

BRIEFING DETAILS

BRIEFING DATE / TIME	Friday, 23 April 2021, 11:00am – 11.55am
LOCATION	Teleconference Call

BRIEFING MATTER(S)

PPSSWC-125 – Liverpool – DA-1059/2020 – 1290 GREENDALE ROAD WALLACIA 2745 – Concept DA and Stage 1 proposal for the construction of a cemetery, including mausoleums, crematoria, chapel, hall, gatehouse, administration buildings, café, parking, access roads, landscaping, earthworks, and flood management works. Stage 1 seeks consent for the demolition of existing structures, bulk excavation and flood mitigation works for the entire site, construction of Pad 1 access road, administration buildings, crematoria, wastewater treatment and parking.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Wendy Waller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Kevin Kim and George Nehme
OTHER	Mellissa Felipe – Panel Secretariat

KEY ISSUES DISCUSSED

- The substantial size of this proposed facility will require consideration of its likely changes to the character of the area. While the use is currently permissible in the zone, it is unlikely that a facility of this size was anticipated, and the Rural RU1 zone objectives will need careful assessment together with the public interest under s.4.15. While cemeteries are a traditional use on the outskirts of a rural township, they are rarely seen on this scale involving large buildings.
- Council is to check whether the Coastal SEPP and the Coastal Management Act are triggered, noting the special provisions for constitution for this Panel in that regard.
- The extensive earthworks associated with the flood mitigation would seem to have significant potential to altering the flood characteristics of the locality, particularly if they are used as a precedent on other comparable sites in the area. It would seem that the cumulative impacts of the earthworks for all stages of the development should be considered as part of the assessment of the Masterplan, not just Stage 1. It may be that the impacts of the earthworks across the site will have riparian impacts well beyond the distance invoked by the Controlled Activity Approval referral requirements such as to interest NRAR. Such substantial earthworks will need to be justified.

- There is no LEP height control, but the DCP height limit of 8.5 metres would ordinarily seem appropriate for a rural location. This application which proposes a height of 38 metres (more than 400% of the DCP control) would require strong justification, noting that the DCP limit can be varied, but still must remain the “focal point” of the Panel’s assessment (*Zhang v Canterbury City Council* [2001] NSWCA 167, 51 NSWLR 589 noting the changes to the EP&A Act since the Court of Appeal handed down that decision). The potential for approval of this development to undermine the DCP control on height will also be relevant (see *Stockland Development Pty Limited v Manly Council* [2004] NSWLEC 472; (2004) 136 LGERA 254).
- Responses to notifications under the integrated development are still awaited.
- Ground water impacts from the large number of proposed burials will need to be considered.
- Licensing of cemetery and crematoria will be required under the *Cemeteries and Crematoria Act 2013*. It might be appropriate to notify the licencing authority to investigate whether it wishes to offer any input to the DA assessment.
- Impacts on the local road system will no doubt also warrant careful consideration.
- The Panel queries whether some level of investigation of potential Aboriginal heritage is needed.

TENTATIVE PANEL MEETING DATE: N/A