

DATE OF DEFERRAL	Wednesday, 27 April 2022
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Greg Britton, Peter Harle and Ned Mannoun
APOLOGIES	None
DECLARATIONS OF INTEREST	Nathan Hagerty: Has brought a notice of motion to council opposing this development

Public meeting held by teleconference on 19 April 2022, opened at 11.00am and closed at 12.25pm

MATTER DEFERRED

PPSSWC-125 – Liverpool – DA at 1290 Greendale Road, Wallacia – Concept DA for the construction of a cemetery (as described in Schedule 1).

REASONS FOR DEFERRAL

1. During the public meeting, the Panel heard from a number of members of the public as well as a representative of the Wallacia Progress Association. Specifically:
 - a) Joe Grech spoke as a local resident who had worked on the Warragamba Dam spillway. He was concerned that the flooding data relied upon by the Applicant in its reporting does not in his view sufficiently address backwater flooding after release of water from Warragamba Dam.
 - b) Terry Hay Floods and Jan Tibbotts each of 679 Greendale Road addressed a number of amenity concerns about the proposal. They included the cumulative impacts on the local road system from 3 cemeteries which rely on Greendale Road for access as well as increases with increasing development in the South West. Mr Hay was concerned about the proposed flood mitigation works and filling obstructing movement of water during the Duncan's Creek floods and the need to allow for water from dams on land owned by the Leppington Pastoral Company. Ms Tibbotts noted that there were no guidelines to limit the number of cemeteries, but argued that they should not be considered in isolation. She said she expected 75% of traffic from the proposal to be directed through Wallacia Village. She noted that the path of travel to the Wallacia village included stretches of 70km and 50km per hour which she said were not properly allowed for in the Applicant's traffic report, and that blind corners near the site of the proposal created safety risks. She was concerned that the impact of particle fallout from the crematorium had not been adequately considered, noting that local residents rely on tank water collected from roofs.
 - c) Jacob Gunther of 1300 Greendale Road referred to the existence of what he described as an alluvial soil profile (not firmer/stiffer residual clays), and proposed side batters of the detention basin and new fill of steeper than 2H:1V which he said would be at risk of severe erosion during a flood event, particularly when factoring seepage which would destabilise the slopes. He reported evidence of land slips on the opposite side of the river. He felt that the geotechnical issues arising from the DA had not properly been considered in the proposal and the study undertaken was based on incorrect information.
 - d) Margaret Stepniewski spoke on behalf of the Wallacia Progress Association. In addition to some of the issues raised by previous speakers she raised concerns that flood evacuation had not adequately been addressed in the proposal. She said that cumulative traffic impacts could not be properly considered based on the Applicant's studies, which she said relied upon traffic figures

from 2014. She said that visual impacts from 38 metre high towers would be considerable and out of character. She was also concerned about air pollution and the effects of air borne particulate matter coming from the proposed crematorium. She said that the proposal conflicted with the content of the Liverpool Land Study and particularly the objectives of protecting agricultural lands.

