

**Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for
Castlebrook Memorial Park - Schofields Road, Rouse Hill**

Proposal Title : **Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for
Castlebrook Memorial Park - Schofields Road, Rouse Hill**

Proposal Summary : **Planning Proposal seeks to rezone Lot 5003 DP 1158929 Schofields Road, Rouse Hill from 2(a)
Residential to 5(a) Special Uses - Cemetery and Crematorium**

PP Number : **PP_2012_BLACK_001_00** Dop File No : **11/21993**

Proposal Details

Date Planning Proposal Received : **10-Jan-2012** LGA covered : **Blacktown**

Region : **Sydney Region West** RPA : **Blacktown City Council**

State Electorate : **BLACKTOWN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Schofields Road**

Suburb : **Rouse Hill** City : **Blacktown** Postcode : **2155**

Land Parcel : **Lot 5003 DP 1158929 Schofields Road, Rouse Hill**

DoP Planning Officer Contact Details

Contact Name : **Stephen Gardiner**

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RPA Contact Details

Contact Name : **Glennys James**

Contact Number : **0298396201**

Contact Email : **Glennys.James@blacktown.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

**Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for
Castlebrook Memorial Park - Schofields Road, Rouse Hill**

MDP Number :	NA	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :

PROPOSAL EXECUTIVE SUMMARY

The purpose of the rezoning is to allow the land owner (Invocare Australia Pty LTD) to purchase additional land (Lot 5003 DP 1158929 Schofields Road, Rouse Hill), which would be included to the Broader Castlebrook Cemetery and Crematorium Site to compensate for a loss of land which is to be acquired by the (former) RTA.

To facilitate this process and leading to this planning proposal, the (former) RTA approached the previous owner of the subject land (Landcom) seeking to purchase that land with the view of selling that land to Invocare to compensate for the loss of land required for acquisition.

The RTA now have a contract in place with Invocare to purchase the site, conditional on the ultimate rezoning of the site from 2(a) Residential to 5(a) Special Uses - Cemetery and Crematorium.

External Supporting Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donation disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements.

**Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for
Castlebrook Memorial Park - Schofields Road, Rouse Hill**

BACKGROUND

Blacktown Council (the Responsible Planning Authority) submitted a Planning Proposal prepared by Planning Ingenuity PTY LTD to the Department on 2 December 2011.

On 6 December 2011, the Department finalised an initial review of the planning proposal and wrote to the RPA requesting additional information and outlined key matters which needed to be addressed before a report to the LEP Review Panel could be finalised. The key issues (in summary) included:

- * The introduction, site description and background are not required to be provided in the planning proposal as per the requirements in the Guidelines. This detail should be incorporated into the relevant parts of the planning proposal - such as Parts 1 & 2 (and 3 where relevant);
- * Part 1 did not contain the same level of detail as the introduction, nor did it adequately describe the intended outcomes for the planning proposal. Some of the information that may be better suited for this Part was contained within the introduction;
- * Part 2 contained a number of references to directions from council and the Department. This information was not consistent with the information required by the Guidelines and also did not reflect that the planning proposal was the responsibility of the RPA. The references were to be deleted from the planning proposal;
- * The site is heritage listed. The planning proposal did not assess this matter and contained a false indication of non-listing;
- * The site is located within Sydney Regional Environmental Plan No.19 - Rouse Hill. The planning proposal did not address this SREPP. The RPA was required to ensure that any other SEPPs, SREPs or other Environmental Planning Instruments (EPI's) are adequately addressed;
- * The maps provided were contained within the introduction, site context etc. Since these parts are not to be included in the planning proposal, the maps need to be relocated in the planning proposal, or attached with reference in an appropriate section of the planning proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The application clearly identifies the objectives of the planning proposal to change the current zoning of Lot 5003 (1.5 hectares) to a special uses zone (5(a)) with a designation of Cemetery and Crematorium to add a small portion of land the Castlebrook Cemetery and Crematorium Site.

