

Planning Services

Planning Report

Local Government Area: Campbelltown **PP Number:** PP_2015_CAMPB_001_00

NAME OF LOCAL ENVIRONMENTAL PLAN AMENDMENT

Campbelltown Local Environmental Plan 2015 (Amendment 1) (proposed LEP).

SUBJECT LAND DESCRIPTION

The proposed LEP applies to land at 166-176 St Andrews Road, Varroville, being Lot 1 DP 218016, Lot B DP 370979 and Lot 22 DP 564065, comprising approximately 113 hectares.

The site is located within an area known as 'Scenic Hills' in Campbelltown and surrounds a battle-axe lot which contains the privately owned State heritage-listed Varro Ville Homestead.

The majority of the site is zoned E3 Environmental Management with a strip of land along the western boundary zoned RE1 Public Recreation.

The proposal retains the prevailing zoning and provides for the development of a cemetery on land zoned E3.

PURPOSE OF PLANNING PROPOSAL

The proposed LEP will:

- insert an additional local clause into the *Campbelltown Local Environmental Plan 2015* (Campbelltown LEP) making development for the purposes of a cemetery permissible with consent, subject to various heads of consideration,
- insert a "no build area" between Varro Ville Homestead and the Campbelltown urban area to be shown on the Environmental Constraints Map, and
- create a new local heritage item comprising Lot 1 DP 218016 and Lot 22 DP 564065 to provide an extension of the curtilage of Varro Ville Homestead to include outbuildings, the former drive and remnant vineyard terraces.

STATE ELECTORATE AND LOCAL MEMBER

The local member for Macquarie Fields is Mr Anoulack Chanthivong MP who has objected to the proposal due to concerns regarding heritage and the unique environmental landscape of the Scenic Hills.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

PLANNING PROPOSAL

The Proposal

The planning proposal seeks to permit cemeteries as an additional permitted use on land at 166-176 St Andrews Road, Varroville (the site). The planning proposal facilitates the Macarthur Memorial Park to be developed by the proponent, the Catholic Metropolitan Cemeteries Trust.

Current planning controls

The site is mostly within zone E3 Environmental Management of the Campbelltown LEP. The objectives of this zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable development for purposes other than rural-residential only if that development is compatible and complementary, in terms of design, size and scale, with the character of land in the zone.
- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To preserve the rural heritage landscape character of the Scenic Hills.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

A range of development is currently permissible with consent within this zone and on the site, including; animal boarding or training establishments, bed and breakfast accommodation, dual occupancies (attached), dwelling houses, educational establishments, places of public worship, and restaurants or cafes.

The remainder of the site is within Zone RE1 Public Recreation. The objectives of this zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for land uses compatible with the ecological, scientific, cultural or aesthetic values of land in the zone.
- To facilitate the multiple use of certain open space areas.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.
- To provide for the sufficient and equitable distribution of public open space to meet the needs of the local community.

- To preserve and rehabilitate bushland, wildlife corridors and natural habitat, including waterways and riparian lands, and facilitate public enjoyment of these areas.
- To provide for the retention and creation of view corridors.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To preserve land that is required for public open space or recreational purposes.

There are currently no items of environmental heritage identified on the site. Any proposed development therefore would not be subject to the standard heritage controls in the Campbelltown LEP.

Pre-Gateway Review and Gateway Determination of the Planning Proposal

On 19 March 2014, the proponent lodged a request for a pre-gateway review following the Campbelltown City Council's decision not to submit the proposal to the Department for a gateway determination. A review was conducted by the former Sydney West Joint Regional Planning JRPP (JRPP), now the Sydney South West Planning Panel.

On 28 August 2014, the JRPP unanimously recommended that the proposal should be submitted for a gateway determination. The Council indicated that it did not wish to be the relevant planning authority (RPA) for the matter and on 2 March 2015, the former Minister for Planning appointed the JRPP as the RPA.

On 19 June 2015, a gateway determination was issued (Tab C). Conditions were made in the gateway determination, including a condition to prepare a Conservation Management Plan (CMP) in consultation with the Office of Environment and Heritage (OEH). Other conditions of the gateway determination included:

- removing the additional permitted use from the part of the site zoned for public recreation,
- further detailed visual assessment to ensure preservation of the rural character of the east facing slope of the site when viewed from the Campbelltown urban area, and
- further work regarding water protection and local road capacity as identified by the JRPP.

Consultation and Public Exhibition of the Planning Proposal

From 11 December 2015 to 29 February 2016, the JRPP exhibited the proposal for an extended period of 80 days to cater for the holiday period. The exhibition period was further extended until 21 March 2016 at the request of agencies and residents. The material placed on public exhibition included a CMP dated October 2015, prepared by Urbis.

The JRPP received 129 submissions from the public including 70 submissions in support, 57 objecting and two neutral submissions. A petition with 125 signatures in support of the proposal was also received. Of the public agency submissions, 5 noted compliance with their technical or regulatory requirements, 2 did not raise concerns, 2 objected to the proposal and 1 wrote in support of the proposal. The majority of community/multi-cultural organisation and funeral industry submissions

(45 of 53 submissions) wrote in support of the proposal. Of the 64 resident submissions, 20 were in support and 44 objected to the proposal.

