

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

ATTENDEES

PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán and Glenn McCarthy
COUNCIL ASSESSMENT STAFF	Wayne Mitchell – Executive Manager – Environment and City Development Peter Wood – Development Services Manager Gavin Cherry – Development Assessment Coordinator Kathryn Saunders – Senior Development Assessment Planner
OTHER	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

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.

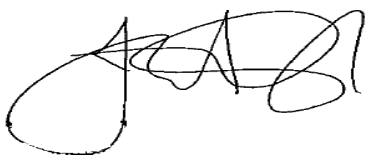



- The proponent's traffic assessment is inadequate given the brief survey period and its reported failure to consider the cumulative effects of nearby development.
- The cumulative effects of traffic generated by the immediate proposal and its growth over time are unacceptable, taking into account impacts 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 oversight 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.

SUBMISIONS 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.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Bruce McDonald	 Glenn McCarthy