The reason for the rezoning is to rezone a small portion of land which has been purchased by Invocare Australia Pty LTD from Landcom and include it as part of the broader Castlebrook Cemetery and Crematorium Site. Previously another small portion of the Castlebrook site was acquired by the (former) RTA.

The Intended Outcomes of the planning proposal are generally consistent with the criteria outlined in the Department's 'Guide to Preparing Planning Proposals'.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Part 2 clearly indicates the explanation of provisions as rezoning the site to 5(a) Special Uses – General Zone, and the planning proposal provides an extract of the land use table.

Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for Castlebrook Memorial Park - Schofields Road, Rouse Hill

Part 2 does not however clearly state that the land will be rezoned as indicated on an attached map, which is essential for later drafting purposes and for clarity during consultation purposes. Without the link, a map sits as a stand alone document.

This report recommends that the planning proposal be amended to make clear reference to a zoning map in Part 2.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SREP No. 19 - Rouse Hill Development Area

e) List any other matters that need to be considered :

STANDARD INSTRUMENT (LOCAL ENVIRONMENTAL PLANS) ORDER 2006

The planning proposal is generally consistent with the LEP template under the Standard Instrument (LEPs) Order 2006 as it seeks to rezone the site to a special uses zone which should be adaptable once Council completes it's new Principal Local Environmental Plan.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

SECTION 117 DIRECTIONS

S.117 DIRECTION 1.1 - BUSINESS AND INDUSTRIAL ZONES

The planning proposal identifies that this Direction applies. Under subclause (3) this direction does not apply to this planning proposal.

S.117 DIRECTION 2.3 - HERITAGE CONSERVATION

The existing Castlebrook Cemetery and Crematorium Site is listed as a local Heritage Item in Blacktown Local Environmental Plan 1988. The item is known as 'Battle of Vinegar Hill'.

The subject site for rezoning adjoins the heritage item and will not directly affect the listing, but the outcome of the rezoning would add to the greater land parcel currently known as Castlebrook Cemetery and Crematorium. The Blacktown LEP 1988 contains existing controls to afford protection to the listed site. It is considered that the planning proposal is consistent with the Direction.

S.117 DIRECTION 3.1 - RESIDENTIAL ZONES

The planning proposal is inconsistent with this Direction. The planning proposal will reduce the amount of land zoned for residential. The planning proposal has adequately justified that the site (1.5ha in size) is of minor significance.

It is recommended that the Director General's delegate agree to the minor inconsistency.

S.117 DIRECTION 3.4 - INTEGRATING LAND USE AND TRANSPORT

This direction applies as it is altering an existing urban zone. The planning proposal is not inconsistent with the requirements of the Direction. The Directions specifies requirements for the location of urban zones, but does not provide direction for the removal of such zones.

S.117 DIRECTION 6.1 – APPROVAL AND REFERRAL REQUIREMENTS

The planning proposal seeks to rezone the land to an existing zone within Blacktown LEP 1988, and does not propose introduce additional concurrence or consultation requirements.

S.117 DIRECTION 6.3 – SITE SPECIFIC PROVISIONS

The planning proposal does not seek to introduce and further site specific controls.

S.117 DIRECTION 7.1 – IMPLEMENTATION OF THE METROPOLITAN STRATEGY

The proposal is generally consistent with this Direction.

CONSIDERATION AGAINST RELEVANT PLANNING POLICIES

The planning proposal has not considered other relevant SEPPs including;

SEPP 1 - Development Standards
SEPP 60 - Exempt and Complying Development
SEPP (Infrastructure) 2007

While the Planning Proposal has not made reference to these SEPPs, it is considered that the planning proposal is not inconsistent with these plans given the minor rezoning nature and intended future use of the site.

CONSIDERATION OF DEEMED SEPPS

The subject site falls within Sydney Regional Environmental Plan No 19 — Rouse Hill Development Area.

