

DATE OF DEFERRAL	Wednesday, 17 February 2021
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Sandra Hutton
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Louise Camenzuli: Perceived conflict due to law firm's previously acting for proponent – did not participate in assessment.</p> <p>Jeni Pollard: The conflict arises from my employment at Penrith City Council that has endorsed the preparation of a Planning Proposal that will prohibit cemeteries and crematoria in areas including Wallacia.</p> <p>Glenn McCarthy: I was present at Council meetings held on 26 June 2017, 24 July 2017 and 28 August 2017 when the permissibility of cemeteries and crematoria in the Mulgoa Valley and Wallacia were considered.</p> <p>Ross Fowler: The Conflict arises from the application of Clause 3.19.b of the "Panel Code of Conflict" in that I was a Councillor and part of the unanimous decision by Penrith City Council that referred a Planning Proposal to the Department of Planning that if adopted would have made the proposed use of a cemetery prohibited on the land subject to DA2019/0875.</p>

Public meeting held by Public Teleconference on 17 February 2021, opened at 11:00am and closed at 4:35pm.

DETERMINATION

1. The panel has unanimously resolved to defer the determination of DA19/0875 (PPSSWC-45 – Penrith – DA19/0875 at Wallacia Golf Course 13, 17 & 37 Park Road WALLACIA, NSW 2745 – Change of Use of Part of Existing Golf Course to Cemetery (as described in Schedule 1)) until the Council has reported on the matters and requested additional material identified in the Reasons for Deferral below.
2. In making that resolution the panel has taken into account the material and information identified at items 6 and 7 below, the contents of the written and oral briefings identified at item 8, public submissions, a site view and the reasons given in the Council staff assessment report for the recommendation of refusal.

SUPPLEMENTARY SUBMISSION

3. The application before the panel is recommended for refusal by Penrith City Council (the Council) – a recommendation derived from a thorough and well considered assessment report.
4. The applicant provided a written rebuttal to that report by way of a letter from its consultant town planners Urbis dated 11 February 2021. The letter included a proposal that certain concerns identified in the assessment report as supporting refusal be resolved by deferred commencement conditions, with other concerns of the Council to be answered by supplementary information.

5. Council staff questioned whether it was appropriate for the panel to consider the contents of that letter as the Council assessment report was already complete. However, upon examination, the letter did not seek to significantly alter the DA, but rather was directed to raising submissions about how the Panel should respond to the issues raised by the Council. It did not appear likely that the contents of the letter would cause Council staff to alter the reported recommendation in any substantial way.
6. On balance, the panel resolved to take the contents of the letter into account. Given the delays in the assessment to date, the panel saw the best course to be to proceed with the public meeting with information contained in the letter before it, but to allow Council an opportunity to provide a considered response to any significant matter raised late by the Applicant before the DA is determined as necessary.

CHANGE OF USE

7. A critical matter for the panel's assessment of the DA is the planning merit of the proposed change of use of the eastern part of the Site from private golf course to cemetery. That threshold issue emerged as critical for many of the objectors and featured prominently in the Council assessment. Consideration of the issue must be undertaken with regard to the relevant considerations identified in s.4.16 of the *Environmental Planning & Assessment Act 1979*.
8. The Panel understands the community attachment to the existing 18 hole golf course with a history exceeding 70 years. The green space it has preserved and the recreational opportunities it has made available have been a major contributor to local lifestyle. The panel also is keenly aware of the contribution made by the significant advanced vegetation preserved on the site to local biodiversity, natural systems and scenic character. Taking those matters into account collectively, the golf course undoubtedly is a major feature in the sense of place for many local Wallacia residents.
9. The Panel accepts that as other pressures occur in the wider locality and on Wallacia's doorstep (such as the orbital transport corridors which are changing Western Sydney and realisation of the Western Parkland City), those local values have a heightened level of importance to the Council and the community. The emphasis placed on those values is reflected through various planning objectives and controls. They have been evident in many letters, emails and oral presentations made in relation to the various applications relating to this Site, including the one now before the Panel.
10. The part of the privately owned site proposed to be used as cemetery in the subject DA is zoned *E3 Environmental Management*. In that zone, the use of "cemetery" is permissible with development consent under Penrith Local Environmental Plan 2010. The fact that a particular use may be lawfully approved considered by itself is a neutral factor, but the Court has said that "... *planning decisions must generally reflect an assumption that, in some form, development which is consistent with the zoning will be permitted. ... In most cases it can be expected that the Court will approve an application to use a site for a purpose for which it is zoned, provided of course the design of the project results in acceptable environmental impacts.*" (see *BGP Properties Pty Ltd v Lake Macquarie City Council* 138 LGERA 237 McClellan CJ at [117] & [118]; citing *Mobil Oil Australia Ltd v Baulkham Hills Shire Council* (No 2) 1971 28 LGRA 374 at 379).

