

DATE OF DETERMINATION	27 June 2019
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Stuart McDonald and Paul Mitchell
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Cr C Quilkey and Cr K Collins and Cr Kevin Gillies advised that Blacktown City Council is the land owner for these projects and they have attended many briefings and participated in a council vote for its funding. They have a conflict of interest and cannot sit on the Panel.

Public meeting held at Blacktown City Council on Thursday, 27 June 2019, opened 2.00pm and closed at 2.30pm.

MATTER DETERMINED

Panel Ref – 2019CCI007 – LGA – Blacktown – DA18/01557 at St Bartholomew’s Church and Cemetery, Lot 1 DP 325874, Lot 21 DP 135886, Lots 221 & 224 DP 812455, Ponds Road, Prospect (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal will provide a valuable community facility (additional cemetery space) in a readily accessible location.
2. The proposal will protect the heritage values of the site and will enhance its overall appearance.
3. With the safeguards proposed which include individual approvals for burials in areas with shallow depths of soil, the proposal will be satisfactory from a water quality perspective.
4. Overall, the proposal will have no material adverse environmental impacts and will be beneficial from a social perspective.
5. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to revised conditions in the council supplementary report with the following changes:

Condition 10.2.3.1 is amended to read as follows –

Operational Matters: Prior to Occupation an Operational Management Plan is to be submitted and consented to by Council's Manager of Property. The Operational Management Plan is to contain site management details and include the following –

- Access
- Maintenance
- Security
- Operating hours
- Traffic and parking management
- Burial procedures (timing between creation of grave and infill, location of excavated fill, shallow burials protocol and permission sought in accordance with NSW Department of Health Policy Directive PD2013_045, etc.)
- Details of the headstone and ashes internment plaque options
- Provision of services (such as toilet facilities)
- Way finding (ie. signage)



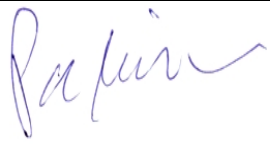
Condition 10.5.1. is amended to read as follows –

The site manager must obtain any necessary approval from the Director General of the Department of Health, or their delegate, before any shallow burial should take place on the site. In this condition "shallow burial" means a burial whereby the upper surface of the coffin is less than 900mm below the natural ground level.

CONSIDERATION OF COMMUNITY VIEWS

- In coming to its decision, the Panel considered written submissions made during public exhibition and heard from those wishing to address the Panel as listed at item 7 in Schedule 1. The Panel notes that issues of concern included:
 - General maintenance and lawn care;
 - Accessibility to the new terrace graveyard;
 - Parking and manoeuvrability of funeral vehicles.

The Panel considered that concerns raised by the community had been adequately addressed in the assessment report with conditions and that no further new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Stuart McDonald
 Paul Mitchell	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2019CCI007 – LGA – Blacktown – DA18/01557
2	PROPOSED DEVELOPMENT	Expansion of existing cemetery to disused part of the site, including 1,020 graves, 2 x Columbarium walls, access/service roads with formal parking (42 spaces) and overflow parking (26 spaces), associated landscaping and fill with on-site stormwater detention and drainage works.
3	STREET ADDRESS	St Bartholomew's Church and Cemetery, Lot 1 DP 325874, Lot 21 DP 135886, Lots 221 & 224 DP 812455, Ponds Road, Prospect
4	APPLICANT/OWNER	Applicant/Owner – Blacktown City Council
5	TYPE OF REGIONAL DEVELOPMENT	A Council related development with CIV over \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 ○ Blacktown Local Environmental Plan (BLEP) 2015 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown Development Control Plan 2015 ○ Central City District Plan 2018 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 11 June 2019 • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Judith Portelli, Bertha Gunawan, Sue Galt and Bill Tsakalos, Independent Planners - Alison Davidson and Fergus Freeny ○ On behalf of the applicant – Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection & Briefing: 31 January 2019 • Site Inspection & Briefing: 24 April 2019 • Final briefing to discuss council's recommendation, 27 June, time 12.30pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Stuart McDonald and Paul Mitchell ○ <u>Council assessment staff</u>: Judith Portelli, Bertha Gunawan, Sue Galt and Bill Tsakalos, Independent Planners - Alison Davidson and Fergus Freeny
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with council report