



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

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Mr Justin Doyle
Chair
Sydney Western City Planning Panel

enquiry@planningpanels.nsw.gov.au

Dear Mr Doyle

PPSSWC – 45 13, 17 AND 37 PARK ROAD WALLACIA 2745, 512 MULGOA ROAD WALLACIA 2745, (DA019_0875)

1. INTRODUCTION

We are writing to you on behalf of our client and Applicant, Catholic Cemeteries Board Ltd, in respect of the above matter which is to be considered by the Western City Planning Panel on 17 February 2021. The deferral of the Panel Meeting originally scheduled for 18 December 2020 has provided the Applicant with additional time to respond to the matters raised in Liverpool Council's (Council's) Assessment Report.

It is our view that the application should be approved on the basis that:

- **The key issues that underpin the recommendation that the matter be refused have been subject to further assessment or investigation and resolved.** Many of the issues identified in the Council assessment report are new issues for consideration which have not previously been communicated to the Applicant. A response to all reasons for refusal is provided in **Attachment A**.
- **Certain matters can be addressed via deferred conditions of consent.** The assessment report is not accompanied with conditions of consent for the Panel's consideration which therefore presupposes that the Panel will adopt the recommendation within the report and refuse the application. If Council or the Panel prepare conditions of consent, a number of grounds for refusal can be addressed via deferred conditions of consent.
- **The proposal delivers significant public benefits** including responding to the growing identified demand in Metropolitan Sydney and the Western City District for critical burial infrastructure, the retention of a golf course which protects the community's associations and sense of place and significant upgrades to the existing club facilities. The public benefits of the proposal are discussed in **Section 3** of this response.

We respectfully request that this letter and **Attachment A**, report addressing the reasons for refusal be considered as part of the determination of the matter.

2. BACKGROUND

As you are aware in July 2019, the Sydney Western City Planning Panel (SWCPP) and acting on the direction of the Independent Planning Commission (IPC) of NSW, refused a Crown development application (DA) for the development of a new cemetery and associated facilities on land currently occupied by Wallacia Golf Club at 13 Park Road, Wallacia. The primary basis for refusal was one of scale of the cemetery as originally proposed and resultant negative impact on local character.

Despite the refusal of the original DA, the shortage of burial space across Sydney was acknowledged at the time by the IPC and this remains a critical issue. The DA that is before you for determination was prepared in direct response to key issues raised by the IPC in relation to the above DA. Put simply this DA is approximately one third the scale (in terms of burial plots) of the earlier DA.

3. PUBLIC BENEFITS AND MERITS OF THE PROPOSAL

The **public benefits of the proposal** include:

- **Provision of critical burial infrastructure**

The proposed development responds to the growing identified demand in Metropolitan Sydney and the Western City District for critical burial infrastructure through the delivery of 27,000 burial plots for use by the surrounding community and broader Western Sydney.

- **Retention of local character and sense of place**

The revised proposal has responded to the community submissions and issues raised by the DPIE and IPC in the previous DA which concluded that both the scale of the cemetery and the resulting loss of the golf course use were not in the public interest. The cemetery use has been significantly reduced in scale (circa 53% reduction in cemetery site area and 69% reduction in burial plots), and subsequently, this has allowed for the retention of a nine-hole golf course on the site. The cemetery component has been designed to remain visually subordinate to the surrounding rural context whilst the retention of the golf course protects the community's associations and sense of place with the Wallacia Village and the surrounding rural context.

- **Provision of recreational space**

The proposal includes significant upgrades to the existing club facilities. While there will be a reduction in available land area for recreational activities due to the cemetery component of the proposal, the proposal will significantly improve the quality and diversity of recreational offerings. The diversity of recreational uses facilitates a diverse range of recreational uses proposed include golf, lawn bowls, swimming, a gym and places for outdoor passive recreation.

4. RESPONSE TO KEY REFUSAL MATTERS

We have reviewed Council's assessment report of 7 December 2020 and prepared a comprehensive response to each of the matters in **Attachment A**.