11. In this case, on 24 July 2017 the elected Council resolved to pursue a planning proposal to alter the zoning of the site to prohibit the uses of cemetery and crematoria in the villages of Mulgoa and Wallacia. However, the Council was informed by letter from the Department of Planning and Environment dated 20 December 2017 that the Department is currently reviewing the need for land for cemeteries and crematorium in the Greater Sydney region. As the panel understands matters no advice has been received by the Council as to the results of that review after more than 3 years, and the planning proposal is yet to receive a 'Gateway determination' despite that long period having passed. The planning proposal has not been exhibited for public consultation. Accordingly, (with reference to s.4.15(1)(a)(ii) of the EP&A Act) the planning proposal can be accorded only limited weight in light of the current zoning.
12. Permissibility is not however the end of the matter. There are a variety of permissible uses for this site, and S.4.16 of the Act requires a careful assessment of a number of matters requiring among other things a weighing up of the potential for adverse impacts. Such impacts include ecological and social impacts, as well as concerns of good planning and civil engineering with reference to the applicable development controls and planning instruments. The scale of a permissible use and measures to mitigate its impacts on different uses in the locality may often be relevant as to whether it warrants development consent.
13. The panel is mindful that the Independent Planning Commission (IPC) in its determination of 12 July 2019 resolved to reject a proposal for a cemetery on the same land (notably against the recommendation of the Department of Planning), albeit that the application then proposed was substantially greater in area. Accordingly, a comparatively token proportion of the area of the present course would have remained for recreation. The following conclusions of the IPC in relation to that DA are material:
 - *"The key impacts of the Application on the natural and built environment including visual amenity, traffic and access, soil and contamination, biodiversity and flooding and stormwater can be managed and or mitigated to an acceptable level*
 - *the Application will have significant social impacts on the community, specifically it will have a permanent impact on the existing local character of the village of Wallacia and the community's sense of place*
 - *there are issues around the suitability of the Site. Specifically, the proposed scale of the development is too large in the context of the locality being the village of Wallacia and the Site is relatively removed from the population base it is proposed to serve (catchment area) and is not easily accessible via public transport*
 - *the proposed benefits associated with publicly accessible open space are unlikely to be realised by the local community*
 - *the Application will limit the opportunity for alternate uses of the land specifically those that are more consistent with existing character of Wallacia, may that be for recreation or other another use, and*
 - *the Application will provide for public benefit including the provision of burial space and the rehabilitation of Jerry's Creek, however on balance it is not in the public interest given the unsuitability of the Site and social impacts that cannot be mitigated and have not been addressed by the Applicant."*

