natural watercourses may result in material affectation of water flow to neighbouring sites and subsequent ecological impacts which have not been addressed in the application documents. If the riparian flows are affected, it is likely to have an adverse impact on the Jerrys Creek system. This is not considered in the ecological reports submitted by the applicant, which only consider the local impacts upon the subject land.

3.5 Flood planning

- There is no specific flood plan available for public viewing; see comments below regarding section 3.6 of the Urbis DCP Compliance Assessment document.

3.6 – Stormwater Management and Drainage

- The Stormwater Management Plan by Stormy Water Solutions was not available for public consultation at the time of preparing these submissions.
- However, concern is raised due to the DCP requirements which involve the release of water after rainfall events and does not permit “rainwater tanks, water retention basins or dams”, yet the applicant’s designs include the capture and reticulation of the majority of the site’s catchment to

various proposed basins on the site. Water retention will affect the greater Jerrys Creek ecosystem. Therefore, it seems this aspect of the development will not comply with Council's DCP.

5.1 – Waste Management Plans

- There are two proposed temporary designated sites for waste material. They are in close proximity to Park Road and we consider it is more appropriate to relocate those sites to locations set further back from Park Road. Further, it should be a condition of any waste management plan that asbestos material (which is likely to exist upon the site) should be subject to more stringent controls and quarantine measures to avoid contamination of adjacent sites.

6.1 – [Landscape Design] Controls

- At the time of preparing these submissions, the Landscape drawings downloaded from Council's did not display when loaded. As a result we cannot make any submissions until the documents identified by the applicant in support of these matters are accessible.

7.2 – Aboriginal Culture and Heritage

- It appears no invasive excavation work has been done to confirm the presence or absence of significant cultural items. We therefore recommend further investigations be done to address this item.

C10 Transport, Access and Parking

- Park Road is a single-laned carriageway with no proper sealed emergency lanes; nor is it currently wide enough to accommodate turning bays into the subject lane. It has a history of vehicular collisions where overtaking has resulted in catastrophic incidents. There is a retirement village on Park Road opposite the golf club building. There are no measures contemplated to address an increase in risk to senior citizens caused by the increase in traffic volume, nor to the public school's operation.
- The same traffic and transport concerns that were expressed by the Mulgoa community in respect of the abandoned Fernhill burial site development also apply to the present application so far as it relates to the increase in traffic moving through the Mulgoa Valley along Mulgoa Road to reach the subject land. Those concerns are not mitigated in the supporting documents because Mulgoa Road is similar to Park Road in its nature as a single-laned carriage way that cannot be practically widened to accommodate larger traffic flows.

Part D – Land Use Controls

- It is disingenuous to say the site is not located immediately "adjacent" residential properties. There are residential properties which face the site and share common boundaries. The site is also nestled against the heart of the Wallacia town centre/commercial core.
- Strategically, the site is located in relatively close proximity to the proposed Badgerys Creek Airport and the associated infrastructure and city planning underway. There will be an influx of jobs, commercial and industrial opportunities within the broader Western Sydney region. The subject land's strategic proximity and significance to the Wallacia township cannot be overstated; if converted to burial space, Wallacia will have no space to expand its town centre nor its residential zones and its future prospects will be limited to sustaining existing uses (and the inconsistency of the crematorium use with future increased residential or commercial use). Accordingly the

proposed use and development is not in the public interest.

