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| <b>MEETING DATE / TIME</b> | Wednesday, 4 April 2018 – Opening Time 6.10pm to Closing Time – 8.25pm |
| <b>LOCATION</b>            | Penrith City Council, Nepean Room, 601 High Street, Penrith            |

#### ATTENDEES

|                                 |   |
|---------------------------------|---|
| <b>PANEL MEMBERS</b>            | Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Glenn McCarthy  |
| <b>COUNCIL ASSESSMENT STAFF</b> | Wayne Mitchell – Executive Manager – Environment and City Development<br>Peter Wood – Development Services Manager<br>Gavin Cherry – Development Assessment Coordinator<br>Kathryn Saunders – Senior Development Assessment Planner |
| <b>OTHER</b>                    | Suzie Jattan, Planning Panels Secretariat   |

#### DECLARATION OF INTEREST

Councillor Ross Fowler withdrew from participation in the Panel due to a potential perceived conflict of duties due to his having voted in support of a related resolution by the Council concerning a planning proposal for the site.

Bruce McDonald advised that a person who had made a submission in opposition to this proposal was well known to him as a fellow employee of Penrith Council-in different capacities – over the bulk of his earlier careers. And that he intended to seek advice from the Panel Secretariat as to whether that raised any conflict of interest for him.

#### BRIEFING MATTER

Panel ref - 2017SWT016 - LGA – Penrith – DA17/1092 – Street Address – 13-15 Park Road, Wallacia, Description – Cemetery and associated structures and works, staged construction of Wallacia Memorial Park including Cemetery for 88,000 burial plots, chapel and related crematorium and function rooms, administration building, services outbuilding, parkland areas, internal roads, car parking and associated landscaping and site servicing works.

The Panel heard submissions from members of the public and other stakeholders on the matter, and requested that the Council ensure that the issues raised by speakers be addressed in the assessment report.

#### VERBAL SUBMISSIONS

| NAME  | OBJECT/SUPPORT |
|---|----------------|
| Jeff Agius - unable to attend due to family reasons, written submission was handed to panel members | Object         |

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| Darrell Bell   | Object                     |
| Abraham Nassif   | Object                     |
| Ken Samuels  | Object                     |
| Edward McGovern  | Object                     |
| Matthew Robert Fowler  | Object                     |
| John Fowler  | Object                     |
| Dennis John Gallagher  | Object                     |
| Bradley McLuckie   | Object                     |
| Lyle Bell  | Object                     |
| Bernadeta Cansdell   | Object                     |
| James Murray   | Object                     |
| Hassan Elzein  | Support                    |
| Tony Sprem   | Support                    |
| Graeme Renshaw   | object                     |
| Richard Ung  | Object                     |
| Roger French   | Object                     |
| Ramen Youkhanis  | Support                    |
| Lisa Harold – behalf of Mulgoa Valley Landcare Group           | Object                     |
| Jane McLuckie behalf of Mulgoa Valley Landcare Group           | Object                     |
| Ellena Jee-MacLennan – behalf of Wallacia Progress Association | Object                     |
| Anjum Rafiqi – behalf of Riverstone Muslim Cemetery Board Inc. | Supporting                 |
| David Hoy – Regional Director, Urbis                           | On behalf of the applicant |
| Cameron Nixon – Senior Planning Consultant, Urbis              | On behalf of the applicant |
| Councillor Ross Fowler   | Object                     |

## PRINCIPAL ISSUES RAISED BY PUBLIC PRESENTATIONS

An audio recording was taken of the presentations to the meeting.

Key submissions made by the various speakers opposed to the development included:

- Development of this proposal to locate a substantial commercial development adjacent to the Wallacia township, and reclassification of the site, was undertaken without sufficient consultation with the Council and the community.
- The flooding affectation of the site has not been adequately addressed by the applicant, and renders the site inappropriate for the proposed use.
- The scale of the proposed cemetery is inappropriate given the number of bodies that can be accommodated, and its proposed size proportionate to the township.
- The proposed crematorium is prohibited development, and the retention of the use of cemetery as a permitted use is an accidental anomaly arising from the history of the current instrument.

- The proponent's traffic assessment is inadequate given the brief survey period and its reported failure to consider the cumulative effects of nearby development.
- The cumulative effects of traffic generated by the immediate proposal and its growth over time are unacceptable, taking into account impacts from recently approved development including the Greendale cemetery.
- The cemetery will reduce property values in Wallacia.
- Leachates from the cemetery will contaminate local waterways and groundwater. There should be a groundwater study. Land comprising floodplains and swamps and affected by a shallow water table are unsuitable for cemetery development.
- The Applicant has ignored the rich history of the golf club and the town.
- The proposal is inconsistent with the E3 zoning.
- The site includes endangered bushland and animals said to be critically endangered, and the proposal has not accurately presented either the distribution of, or the impacts upon, threatened and endangered flora and fauna.
- There are aspects of the recent history of ownership and land transfers requiring investigation.
- The proposed setbacks for the gravestones are inadequate.
- There is a risk of contamination of Sydney's food bowl.
- There are available rural properties where the proposed development would not impact so greatly on residential development.
- The site is part of the Mulgoa Valley which was subject to State Regional Environmental Plan 13. Cemeteries are only permissible because of an oversite which occurred when planning of the area changed to the LEP, with most E3 zones prohibiting cemeteries.
- Tree removal is excessive having regard to the rarity of ecological communities of vegetation of the site and 6 threatened bat species which forage on the site including protected microbats. There should be a species impact statement because of those impacts. The likely impacts on the ecological values of the site would trigger assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- The current DA should not proceed until the current review of the cemeteries strategy was complete.
- There is substantial unutilised capacity for new burials having regard to existing dormant approvals in Penrith and nearby Western Sydney local government areas.

**SUBMISSIONS IN SUPPORT REFERRED TO:**

- Due to the religious beliefs of different faiths, there is a need within Sydney for additional sites for burials. The available sites within Sydney are close to capacity and are inadequate for future needs. People have a right to be buried.
- Most people want to be buried within 15 kilometers of their homes.
- Cemeteries are a permissible use in the current zone.

**CLOSING COMMENTS BY CHAIR:**

- Following this meeting, and upon completion of council's assessment report, the application will be referred to a further meeting of the Panel for determination.
- The Assessment Report by Council staff will be available on Planning Panels Website seven days prior to the public meeting.
- Interested parties may still register to address the Panel at the Determination meeting but we ask that they confine their points to matters not raised at the public hearing.

| <b>PANEL MEMBERS</b>  |  |
|---|--|
|    |    |
| Justin Doyle (Chair)  | Nicole Gurran  |
|  |  |
| Bruce McDonald  | Glenn McCarthy   |