14. While the panel must make its own determination, it generally accepts and accords with the sentiments of that assessment of any potential proposal which adopted the scale of the scheme which was before the IPC. The panel must now consider whether the present application with a substantial reduction in the area of the cemetery and the consequent potential for a buffer to the township allows adequately for mitigation of the social and environmental impacts such that it can be said to be suitably accommodated by the site and in the public interest.
15. The present plans show that the reduction in size of the burial areas would allow for a reduced 9 hole golf course still to be played. As discussed below, greater certainty as to what is proposed for the remainder of the site would assist the application, noting that much of the dissatisfaction of the IPC concentrated on what was Stage 3 of that proposal which due to its proximity to village risked contributing to a sterilisation of the town centre.
16. Importantly, the IPC did not conclude that any cemetery use of the site would be inimical to its context and present planning controls, but rather was critical of the scale and impacts of the specific proposal before it.
17. With regard to the material before it, and after considering carefully the views of the community outlined in writing and during the public meeting, the Panel formed the view that a suitably designed and landscaped cemetery which addressed ecological concerns and civil engineering matters, could be suitably accommodated on the site so as to meet the applicable zoning objectives. The relevant significant ecological, cultural and aesthetic values of the land could be preserved through the management of the larger site and sufficient retention of significant bushland and habitat trees, while concentrating burial facilities in the cleared areas of the site.
18. During a detailed site view the panel examined the key vantages for view impacts around the township (the western end of the site), along Park Road and from residences to the east. With the planned buffer to the town, the vegetation preserved, and landscaping and screen planting proposed, the low scale of the cemetery could be accommodated in the panel's opinion.
19. The combination of the scale of cemetery use (by footprint, capacity and design intent), its restriction to the east of Jerry's Creek and the physical and visual separation achievable from Wallacia village are determinative to that view. The buffer from the township and preservation of the character of Park Road is achievable if assisted by sensitive design that works with the existing topography. The present proposal goes a long way to achieving that objective. Alterations to the cemetery design during its various stages of evolution have substantially improved the relationship between its public presentation and private use. On balance the present scheme establishes that scenic character and landscape values can be managed to an acceptable level with sensitive planning.
20. A cemetery will not offer a comparable contribution to the publicly accessible recreation that a golf course does. However, with attention to the objectives of the zone, the panel is of the opinion that a parkland style cemetery, sensitively conceived and planned, has the capacity to assist longevity and management of local biodiversity, natural and scenic/landscape character values in a similar way to mown fairways and driving ranges.
21. While the Panel was in substance satisfied with this key aspect of the development application, there remained unresolved aspects of the DA discussed below which mean that the panel could not yet be satisfied that the DA should be approved. Some of those

remaining issues are matters of substance with further work to be done before the DA is ready for determination.

PROPOSED BUFFER

22. The most critical unresolved matter is the extent to which the retention of the 9 hole golf course shown in the plans can be taken into account as a buffer to the cemetery use, both visually and in functional terms as it can be expected to impact the character of the Wallacia township.
23. A cemetery by its very nature is a long term use. If the land west of Jerry's Creek is to be relied upon to mediate that use from the social life and presentation of the town, a strategy for preserving that buffer of some duration seems to be required. Equally, if no such strategy is advanced it seems at least possible that the recreation use of the land between the cemetery as presently proposed and the golf clubhouse could cease, and may be converted to a different use that will not provide the same buffer (of which an extension of the cemetery similar to Stage 3 rejected by the IPC might be one example). If the proposal is to leave open that potential use of the remainder of the site, then that should be plainly stated so the proposal can be clearly understood by the panel, the Council and the public. In that regard, the DA material includes legal advice that:

“... CCB Ltd (the Catholic Cemeteries Board Ltd) is to become the owner of the Golf Course part of the Site and SJPBC (St Johns Park Bowling Club) is to become owner of the part of the Site where existing Golf Club and proposed community facilities sit.”

Separation in the ownership of the clubhouse and the 9 holes of the golf course would seem to increase the potential for the conversion of the use of the latter in the short to medium term.

EXISTING USE RIGHTS

24. The panel notes the advice in the Council assessment report that the use of the golf course dates back to the 1930s. That historical use was supported by an oral report from one of the members of the public who addressed the public meeting.
25. To the extent that any part of that use commenced prior to the commencement of any planning instrument which would prohibit it with or without development consent, it may well attract the existing use provisions of the *Environmental Planning & Assessment Act*. Those provisions allow (subject to restrictions including those set out at clause 41 of the Environmental Planning & Assessment Regulation 2000) for the continuation, alteration and extension of an existing use, and (with limitations) change of an existing use to another existing use.
26. From the information available the panel would agree with the characterisation of any such existing use as recorded in the staff assessment report, and specifically where it records:
- “... the existing use rights are most appropriately characterised as a golf course and clubhouse (associated with the use of the golf course)”
27. The panel understands that there have been a series of development consents granted for the golf club over the years. They could potentially affect the characterization of the use (see *Botany Bay City Council v Workmate Abrasives Pty Ltd* (2004) 138 LGERA 120). However, for present purposes, and without advice on the subject, the panel will assume that is not the case and the existing use can be interpreted more broadly as the Council has concluded.

