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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: CROWN CEMETERY DEVELOPMENT WALLACIA

PANEL: **DIANNE LEESON**
ROSS CARTER
ADRIAN PILTON

ASSISTING PANEL: **MATTHEW TODD-JONES**
DIANA MITCHELL

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:** **CHRIS RITCHIE**
SALLY MUNK
KANE WINWOOD

LOCATION: **IPC OFFICE**
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES

DATE: **9.32 AM, THURSDAY, 14 FEBRUARY 2019**

MS D. LEESON: So, George, we will move to the next project. We will come back to, obviously, if there are any follow-up questions that arise from this morning.

MR C. RITCHIE: And we're more than happy to answer those.

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MS LEESON: Yes. Thanks, Chris. So I won't reread the opening statement, but we will move if we can straight to the Wallacia questions. I think with Wallacia, as we did on the previous one, if we can start with an overview of the principal changes from the application that was lodged. We know the crematory has been taken out. If there are other substantial changes that you would like to bring to our attention, we would like to get an understanding of those and similarly, of the procedural process. So a section 55 amendment needs to be approved. I would like the department's views on who will actually give that approval to the section 55 process, given that this has now been referred to the Commission will then have to refer through the planning panel. So if we can have those two questions as a starter, that would be helpful.

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MR RITCHIE: Yes. So from the department's point of view, Sally looked after Varroville and Kane Winwood, my team leader for industry, looked after Wallacia.

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MR K. WINWOOD: Wallacia.

MR RITCHIE: And we can talk about the changes in terms of the crematorium and why for that particular project we think a clause 55 is required. So, yes, Kane, you go.

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MR WINWOOD: So, yes, obviously, the crematorium was the primary change to the application since it was originally lodged which is what the clause 55 application under the Regulation was – sorry, the amendment was lodged. In terms of other, I guess, changes to the application or to the proposal since it was originally lodged, there is an access to the site in the north-western corner of the site between the site and Mulgoa Road. I can't remember the lot and DP number. I think it's in the report. Council raised concerns that they hadn't received landowners' consent or complete landowners' consent for that land and so we ask the applicant to take that out of the proposal as well. So there is no longer an access – like, a secondary access to - - -

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MS LEESON: Off Mulgoa Road.

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MR WINWOOD: - - - the site off Mulgoa Road. Yes. Other changes came out of more of the exhibition and in response to the planning panel meeting, I think, was held in April. So one of the concerns was about the visual impacts and they relocated some of the areas where they were going to be placing the headstones that were up to 1.5 metres high. So they took some of those areas away from the western portion of the site which is the closest area to the Wallacia Village. They also removed a section which was along Park Road where it would have been visible to – from the

road, I should say. They were really the essential changes to the application. So in terms of the procedural approach, I think in our report we actually recommended that it's the Commission that should be, I guess, running through the process of agreeing to the amendment to the application held. But that's incorrect. It's actually the
5 consent authority that has to agree to that amendment. So that would be something that the planning panel as a consent authority would need to address.

10 MS LEESON: And does the department have a view as to when the planning panel as a consent authority should consider that?

MR RITCHIE: So that would need them to agree to that change before a determination is made. So often when we assess applications, we require a clause 55 amendment where there's a particular change to a project. So they're often things that we are internally making decisions that I would sign and that's a formal process
15 under the regulation to basically allow a particular change to an application. Here, we saw the crematorium as quite a key – large component to the project.

MS LEESON: Yes.

20 MR RITCHIE: Given that was removed, we thought that that was a key thing from a process point of view to actually have that application changed to remove that. In terms of why, we don't think it's going to occur and that's around the permissibility of that crematorium. We have advice to say that that – and I think the applicant and council have advice also that that is actually a prohibited - - -

25 MS LEESON: Prohibited.

MR RITCHIE: - - - use, given it's a separate use activity then to the cemetery activity itself.

30 MS LEESON: And it is separately defined - - -

MR RITCHIE: That's right. That's right.

35 MS LEESON: - - - in the LEP.

MR RITCHIE: In the standard instrument. That's right.

40 MS LEESON: Yes.

MR WINWOOD: So the – the question over the ancillary use to the cemetery was a little tenuous and so that's - - -

45 MR RITCHIE: Yes. Yes. And the applicant agreed and removed it.

MS LEESON: Yes. And so in a procedural sense, you say it's the planning panel that will need to do that before they determine the application.

MR: Yes. Yes.

MS LEESON: That can happen - - -

5 MR WINWOOD: At any time.

MS LEESON: - - - at any time.

MR WINWOOD: Yes.

10 MS LEESON: So it can happen right after we've referred it to the planning panel.

MR WINWOOD: That's correct. Yes.

15 MS LEESON: So it doesn't have to happen now.

MR WINWOOD: No. That's right.

MS LEESON: Okay. All right. Thank you. Do you want to talk to the
20 groundwater issue, Ross?