According to the Structure Plan (attached to this report), the land falls within the area labelled 'Living Area'. The intent of the SREP is to coordinate planning and decision making for long term growth, identifying land that is suitable for urban purposes and providing its orderly and economic development, by providing controls that must be placed in LEPs that apply to the land.

Page 9 of the planning proposal contains a statement that the site is not listed as a heritage item under the SREP. While correct, the adjoining larger site 'Castlebrook Cemetery and Crematorium Site' is identified in Schedule 1 of the SREP.

It is a requirement of the SREP that items identified in Schedule 1 are listed within a relevant EPI which applies to the land of which the item is situated.

It is noted that BLEP 1988 lists the local Heritage Item and therefore the planning proposal is not inconsistent with the SREP.

Since the land within the development area already contains existing LEPs that adopt the provisions of the SREP, and that the land surrounding the site has already been developed, it is considered that this planning proposal is not contrary to the requirements on the SREP.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

On the 6 December 2011, the Department requested that the planning proposal be amended to remove irrelevant sections of the planning proposal that were inconsistent with the relevant guidelines.

Specifically, the Department noted to the RPA that the (indicative) maps provided were contained within the introduction, site context etc. Since these parts are not to be

Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for Castlebrook Memorial Park - Schofields Road, Rouse Hill

included in the planning proposal, the maps need to be relocated in the planning proposal, or attached with reference in an appropriate section of the planning proposal.

While indicative location maps have been provided, there does not appear to be:

- 1 - a draft zoning map; or
- 2 - a reference calling up a zoning map in Part 2 of the planning proposal.

As such, it is recommended that Council prepares a draft zoning map and that Part 2 of the planning proposal be amended to call up the relevant proposed zone map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **No specific details have been described in the planning proposal.**

However, under 'A guide to preparing local environmental plans', the planning proposal is considered to be a 'low impact planning proposal' and as such a 14 day exhibition period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **That the Director General's delegate agree to the minor inconsistency with s.117 Direction 3.1 - Residential Zones.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **This report recommends that the planning proposal be amended to:**

- include a clear draft zoning map; and
- make clear reference to the zoning map in Part 2.

Proposal Assessment

Principal LEP:

Due Date : **July 2012**

Comments in relation to Principal LEP : **Blacktown Council recently received funding under the Local Environmental Plan Priority Program (LEP Acceleration Fund (LEPAF)) to assist in finalising its Principal Local Environmental Plan.**

The Principal Local Environmental Plan will now proceed in two (2) stages.

(Stage 1) - A Planning Proposal for the Blacktown CBD has been submitted separately and received a Gateway Determination on 2 November 2011. The Planning Proposal was issued with a 9 month timeframe for completion. Consultation was carried out during December 2011. It is expected that the planning proposal will be reported to Council at an Ordinary Meeting in February or March 2012.

(Stage 2) - Remainder of the LGA. It is scheduled that a s64 submission will be submitted in early February 2012, and s68 submitted by mid 2012, to the Department.

Assessment Criteria

Need for planning proposal : **The purpose of the rezoning is to allow the land owner (Invocare Australia Pty LTD) to purchase additional land which would be included to the Broader Castlebrook Memorial**

Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for Castlebrook Memorial Park - Schofields Road, Rouse Hill

Park Site to compensate for a loss of land which is to be acquired by the (former) RTA, now Roads and Maritime Services (RMS).

To facilitate this process and leading to this planning proposal, RMS approached the previous owner of the subject land (Landcom) seeking to purchase that land with the view of selling that land to Invocare to compensate for the loss of land required for acquisition.

RMS now have a contract in place with Invocare to purchase the site, conditional on the ultimate rezoning of the site.

The planning proposal has also considered an alternative approach to rezoning the site.

