

**MINUTES OF THE SYDNEY WEST REGION
JOINT REGIONAL PLANNING PANEL MEETING
HELD AT PENRITH CITY COUNCIL
ON THURSDAY 5 DECEMBER 2013 AT 6.00PM**

PRESENT:

Bruce McDonald	Acting Chair
Paul Mitchell	Panel Member
Bruce Clarke	Panel Member
Barry Huskings	Panel Member
Ross Fowler	Panel Member

APOLOGIES: Nil

(Mary Lynne Taylor, while available was replaced by Bruce Clarke given his involvement in the Panel's last consideration of this DA).

IN ATTENDANCE

Peter Wood	Development Assessment Co-ordinator
Paul Lemm	Development Services Manager
Gurvinder Singh	Senior Environmental Planner
Greg Dasey	Principal Hydrogeologist (Council Consultant)
Matthew Parkinson	Principal Risk Assessment and Remediation (Council Consultant)

1. The meeting commenced at 6:25pm.
2. Declarations of Interest –
Barry Huskings advised that Warwick Stimson had been previously a workplace colleague, but that association would not influence his consideration of this application.
3. **Business Item -**

2012SYW078– Penrith City Council, DA11/1445, Lawn Cemetery and Crematorium, Lot 1 DP 529885, No. 2207-2223 Elizabeth Drive, Luddenham
4. **Public Submissions –**

Addressing the Panel against the proposal –
 - Tanya Davies – State Member for Mulgoa

- Sascha Vukmirica
- Rita Meagle
- Carmen Sciberras
- Lorraine Galea on behalf of Ray Lee
- Pauline Rowe
- Carmen Sciberras on behalf of Col Lewis
- Joanne Spiteri on behalf of "No Cemetery Luddenham" community and Tugrul Durali
- Leanne Sales
- Anthony Krilich
- Craig Cavanagh

Addressing the Panel on behalf of the applicant –

- Warwick Stimson – Town Planner
- Dr Daniel Martens – Groundwater
- Damon Roddis – Air Quality
- Dr Richard Lamb – Visual Impact

5. Panel Decision

The majority of the Panel (B McDonald, P Mitchell and B Clarke) decided it will grant consent to the development application, subject to conditions yet to be determined. The conditions will be formulated from consideration of the draft conditions which were prepared by Council at the request to the Panel and are attached to the current Assessment Report dated 5 December 2013.

The Panel has required the Applicant to submit any comments on the conditions it seeks the Panel to consider to Council by 19 December 2013. The Panel has invited members of the public present at the meeting to make submissions relating to the draft conditions for the Panels consideration and are to be made to Council by 19 December 2013.

The Panel has nominated conditions that are to be imposed in respect of groundwater contamination management, emissions management, protection of adjoining residential amenity and visual impact. In taking the decision the Panel concluded that the main issues associated with the proposal related to potential risk of water contamination and subsequent impacts on the poultry industry in the locality, potential risk of air contamination and the consequent impact on harvested water supply, visual impact on the prevailing rural landscape character and the potential loss of amenity to adjoining residents if caused to regularly observe burial activities and memorial structures. The Panel on the basis of the technical material assessed and the submissions made that went to these issues has determined that the on balance the potential risks do not warrant refusal of the application. Additionally the Panel in order to further reduce the risk of these potential impacts, require conditions that provide high levels of protection if material risk from water or air quality is detected via the monitoring regime being imposed. Further the Panel considers the issues relating to amenity and visual impacts can be addressed by landscape planting measures.

The minority of the Panel (being member Councillor Ross Fowler and member Barry Husking each of whom voted against granting consent and agrees with and adopts the analysis in Council's Assessment Reports in relation to each of the environmental planning instruments.

Natural and built environment

- Air Quality - their position is that the emission discharges from crematorium operations provide unacceptable risk of contamination of water harvested for agricultural and domestic purposes
- Groundwater Contamination – they accept the analysis in relation to groundwater contamination contained in the peer review of the submitted technical data, conducted by JBS & Co. set out on pages 7-12 of the Council assessment report dated 5th December 2013. They note that the World Health Organisation criteria have not been endorsed by the relevant Australian regulatory authorities and agrees with the view expressed in the assessment report that it should not be considered a default standard for determining water quality impacts

Social and Economic Impact

- They agree with the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Reports dated 26th September 2013 and 5th December 2013. They are particularly concerned at the potential economic impact on poultry industry activities conducted within the same groundwater and surface water catchments and the added potential for avian disease transmission.

Suitability of the Site

- They consider the site is not suitable for the proposed development given its underlying ground water system connects to a broader ground and surface water flow system that is utilised, by collection of dam and bore water, for residential and agricultural purposes. Should groundwater pollution occur from the decay of corpses that pollution would be potentially transferred to water sources. They also consider the impact on the rural landscape character of the locality and the loss of amenity to adjoining residents is not acceptable.

Public Interest

- Based on a consideration of all of the material provided they consider granting consent to the development application is not in the public interest. In particular, they are of the view that given the analysis undertaken of the material submitted there is unacceptable risk of air pollution and ground surface water contamination, which in turn would jeopardise human health and viability of agricultural activities in the local catchment. They consider that the given ground water analysis undertaken in the material submitted there is unacceptable risk of ground and surface water contamination which in turn would jeopardise human health and viability of agricultural activities in the local catchment. The minority consider the level of this risk to be unsatisfactory when gauged against the severity of potential impacts and that

application of the precautionary principle dictates the application should be refused.

Further the impact on the rural landscape character of the locality and the loss of amenity to adjoining residents is considered to render the site unsuitable,

- They voted to refuse consent to the development application and agreed with the position taken in the Council assessment report.
- They accepted and endorsed the reasons for refusal stated on pages 20 and 21 of the Council Assessment report dated 5th December 2013.

The meeting concluded at 10.30 pm

Endorsed by:

A handwritten signature in black ink, appearing to read 'Bruce McDonald', with a large, stylized initial 'B'.

Bruce McDonald
Acting Chair
Sydney West Joint Regional Planning Panel
Date: 17 December 2013