MR R. CARTER: Yes. So with the groundwater condition, I was just – if you
could just explain how the condition would work because I guess there was an
inference that the standard groundwater levels have been determined in a dry
25 sequence and the – I suppose, the concern is what happens in a wetter sequence that
may move up gradient. The condition would work in a way that, I guess, would wait
until there had been a, you know, significant period of time or

MR WINWOOD: Yes.

30 MR CARTER: Yes.

MR WINWOOD: Absolutely. I think one of the advantages of this particular
proposal is that the nature of the development means that the areas in which there is
35 potentially the elevated groundwater, they're not – they don't have to access or have
to disturb those areas straight away, so there is plenty of time for them to, essentially,
wait until there has been some rainfall to carry out the monitoring to determine
where some of those standing groundwater levels are and even the nature of the
groundwater as it moves up slowly. So – so, essentially, like, there's a recommended
40 condition to establish the buffer which is also something that the applicant had
proposed to establish the buffer around the monitoring wells and the groundwater
bores.

The department recommended also that that be established further downslope, so that
45 extends into the area downslope of the monitoring wells, particularly where that
standing groundwater had been identified at a higher point. So the idea would be
that they would continue to collect data from those monitoring wells and wait until

there has been at least some extended rainfall to determine if the groundwater levels rise or increase and to better determine the extent of the groundwater and that will give them the opportunity to, essentially, map the contours of the groundwater level to determine the extent and, therefore, restrict the variables to that zone, so - - -

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MR CARTER: So that would be – end up with a groundwater contour map that would be - - -

MR WINWOOD: Yes.

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MR CARTER: - - - that would be – provide an exclusion zone.

MR WINWOOD: That’s right. Yes. Yes.

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MR CARTER: Yes.

MR WINWOOD: And so the development of the plant itself would be undertaken in consultation with the Department of Industry and Water and also to be referred to council for their approval before they commence any excavations and that would also set out how they would define the area where there would be exclusions from variables before they actually collect – before they are able to collect the information about the water levels during the wetter periods, so - - -

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MS LEESON: Okay. Because they are very long-term projects.

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MR WINWOOD: That’s correct.

MR RITCHIE: And that’s the issue here, is it - - -

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MR WINWOOD: Yes.

MR RITCHIE: - - - that there is time to determine where that line should be in terms of how the cemetery should progress into - - -

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MR CARTER: Yes. So that the staging will be - - -

MR RITCHIE: That’s right.

MR CARTER: - - - if you want more upgrading in the areas - - -

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MR RITCHIE: Yes. Yes.

MR WINWOOD: That’s correct. Yes. The two areas where there was, I guess, some uncertainty or concerned about potentially shallow groundwater – one was in the western portion of the site on – so, closer to the town and the golf club house and that area – I think it’s going to be about 90 years or so before they even get close to starting any burials in that area. The other area which is monitoring – well, one-one-

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seven, or 117 – it's pretty much in the centre of the site, just to the northern part of the centre of the site, and that is in the area which is proposed as stage 1.

5 However, that's quite a large area and I think it is about – I can actually find that in the information – so stage 1 will take 90 years so it will be potentially – I mean, it might be before 90 years before they get to that point but there is an extended period of time for them to collect this information. So the groundwater monitoring plan can apply until they get that information and hopefully we have a wetter period between now and 90 years time so - - -

10 MR RITCHIE: There's no doubt.

MS LEESON: How can – one can only hope.

15 MR WINWOOD: If – yes. So – yes, okay, I think that's – is there any other questions about the groundwater monitoring or the approach?

MS LEESON: Not from my

20 MR CARTER: Not from me. No, I just wanted to get an impression of how would it work over time - - -

MR WINWOOD: Yes. Yes.

25 MR CARTER: - - - but it has been very helpful.

MS LEESON: Yes.

30 MR CARTER: The other question just to go back a couple of – well, quite a number of submissions have – to the council process, I think, raised concerns about property value movements and I just wondered if the department had any information on those kinds of property movements with land use change of that nature.

35 MR WINWOOD: Look, generally speaking, I mean, that's – property values is not a planning consideration so that's not something that really we look at in terms of our assessment.

40 MS LEESON: Okay. I think we would like to ask the same question on operational noise as we did on Varroville and it's obviously a different, different context. So do you want to take us through the operational noise issue as well?

45 MR WINWOOD: Sure. So in terms of the question that you raised with Varroville about the use of, I guess, quieter equipment for maintenance and so forth, I guess one of the key differences between the Wallacia site and the Varroville site is that Wallacia is an existing golf course. It has been a golf course for many years, as many people have raised in their submissions. So I guess coming back to the

comment made by our – by the department’s noise specialists that it’s essentially consistent with what has been going on in the area – so particularly with the golf course that requires regular maintenance, that they would use their ride-on mowers and whipper snippers and so forth so that would be a common and not an unusual sound in the area so - - -

MR CARTER: So commensurate with the existing background.