28. In coming to that view the panel has taken into account the applicable principles identified by the High Court in *Perth Shire v Keefe, Parramatta City Council v Brickworks (1972) 128 CLR 1*, as digested by Kirby P (Samuels and Priestly JJA concurring) in ***North Sydney Municipal Council v Boyts Radio & Electrical Pty Ltd*** (1989) 16 NSWLR 50, 67 LGRA 344 (at 59; 353), with three key considerations as follows
1. Defining the “existing use” depends upon a detailed examination of the facts of each case. Inevitably there will be borderline cases where the characterization of the use which is protected will be controversial and upon which minds may differ.
 2. Nevertheless, the general approach to be taken is one of construing the “use” broadly. It is to be construed liberally such that confining the user to precise activity is not required. What is required is the determination of the appropriate genus which best describes the activities in question.
 3. In determining that genus, attention should be focused on the purpose for which the determination is being made. This is a town planning purpose. It therefore considers the use from the perspective of the impact of the use on the neighbourhood. This is because the regulation of the use within the neighbourhood is the general purpose for which planning law is provided.
29. Kirby P said further (at 64-65; 358):
- “I approach the task of classification of the existing use rights for this purpose in the way that the High Court has laid down in *Perth Shire v Keefe, Parramatta City Council v Brickworks* [(1972) 128 CLR 1; 26 LGRA 437], *Woollahra Municipal Council v Banool* [(1973) 129 CLR 138; 28 LGRA 410] and as this Court recently elaborated in the *Royal Agricultural Society* case. They are not to be narrowly defined, restricting such use only to the precise activities shown by the evidence. They are to be broadly and liberally construed, keeping in mind the town planning context in which the classification is ventured. ... Equally erroneous is it to confine the use, adopting the definitions used in the NSPSO (North Sydney Planning Scheme Ordinance), years after the existing use rights had first been established.”
30. When Kirby P refers to *Parramatta City Council v Brickworks Ltd (1972) 128 CLR 1, 26 LGRA 437*, he draws attention to the following principle from the judgment of Gibbs J *Parramatta City Council v Brickworks Ltd* at 25; 455:
- “Those clauses are designed to preserve and protect existing rights and ought to be liberally construed and not restricted by dubious implications drawn from words used in other clauses directed to a different subject matter.”
31. Applying those principles, the panel would not agree with a categorisation so expansive as to be defined as a “*recreation facility*”. Reference to current LEP definitions is not called up by the authorities, noting that the relevant date is the date the planning instruments changed to first prohibit the use without consent. There would seem to be many recreation facilities (assessed at the level encouraged by the authorities) which would be quite different to a golf club and associated golf course.
32. Not all of the golf course and associated club activities constitute an “*existing use*” within the meaning of the EPA& Act, because that use is relevantly currently permissible on parts of the DA site. However, the part of the site where the present use would fit within one of

the prohibited uses nominated in the planning instruments for that portion would seem likely to meet the statutory tests.

33. The relevant permissibility issue as the panel understands it is summarised in this portion of a legal advice from the Applicant dated 25 September 2020:

“... the Site is largely zone E3 –Environmental Management under the PLEP. DA19/0875 proposes a new bowling green in the PLEPE3 Zone. The new bowling green is to be operated as part of the existing Wallacia Country Club together with the existing golf course.

The PLEP definition of ‘recreation facility (outdoor)’ includes both golf courses and bowling greens. The land use table for the PLEPE3 Zone does not expressly permit or prohibit recreation facilities (outdoor). Accordingly, recreation facilities (outdoor), including golf courses and bowling greens, are innominate prohibited uses in the PLEPE3 zone.”

