

**MINUTES OF THE SYDNEY WEST
JOINT REGIONAL PLANNING PANEL MEETING
HELD AT LIVERPOOL CITY COUNCIL
FRANCIS GREENWAY CENTRE
170 GEORGE STREET, LIVERPOOL
ON THURSDAY, 23 AUGUST 2012 AT 6:30 PM**

PRESENT:

Bruce McDonald	Acting Chair
Lindsay Fletcher	Panel Member
Paul Mitchell	Panel Member
Nadia Napoletano	Panel Member
Tony Hadchiti	Panel Member
Suzie Jattan	Panel Secretariat

IN ATTENDANCE

Natalie Stewart	Manager, Statutory Planning, Liverpool City Council
Peter Flynn	Senior Development Planner, Liverpool City Council
Tanya O'Brien	Manager, Strategic Planning, Liverpool City Council
Charles Wiafe	Manager, Traffic and Transport
Steven Chong	Team Leader, Statutory Planning, Liverpool City Council
Rajendra Autar	Manager, Assets and Infrastructure, Liverpool City Council
Maya Elnazer	Senior Development Planner

APOLOGY: NIL

1. The meeting commenced at 6:43pm

The Chair welcomed everyone to the meeting of the Panel.

2. **Declarations of Interest –**

Item 1 – Nil

Item 2 – Mr Lindsay Fletcher stated that he knew the applicant's architect, Mr Farah Georges, in a professional capacity some years ago, but did not believe this constituted a conflict of interest. In addition Mr Fletcher advised that he had no contact or discussions with Mr Georges for several years and certainly no contact or discussion in respect of this matter – 321 Greendale Road, Greendale.

3. **Business Items**

Item 1 - 2011SYW087 - Liverpool City Council, DA-1210/2011, Demolition of existing buildings and construction of a residential flat building comprising a total of 53 units and two levels of basement car parking, 93-95 Campbell Street Liverpool.

Item 2 - 2010SYW027 – Liverpool - 1133/2010 - Cemetery and associated works - 321 Greendale Road, Greendale.

4. Public Submission –

Item 1 – Nil

Item 2 –

Dianne Newell addressed the panel against the item.

Phillip Said addressed the panel against the item.

Kelvin McLean addressed the panel against the item.

John Roy addressed the panel against the item.

Joanne Spiteri addressed the panel against the item.

Jan Tibbotts addressed the panel against the item.

Louise Waterhouse addressed the panel against the item.

Terry Hay addressed the panel the against the item.

Duncan McDonald addressed the panel on behalf of the residents against the item.

Jim Cupitt – Senior Environmental Scientist – addressed the panel on behalf of the residents against the item.

Patrick Conolly – Electorate Officer – (Office of Tanya Davies MP) – addressed the panel on behalf of Tanya Davies and residents against the item.

Gary Green – Solicitor for the applicant addressed the panel in favour of the item.

Greg Boston – Consultant Town Planner for the applicant addressed the panel in favour of the item.

Daniel Martens – Hydrological expert for the applicant addressed the panel in favour of the item.

Terry Winning – Traffic expert for the applicant addressed the panel in favour of the item.

Following the public submissions the Panel adjourned the meeting from 8.40pm to 9.13pm.

5. The Panel's Decision

Item 1 - 2011SYW087 - Liverpool City Council, DA-1210/2011, Demolition of existing buildings and construction of a residential flat building comprising a total of 53 units and two levels of basement car parking, 93-95 Campbell Street Liverpool.

That the application be conditionally approved for the following reasons:

- 1) The proposal is considered to be in the public interest as it will advance adopted public policy in the following ways:
 - i) The proposed development will contribute to the planned supply of additional housing within the Sydney Southwest Sub Region consistently with the housing supply strategy contained in the Sydney Southwest Sub Regional Strategy,
 - ii) The proposed development will contribute to the planned housing targets and to the diversity of housing choice within the City of Liverpool on land identified for and zoned to provide that outcome.
- 2) The proposed development exhibits generally satisfactory urban design qualities and characteristics when assessed against the Urban Design Principles of SEPP 65.
- 3) The proposed development is consistent in its scale and presentation with the desired future character of the locality as reflected by the zoning and development provisions applying to the land under Liverpool Local Environmental Plan 2008.
- 4) The proposed development is considered to provide a satisfactory presentation to the public domain, including the Hume Highway.