Table 1 summarises the reasons for refusal and provides a reference to which section of the report responds to the matter.

Table 1 Reasons for refusal

Reason for Refusal	Report Reference
<i>The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the provisions of Penrith Local Environmental Plan 2010 as follows:</i>	
<i>The application has failed to demonstrate the permissibility of aspects of the proposal.</i>	Section 2
<i>The proposal is inconsistent with Clause 1.2, Aims of Plan, and the objectives of the E3 Environmental Management zone and the RU5 Village zone.</i>	Section 2
<i>The proposal is unsatisfactory having regard to the following provisions of PLEP.</i>	Section 2
<i>The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the provisions of:</i> <ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Infrastructure) 2007, specifically clauses 101 and 104</i> ▪ <i>State Environmental Planning Policy No. 55 Remediation of Land, specifically clause 7</i> 	Section 3
<i>The application is not satisfactory for the purpose of Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, as the proposal is inconsistent with the provisions of the Draft Remediation of Land State Policy.</i>	Section 4
<i>The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014:</i> <ul style="list-style-type: none"> ▪ <i>C1 Site Planning and Design Principles</i> ▪ <i>C6 Landscape Design</i> ▪ <i>C7 Culture and Heritage</i> ▪ <i>C10 Transport, Access and Parking</i> ▪ <i>C13 Infrastructure and Services</i> 	Section 5

Reason for Refusal	Report Reference
<ul style="list-style-type: none"> Part D5 Other Land Uses Part E9 Mulgoa Valley 	
<p>The application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the Environmental Planning and Environmental Planning and Assessment Regulation 2000:</p> <p>(a) The application is unsatisfactory having regard to the matters for consideration under Part 7 of the Biodiversity Conservation Act 2016;</p> <p>(b) The application is not satisfactory having regard to clause 50 and the requirements under Schedule 1, Part 1, 2(1)(h) and 2(3)(d).</p>	Section 6
<p>The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in terms of the likely impacts of the development including those related to:</p> <p>(i) negative and unsupportable streetscape, heritage, and local character impacts</p> <p>(ii) unsatisfactory traffic, parking, access and related safety impacts</p> <p>(iii) unsatisfactory and unsupportable impacts on views and vistas and scenic character</p> <p>(iv) unsupportable impacts on character and heritage related to earthworks and levels</p> <p>(v) negative social impacts</p> <p>(vi) negative impacts on biodiversity values, trees and vegetation</p> <p>(vii) unsatisfactory sustainability considerations</p> <p>(viii) inadequate landscaping provision and setbacks</p> <p>(ix) unsatisfactory building design</p>	Section 7
<p>The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 as the site is not suitable for the proposed development.</p>	Section 8
<p>The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as the proposal is not in the public interest.</p>	Section 9

Reason for Refusal	Report Reference
<i>The application is not satisfactory for the purpose of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 due to matters raised in submissions.</i>	Section 10

5. CONCLUSION

The Applicant has participated in an open, communicative, and respectful dialogue with Council throughout the assessment period to resolve outstanding issues relating to the application. The inherent complexity of this application necessitates a thorough interrogation of the issues, and we are appreciative of being given the opportunity and time to do this.

The proposal has strong merit and has directly responded to IPC comments on the former DA. The reduction in the scale of the proposal directly addresses the key issues of impacts on local character and social impact. At the forefront of these significant changes, the proposed development is considered to be in the public interest, and it is our view that the application can be approved for the reasons outlined throughout this letter and in the accompanying report. Refusal of this DA, as recommended by Council, will only serve to set back and further delay a solution to the City's critical shortage of burial space and as such cannot be viewed to be in the public interest.

We respectfully request that yourself and the other members of the Panel recommend this application for approval.

Yours sincerely,



David Hoy
Director
+61 2 8233 9925
dhoy@urbis.com.au

Enc: Attachment A - Response to Reasons for Refusal