

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 15 November 2021, 2pm – 3pm
LOCATION	Microsoft Teams

BRIEFING MATTER(S)

PPSSWC-125 – Liverpool – DA-1059/2020 - 1290 Greendale Road, Wallacia - 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, Wendy Waller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Kevin Kim, Brenton Toms
OTHER	George Dojas (Planning Panel Secretariat, Sharon Edwards (Planning Panel Secretariat)

KEY ISSUES DISCUSSED

The Panel repeats the following observations from its initial 23 April 2021 briefing:

- 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.

- d) 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 well more than double 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). The Panel suggested that the only way to justify the proposed extent of non-compliance is for the Panel to be convinced that the site area and large setbacks render the standard of little relevance.

The main issue for the Panel remains consistency of the proposal with its surrounding rural character, and the potential cumulative impacts if this development was to serve as a precedent available for similar large lots in Liverpool’s rural zones. Care will be needed if facilities of this scale are commonly introduced as a land use within rural zonings.

The Panel would like to be satisfied that any proposed associated function use will be sufficiently ancillary to the permissible cemetery.

The applicant has submitted a fire study which Council intends to refer for review by an external consultant at the Applicant’s costs.

Flooding and groundwater impacts are being examined.

GTA’s have been received from all of the referral agencies.

Council’s environmental health Department has raised no issue in relation to contamination. A Preliminary Site investigation was submitted which reported no reason to expect that contamination will be an issue on the site.

A query was raised as to whether the emissions from the crematoria would impact on local properties that rely upon rainwater tanks for drinking water.

The determination date is presently contingent on the fire study being completed. A determination meeting is expected in February 2022.

TENTATIVE DETERMINATION DATE SCHEDULED FOR FEBURARY 2022