

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 7 June 2021, 12:02pm and 1:00pm
LOCATION	Teleconference

BRIEFING MATTER(S)

PPSSWC-45 – Penrith – DA19/0875 at PPSSWC-45 – Penrith – DA19/0875 at Wallacia Golf Course 13, 17 & 37 Park Road WALLACIA, NSW 2745 – Reconfiguration of Golf Course, Alterations and Additions to Country Club and Nepean Gardens 27,000 burial plots

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Sandra Hutton and Nicole Gurran
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>

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Peter Wood, Kathryn Saunders and Robert Craig
OTHER	Mellissa Felipe, Sung Pak and Jane Gibbs – Panel Secretariat
APPLICANT	<p>David Hoy – Urbis</p> <p>David Bonjer – Eco Logical</p> <p>Narelle Sonter - Botanica</p> <p>Ben Salon - Mills Oakley Law Firm</p> <p>Peter O'Meara – Catholic Cemeteries and Crematoria</p> <p>David De Angelis - Catholic Cemeteries and Crematoria</p> <p>Florence Jaquet – Florence Jaquet Landscape Architecture</p> <p>Meredith Henderson - Eco Logical</p> <p>Michael Cahalane - Warren Smith and Partners (WSP)</p> <p>Ken Hollyoak - Transport Planning Partnership</p> <p>Rosie Sutcliffe - Urbis</p>

KEY ISSUES DISCUSSED

The Panel met firstly with representatives of the Council, and secondly in joint session with representatives of the Council and Applicant together.

Four key issues were identified as (in the Panel's opinion) requiring resolution before this DA can be determined:

- What is proposed by the Applicant in relation to the consent granted by the Land & Environment Court by the judgment published *Catholic Metropolitan Cemeteries Trust v Penrith City Council* (2021) NSWLEC 1225, noting that it would seem undesirable to leave two development consents on foot covering similar (but fundamentally different) uses of the same land. Notably, the clubhouse has been proposed at all stages as closely associated with a functioning golf course which yields its character for planning purposes. The Panel would also assume therefore that the currency of any consent granted for the clubhouse would be dependent on continuation of the golf course.
- The Panel would expect consistency between the BDAR, arboricultural report, and the civil & landscaping plans. The Council raised the linked issue of whether the proposal would sufficiently satisfy the sustainability provisions of the LEP (Clause 7.4). Where the sustainability report advances measures to achieve environmental performance, again they should be consistently picked up in the DA as a whole.
- The Council reporting has repeatedly raised issues of inconsistency and sufficiency of detail in the carpark design, particularly as to how it will relate to the street front and adjoining properties. Further detail appears to be required to resolve this issue.
- The Panel will require proposed draft conditions, and the Applicant's response to them.

At the conclusion of the meeting, the Council and the Applicant committed to an onsite meeting with representatives sufficiently briefed in the above matters to work towards a resolution.

A query was made to the meeting as to whether the Applicant's urgency with commencing work on the upgrade of the clubhouse facilities was in fact better addressed by progress in the assessment of DA21/0130 lodged on 2 March 2021 for "Alterations & Additions to Wallacia Country Club".

The Panel expects to receive a final reporting of this application to allow for its determination in early to mid July 2021.

TENTATIVE DETERMINATION DATE SCHEDULED FOR 19 July 2021

Planning Panels Secretariat

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