The planning proposal justifies that (once the Principal LEP is made), if 'Clause 5.3 Development near zone boundaries', was adopted by Council, that a better and clearer outcome to the community would be not to rely on this clause but rather, zone the land as a special uses zone. A special uses zone would clearly demonstrate that the intended use of the land is not for residential purposes, but for the purpose of Cemetery and Crematorium.

Consistency with strategic planning framework :

The planning proposal is generally consistent with the strategic planning framework, including the Sydney Metropolitan Plan and Draft North West Subregional Strategy.

It is noted that the site falls within proximity to the planning work being undertaken for the proposed North West Rail Link. In this regard, it is suggested that the planning proposal be referred to Transport for NSW for comment.

Environmental social economic impacts :

SITE CHARACTERISTICS/ SUITABILITY OF THE SITE

The site is mostly cleared, with some small amounts of scattered vegetation. There does not appear to be any land use constraints or land characteristics that would prevent the land being used for the proposed future use.

LOCAL HERITAGE

As previously identified, the adjoining site is a local heritage item. The site overlooks Windsor Road, the site of the first military battle to have taken place on Australian soil. BLEP 1988 provides existing heritage clauses to ensure that the heritage item is not impacted upon by the proposed future use of the subject site.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **3 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Authority**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **NA**

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **NA**

**Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for
Castlebrook Memorial Park - Schofields Road, Rouse Hill**

Identify any additional studies, if required. :

If Other, provide reasons :

NA

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The subject land falls within the requirements of 'Clause 20C - Development on certain land at Schofields and Kellyville Ridge, Parklea Release Area' and 'Clause 20D - Restriction on certain subdivisions at Schofields and Kellyville Ridge, Parklea Release Area' of Blacktown LEP 1988 and requires the provision of adequate regional transport infrastructure.**

Since the planning proposal has been created as a result of land acquisition by the RMS, it is considered that the subject land and its future use will not generate additional need above or beyond what has been currently provided in the remainder of the precinct.

Documents

Document File Name	DocumentType Name	Is Public
2011.12.06 - Blacktown PP amd 237 - Castlebrook Memorial Park - Department Response to Council requesting additional information.pdf	Study	No
2011.12.22 - Blacktown PP amd 237 - Castlebrook Memorial Park - Council Covering Letter.pdf	Proposal Covering Letter	Yes
2011.12.22 - Blacktown PP amd 237 - Castlebrook Memorial Park - Planning Proposal.pdf	Proposal	Yes
2011.12.22 - Blacktown PP amd 237 - Castlebrook Memorial Park - Indicative Site Maps.pdf	Map	Yes
2011.12.22 - Blacktown PP amd 237 - Castlebrook Memorial Park - Council Report.pdf	Study	Yes
2011.12.22 - Blacktown PP amd 237 - Castlebrook Memorial Park - Deposited Plan.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceeds, subject to the following:**

- 1. the Director General's Delegate agree to the minor inconsistency with s.117 Direction 3.1 - Residential Zones;
- 2. the RPA be requested to prepare and include in the planning proposal, a draft zoning map, and include a reference to that map in Part 2 of the Planning Proposal;
- 3. the Planning Proposal is low impact and should include a 14 day Community Consultation period

**Blacktown Local Environmental Plan 1988 (Amendment 237) - Planning Proposal for
Castlebrook Memorial Park - Schofields Road, Rouse Hill**

4. that the RPA consults with Transport for NSW, for the purpose of seeking views on the site's relationship to the proposed North West Rail Link;

5. that the timeframe for completion is 3 months;

Supporting Reasons :

1. The planning proposal will facilitate an arrangement with the Transport for NSW - Roads and Maritime Services(former Roads and Traffic Authority) to acquire land along Old Windsor Road, without reducing the land available for the purpose of Cemetery and Crematorium;

2. The planning proposal is generally consistent with strategic planning policy as outlined in this report;

3. The planning proposal is relatively minor in nature and is considered to be in the public interest.

Signature:



Printed Name:

STEPHEN GARDNER

Date:

16/01/2012