34. If the bowling green is considered within the context of the larger golf club and associated golf course, it may well be viewed as a permissible ancillary use, or alternatively it may be permissible as an alteration to the present existing use which does not relevantly change that use. Lawn bowls is an outdoor passive sport activity carried out on grass that seems sufficiently close to golf to justify that consideration.
35. No final view has been taken on these matters by the panel, but the panel would expect further consideration of the DA to address the comments outlined above.

TRANSPORT FOR NSW CONCURRENCE

36. The DA proposal currently shows plans for extensive road works within Park Road to enable access to the site adjacent to the clubhouse and access to the cemetery. Council advises that Park Road is a classified road.
37. Council advises that TfNSW concurrence is required under clause 100 of State Environmental Planning Policy (Infrastructure) 2007, although the applicant disagreed.
38. The panel accepts on the material before it that the concurrence requirement is triggered by clause 100(1)(b) because the proposal includes development on land reserved for the purposes of a classified road:

“... with a capital investment value greater than \$185,000”

39. As concurrence has not yet been supplied, the panel is prohibited from granting consent until that requirement is met.

REASONS FOR DEFERRAL

40. Whilst the Panel in its deliberations made the preliminary observations set out above on the material now before it particularly as to the acceptability as a general planning approach within the present controls of a suitably designed cemetery located to the east of Jerry’s Creek, subject to the status of the buffer proposed to the Wallacia town being resolved, the panel was not satisfied that consent could currently be granted as proposed by the Applicant due to a number of unresolved matters, including the absence of RMS concurrence.
41. While the panel is very conscious of the extensive resources of the Council being devoted to resolution of this DA, the importance of this development both to the Wallacia township and

the land owners has convinced the panel to allow an opportunity both for the Applicant to supply outstanding information, and for the Council to respond to the Applicant's late submissions, to assist planning for this site coming closer to determination.

42. Accordingly, the panel's resolution is to defer the determination of the matter to allow the following matters to be addressed:

- a) **Buffer** – Clarity is to be provided as to whether the panel is invited to rely upon the area of the golf course retained as a buffer to mediate the planning and social impacts of the proposed cemetery and the Wallacia township, the basis upon which that invitation is made having regard to the matters discussed above, and any mechanism proposed to give effect to the proposal.
- b) **Permissibility** - Any addendum submission concerning permissibility and the evidence it relies upon.
- c) **Biodiversity and SAIL** - Any submission as to whether the proposal will or will not have a Serious and Irreversible Impact (SAIL) on each relevant candidate species, communities or populations.
- d) **Biodiversity Impact Assessment** - An updated BDAR report is to be supplied (or the statutory basis upon which it is submitted one is not required) and any submission relied upon as to why the panel should conclude that the requirements of the Biodiversity Conservation Act 2016 have been complied with (particularly with regards to any impacts arising from infrastructure including sewer and external road work extents). Any requisite guidelines relevant to the objective of avoiding and minimising ecological impacts should be addressed. The submission may include any proposed practical revisions to the internal pathways if appropriate to reduce tree loss.
- e) **Contamination** - Written advice is required from an appropriate contamination expert that the Panel can rely upon to discharge the threshold responsibilities arising from SEPP 55.
- f) **Adequate Arrangements for Infrastructure** - Written evidence is to be supplied from the relevant authority to satisfy Clause 7.7 of PLEP as it relates to sewer servicing as identified by Council's assessment report.
- g) **SEPP Infrastructure** – The concurrence and conferral requirements of SEPP Infrastructure are to be addressed.
- h) **Consistency and Clarity on Tree Retention** – The proposed tree retention and tree removal is to be clarified and documented, with the justification for tree removal in burial locations and within 30-50m of Park Road and external interface boundaries to be articulated. Removal might be avoided where control of access to the trees is an alternative.

The applicant is encouraged to liaise with Council in developing and furnishing the response, and genuinely contemplate Council's stated reasons for the matters not being satisfactorily resolved to date, in an attempt to eliminate all statutory threshold barriers to determination.