The approval is granted subject to the conditions contained in the document - **Attachment 12.2 titled Draft conditions of consent (without prejudice)** accompanying the planning report considered by the Panel.

Voting Outcome – 5-0

Item 2 - 2010SYW027 – Liverpool - 1133/2010 - Cemetery and associated works - 321 Greendale Road, Greendale.

The Panel determines that the application be approved subject to draft conditions to be provided by council's planning officer and the following deferred commencement provisions.

1. The applicant is required to seek the approval of the Director General of the Department of Health, or delegate in accordance with delegation PH306 of an Area Health Services Public Health Unit Director and/or Medical Officer of Health under Clause 20 of the Public Health (Disposal of Bodies) Regulation 2002 for burials which are to occur at less than 900mm. Such approval is to be obtained prior to any burials taking place upon the site. Further burial rights in respect of shallow grave sites are not granted and evidence of approval is to be provided to Council. Any further necessary approvals to be establishment of the cemetery required by the Department of Health are to be obtained.
2. A water allocation license is to be obtained for the site in order to make use of the water from the dams on the subject site, as advised by the Office of Water. Such water allocation license is to be obtained prior to any burial occurring upon the site.

The applicant is required to purchase a water allocation license from another WAL holder within the Mid Nepean River Catchment Zone as outlined in the Trading Rules

within the Water Sharing Plan for the greater metropolitan region unregulated water sources. Until such time as the applicant can demonstrate to the satisfaction of Council the gaining of all appropriate water licenses and water allocations to the volumes required for the success of the project, this consent shall not become operable.

3. A perpetual maintenance scheme to ensure the long term maintenance of the cemetery grounds is to be created which provides for sufficient funds from the sale of burial rights and other services to be set aside in a trust fund. The Trust Deed documentation is to be submitted and approved by Council prior to issue of any Construction Certificate. Council's expenses in checking the documentation are to be reimbursed by the applicant. An appropriate notation is to be added to the property title advising of this perpetual maintenance obligation.

The reasons for approval of the application are:

1. The proposal is considered to be in the public interest as it will add to the supply of cemetery capacity in the region thereby addressing the shortage of supply predicted by the Land and Property Authority.
2. The use is permissible within the RU1 Primary Production zone under Liverpool LEP 2008, and is considered to be consistent with the objectives of that zone.
3. Given that the agricultural classification of the land is Class 3, the proposed use of the site will not result in an unacceptable loss of agricultural production.
4. The proposed use is considered unlikely to generate land use conflicts that would impact on the use of nearby land for agricultural and other permissible purposes.
5. The proposed development is considered to be compatible with the amenity of the area and consistent with the rural character of the locality.
6. The proposed development is considered unlikely to have any negative impact on ground and surface water conditions in the locality.
7. Departure from the provision of the recently adopted Liverpool Development Control Plan 2008 that requires cemeteries to be located on a site with a minimum of 15ha. is considered acceptable as strict compliance could be achieved but would increase the impact of the development on the rural landscape character of the site and the locality, and reduce separation of the proposed burial sites from adjoining land. Further the deferred commencement consent provision of the consent requires arrangements to be installed for perpetual site maintenance.
8. The proposed development can be conducted in a manner that will not unreasonably impact on existing road safety conditions on Greendale Road or substantially impact upon the performance or function of Greendale Road.

It is noted that determining Reason for Approval No.8 that the Panel had regard to the advice and responses to questions offered to the Panel meeting by Mr. Terry Winning of Winning Traffic Solutions.

The approval is to be subject to conditions, a draft of which is to be prepared by Council staff for consideration and determination by the Panel via an electronic meeting. The draft conditions are to contain, but not be limited to, conditions reflecting the following:

- *Amendment to the proposed access driveway and parking arrangements satisfying points 2 to 6 of section 3.2.3 of the supplementary assessment report dated 8.8.12.*
- *Limitation of the times and numbers that burials can occur to that nominated in Section 4 of the supplementary assessment report dated 22.8.12.*

Voting Outcome –

In Favour - Paul Mitchell, Bruce McDonald and Lindsay Fletcher

Against - Nadia Napoletano and Tony Hadchiti

The meeting concluded at 9:27pm

Endorsed by

Bruce McDonald
Acting Chair
Sydney West Joint Regional Planning Panel
Date: 27 August 2012