2. The Panel was briefed by Council's independent flood consultant and was assisted by Greg Britton (a Technical Director with more than 40 years professional experience in the investigation, design and documentation, planning, environmental assessment and project management of coastal, estuary and maritime projects) being one of its members.
3. Upon its preliminary review of the available material including the GHD responses to the peer review comments on GHD's flooding assessments, the Panel identified two matters requiring further information to enable the Panel to assess the proposal:
 - a) Item 4 – updating of the XP-RAFTS model to account for the missing catchment area and to have the correct probability neutral rainfall losses applied to ensure compliance with the Australian Rainfall and Runoff jurisdictional advice for NSW, and;
 - b) Item 16 – further verification of the adopted floodway extent.
4. Importantly, the life of the proposed staged development is expected to be in excess of 100 years and could be up to 200 years, with later stages of the development potentially being carried out in a different context. One important consideration arising from that fact is that the flooding assessment has not taken into account the potential impacts of climate change, which is a particularly relevant consideration for a proposed development having such a long life-span. The Panel expected the Applicant's flooding consultants to advise how climate change could impact on the flooding assessment and how such impacts have been taken into account in the design of the proposed development.
5. According to the geotechnical report, the depth of cut on the site is typically 4 to 6m, but is up to 14m in the north west corner where it would be similar to the water level in the Nepean River. In that context, the Applicant should be asked to confirm if the cut over the site at any location would intercept the groundwater table and, if so, what impact is anticipated on the proposed cut and fill balance to ensure no loss in flood storage.
6. The Panel was of the view that the visual and compatibility considerations associated with the proposal were important such that an inspection of the site and its surrounds was appropriate.
7. On that basis the Panel resolved to defer its determination to allow for a site inspection. It was anticipated that during the deferral period, the outstanding issues of flooding could be resolved with the expectation that all supplementary flooding material from the Applicant (addressing the matters identified above and the matters raised in the Council assessment report) should be submitted by 18 May 2022, with the Council to supply an addendum report taking that additional material into account by 28 May 2022 together with a report as to the conditions that would be recommended if the Panel was to resolve to approve the DA.
8. It is anticipated that the Panel will then confer by circulation of documents to reach a final determination by electronic means.
9. The decision to defer the matter was unanimous, after the Panel had adjourned to deliberate on the matter and formulate a resolution.

PANEL MEMBERS

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Justin Doyle (Chair)

A handwritten signature in blue ink, consisting of a circular loop followed by a series of connected, flowing strokes.

Louise Camenzuli

A handwritten signature in black ink, starting with a large 'G' and ending with a period.

Greg Britton

A handwritten signature in black ink, featuring a large, stylized 'P' and 'H' followed by a long, horizontal stroke.

Peter Harle

A handwritten signature in blue ink, featuring a large, oval loop followed by a horizontal line and a small crossbar.

Ned Mannoun

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-125 – Liverpool – DA-1059/202
2	PROPOSED DEVELOPMENT	<p>Concept DA for the construction of a cemetery, including mausoleums, crematoria, chapel, hall, gatehouse, administration buildings, café, car park, 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, including construction of 4 pads, construction of Pad 1 access road, administration buildings, crematoria, waste water treatment and car parking.</p>
3	STREET ADDRESS	1290 Greendale Road, Wallacia NSW 2745 (Lot 1 DP 776645)
4	APPLICANT/OWNER	MKD Architects Pty Ltd/ Soukutsu Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Transport and Infrastructure) 2021; ○ State Environmental Planning Policy (Planning Systems) 2021; ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021; ○ State Environmental Planning Policy (Resilience and Hazards) 2021; ○ State Environmental Planning Policy (Precincts – Western Parkland City) 2021; and ○ Liverpool Local Environmental Plan (LLEP) 2008 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 (LDCP 2008) ○ Part 1 – General Controls for All Development ○ Part – Development in Rural and E3 Zones • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Consideration of the provisions of the National Construction Code (NCC) • 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: 5 April 2022 • Written submissions during public exhibition: 56 objections (including 49 individual submissions and 7 proformas) • Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ Joe Grech, Jan Tibbotts, Terry Hay, Jacob Guenther, Margaret Stepniewski - on behalf of the Wallacia Progress Association ○ Council assessment officer – Kevin Kim <p>On behalf of the applicant – Carl Salim, Rainer Berg, Antonio Maiolo</p> <ul style="list-style-type: none"> • Total number of unique submissions received by way of objection: 56 objections (including 49 individual submissions and 7 proformas)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Friday, 23 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: Kevin Kim and George Nehme • Briefing: Monday, 15 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: Kevin Kim and Brenton Toms • Final briefing to discuss council's recommendation: Tuesday, 19 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Greg Britton, Louise Camenzuli, Peter Harle and Ned Mannoun ○ <u>Council assessment staff</u>: Kevin Kim, David Tetley, Brenton Toms, William Attard, Michael Oliveira
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not available