MR WINWOOD: Exactly. Yes.

MR CARTER: Okay.

MR WINWOOD: So – and, again, it wasn’t a key issue that we considered for – like, that we felt needed to be considered in terms of noise impacts and that really that the main concern that was raised from noise impacts for this proposal was the use of the function centre. So the question about whether or not there would be sort of late night parties and so forth that were to be run at the function centre. So that was really the main concern. And there was a little bit of concern about traffic noise as well but it’s nowhere the same issue as Varroville because of the – that potential cumulative development isn’t really the same in the context of that area so - - -

MS LEESON: You talked about the function centre and sort of hours of operation. When I had a quick look at the conditions that you’ve proposed for hours of operation is it right to interpret that as applying to hours of maintenance, hours of digging, hours of the function centre because it’s at, I think, 8 till 1 o’clock on a Saturday and it had nothing about Sunday hours so I take it on – I’m seeking a clarification, I suppose – that that doesn’t preclude public access at other times, so Saturday afternoons, Sundays. It’s really – when you talk about operational hours it’s about the cemetery trust actually carrying out burials, doing maintenance, running the function centre.

MR WINWOOD: Correct. Yes.

MS LEESON: Okay. That’s fine.

MR WINWOOD: Yes. So I don’t think that would preclude holding functions or ceremonies at the memorial park itself but, yes, certainly in terms of general and the ground maintenance activities.

MS LEESON: Yes. Okay. Thank you.

MR A. PILTON: So the function centre will be for other functions, not just for wakes or whatever they have after funerals.

MR WINWOOD: I think the primary function of the function centre is for funeral services and wakes and so forth but I think – consistent with its current use I think it would, you know, be open for public use.

MR PILTON: I just wondered about would it still be open till midnight if it was just for - - -

MR WINWOOD: Not – yes, maybe not - - -

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MR PILTON: - - - funeral and associated things. No.

MR WINWOOD: Sometimes perhaps but not - - -

10 MS LEESON: A very long wake.

MR WINWOOD: Yes, that's right. So - - -

MR PILTON: I didn't see anything in the papers. That's why I asked.

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MR WINWOOD: Yes. Yes.

MS LEESON: Okay.

20 MR PILTON: And the question of the footpath along Clarke Road for 600 metres, does that just cut down the need for parking at the function centre or – I have a vague recollection that there was something in here about the number of cars parked at the function centre.

25 MR WINWOOD: There was – there's the car park that's already there - - -

MR PILTON: Yes.

30 MR WINWOOD: - - - which will be maintained for the function centre. The footpath is more to maintain pedestrian access along Park Road to between town and the main entrance to the cemetery.

MR PILTON: Okay. Thank you.

35 MS LEESON: Okay. Can we confirm that with Wallacia there was no consolidated response to submissions. So Penrith Council received a lot of submissions - - -

40 MR WINWOOD: There was a document called Additional Information Response which I think – I can't remember the date it was lodged; it was sometime in May, I think. So that was lodged to council so that was in response to the submissions that were raised during the public exhibition of the application; also in response to the additional information that council sought from the applicant and also in response to, I guess, the – some of the questions and comments that came out of the public meeting that was held by the planning panel in April.

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MR PILTON: Right.

MS LEESON: Okay. Thank you. We will go back and have a look at that. And you're comfortable – or does the department have a view that they've adequately addressed the issues that were raised through both public submissions and council?

5 MR WINWOOD: Generally, yes, and then there were some other issues that we spoke about in our assessment that, I guess, closed off some of those. So there was some more information from – well, natural resource access regulator in relation to the and plantings and there was some other sort of – like some groundwater information that was provided as well. So that's all provided in our assessment.

10 MS LEESON: Okay. I think we've been through the question of what has been – what change, principal change has been in the process to go through that – the significant changes, operational noise. I have no other questions on Wallacia.

15 MR CARTER: None from me.

MS LEESON: No, it seems – there's more information in there around the submissions process but that's fine. All right. Is there anything that you would like us to be aware of that you didn't have – that you think it's not adequately – not “not adequately”, but that's not in the report that has come to light.

20 MR RITCHIE: Not since we've completed our assessment. As we mentioned, we did go out on site, we did look at the submissions we received. We did look at council's reports that had been prepared. We did look at the applicant's response to information and there's additional things that we had asked and changed as part of the course of our process of assessment which is explained in our report. But certainly through the course of you having other discussions if there's any further questions you want us to answer we're more than happy to do that.

25 MS LEESON: We will do. Thanks, Chris.

MR CARTER: Thank you.

30 MS LEESON: All right. Well, I think that brings us to the end of the interview. Thank you very much. Thanks for coming along.

MR CARTER: Thank you.

40 **RECORDING CONCLUDED** **[9.50 am]**