43. The panel is not inviting any amendment to the DA other than where expressly anticipated above. The panel expects that the supplementary material can be provided to Council within

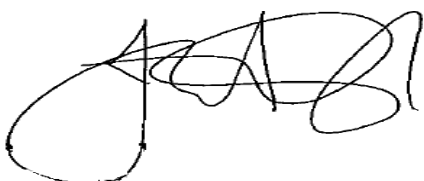


4 weeks of the date of this report to the Council, and may move to determine the DA on the basis of the material submitted by that time.

FURTHER SUPPLEMENTARY INFORMATION

44. Further supplementary submissions were sent to the panel following the determination meeting, by the applicant and by members of the public.
45. It has not been considered in the preparation of this report, but has forwarded it to Council to be reported upon prior to final determination.

ELECTRONIC DETERMINATION

The panel presently considers the application to be suitable for electronic determination upon receipt of the material referred to above, and an addendum assessment report from the Council responding to that material and the matters raised above.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Sandra Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-45 – Penrith – DA19/0875
2	PROPOSED DEVELOPMENT	Change of Use of Part of Existing Golf Course to Cemetery Including 27,000 Burial Plots, Chapel and Administration Building, Internal Roads, New Parking and Amended Access from Park Road, Reconfiguration of Golf Course to 9 Holes, New Pool, Gym, Putting & Bowling Greens, and Alterations and Additions to Wallacia Golf Club, Tree Removal and Landscaping, Fencing, Civil and Stormwater Works and new intersection works along Park Road and Subdivision.
3	STREET ADDRESS	Wallacia Golf Course 13, 17 & 37 Park Road WALLACIA, NSW 2745
4	APPLICANT/OWNER	Applicant: Catholic Cemeteries Board C/- Urbis Owner: Catholic Metropolitan Cemeteries Trust
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 Draft Environmental SEPP Draft Contaminated Lands SEPP Penrith Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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"> Additional information received from applicant: 11 February 2021 Council assessment report: 7 December 2020 Written submissions during public exhibition: 411 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Lisa Harrold, Jane McLuckie, Matthew Fowler, Bernadeta Cansdell, Ken Samuels, Sandra Newham, Anna Judy Dwyer, Ned McGovern, James Murray, Melissa Pulo, Margaret

		<p>Stepniewski, Heather Davies, Richard Ung, Lionel Fowler, Darrell Bell and Vic Alhadeff</p> <ul style="list-style-type: none"> ○ Council assessment officer – Robert Craig and Peter Wood ○ On behalf of the applicant – David Hoy, Peter O’Meara, David Bonjer, Florence Jaquet, Ben Salon, Rachel Trigg, Michael Cahalane and Ken Hollyoak
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Visit/Briefing: Monday, 17 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Susan Budd ○ <u>Council assessment staff</u>: Kathryn Saunders, Robert Craig and Wayne Mitchell • Site inspection: Friday, 24 July 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sandra Hutton • Applicant Briefing: Thursday, 9 July 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Sandra Hutton and Stuart McDonald ○ <u>Applicant representatives</u>: David Hoy – Urbis, Rachel Trigg – Urbis, Nazia Pokar – Urbis, Ben Salon - Mills Oakley Law Firm, Peter O'Meara – Catholic Cemeteries, David De Angelis - Catholic Cemeteries, Florence Jaquet – Landscape Architects Fjla, Daniel Martens – Martens, David Marsh – St John Park Bowling Club <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> • Final briefing to discuss council’s recommendation: Friday, 18 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Sandra Hutton ○ <u>Council assessment staff</u>: Robert Craig and Kathryn Saunders • Final briefing to discuss council’s recommendation/Site inspection: Wednesday, 3 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Sandra Hutton ○ <u>Council assessment staff</u>: Robert Craig, and Kathryn Saunders • Final briefing to discuss council’s recommendation: Wednesday, 17 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Sandra Hutton ○ <u>Council assessment staff</u>: Robert Craig, Wayne Mitchell, Peter Wood and Kathryn Saunders
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A