The key issues raised during the public exhibition period were the impact on heritage values (including the State heritage listed Varro Ville Homestead and landscape of the Scenic Hills), and the demand for a cemetery in the region.

Submissions received from the Heritage division of OEH and the owner of the adjoining Varro Ville Homestead requested that the planning proposal not proceed until a curtilage study for the State heritage listing is finalised. The chair of the JRPP agreed to consider this study if it was received by 2 May 2016, however it was not produced by this date.

ANALYSIS OF SUBMISSIONS

Summary of Issues from Submissions

The following key issues were raised in relation to the proposal:

1. visual impact,
2. traffic impact,
3. land values,
4. protection of green area,
5. inconsistency with legislation and strategies,
6. demand for interment spaces, and
7. heritage.

The proponent was invited to address the issues and submitted a report that addressed issues raised in submissions. The Department subsequently prepared a submissions report which addressed all the issues raised. On 21 July 2016, the submissions report was endorsed by the Deputy Secretary (Tab G).

Agency Submissions

The following agencies raised no objection to the proposal or indicated that the proposal met their requirements:

- Department of Primary Industries – Resources and Energy,
- Department of Primary Industries – Water,
- Endeavour Energy,
- NSW Rural Fire Service,
- Sydney Water,
- Roads and Maritime Services (RMS), and
- Cemeteries and Crematoria NSW (CCNSW).

Campbelltown City Council and OEH (on behalf of the Heritage Council) did not support the proposal. The Council's key issues included opposition to any non-rural redevelopment of the Scenic Hills that is not currently permitted in the zoning, visual impact, strategic siting of cemetery uses and inconsistency of proposal with legislative and strategic intent for the Scenic Hills.

The OEH submission was prepared on behalf of the Heritage Council. The Heritage Council's submission raises 4 concerns including adequate consultation with the

Heritage division of OEH, incompatibility with legislation, visual impact and heritage curtilage.

Set out below is a summary of each of the key issues raised in submissions and the Department's response.

1. Visual Impact

Summary of key issue

The proposal does not maintain the predominant rural character of the area. The proposal is not capable of maintaining the landscape or the views both to and within the Scenic Hills. The landscape is variously described as green, rural, pastoral etc.

Department's response

The proposal is considered to be in keeping with the visual character of the Scenic Hills and is one of the few uses that would maintain the green corridor and rural visual character of the area. This is particularly important as there are limited avenues for the practicable acquisition of the land by Council and the proposal presents a way for core scenic values to be maintained and limited passive recreation provided at no cost to government.

The proposal is visually compatible with the surrounding area and, together with the controls in the proposed LEP, has the potential to both protect and enhance the visual values both to and from the site.

2. Traffic Impacts

Summary of key issue

The Traffic Assessment is inadequate and negative immediate and local area traffic impacts are expected.

Department's Response on Traffic Impacts

The proposal's traffic impact assessment indicates that St Andrews Road has capacity to accommodate the proposed traffic generation. This proposal, including this traffic report, was made available to both Transport for NSW and RMS. These agencies did not suggest the need for additional road capacity to cater to the proposal. RMS suggested a right turn lane, which will be examined as part of a development application for the proposal.

The response of these State agencies can be relied upon and thus the proposal will not have an adverse traffic impact.

3. Land Values

Summary of key issue

Nearby land values will decrease as a result of being located near a cemetery.

Department's Response on Land Values

The Department impartially assesses whether the proposal represents an appropriate use of the land against a range of land use planning considerations, which do not generally include changes in private land values.

4. Protection of Green Area

Summary of key issue

The proposal will not protect the green grassland character of the area.

Department's Response on Protection of Green Area

The Department considers there is unlikely to be significant impact on the predominant grassland character of the area. The proposal is considered to maintain this overall grassland setting and will therefore not have a significant impact on any threatened species, including marine or aquatic species.

The Department is satisfied that appropriate bushfire protection measures established through the development application stage will satisfactorily mitigate the threat of bushfires, and the proposed internal road and parking provision is sufficient for the site use.

5. Inconsistency with Legislation and Strategies

Summary of key issue

The proposal does not comply with the zoning or planning controls and objectives of the area. A number of submissions said the proposal does not comply with Council's zoning and strategy for the Scenic Hills nor is it consistent with broader regional strategies.

Department's Response on Inconsistency with Legislation and Strategies

An assessment of the proposal against the strategic planning framework is provided later in this report. The Department considers that the proposal complies with the broad intent of "A Plan for Growing Sydney" as it will maintain and enhance the visual values of the Scenic Hills and practically provides access to passive recreation for the benefit of the public at no cost to Council or government for either acquisition or maintenance.

The Department considers the proposal to support the objectives for the zone and broader area. The proposal seeks to amend the planning controls to enable the lodgement of a development application which would be assessed against those amended controls.

6. Demand for Internment Spaces

Summary of key issue

Submissions received during exhibition questioned the demand for cemeteries.

Department's Response on Demand for Internment Spaces

The demand for a multi denominational cemetery in the region has been stated by 17 industry submissions and 25 local and regional organisations.

On 31 August 2016, the JRPP resolved to seek clarification on the strategic need for additional burial space within the metropolitan South Western District. In response, the Department further investigated the question of demand by reviewing documents provided by CCNSW (Tab J and Tab K – note these are commercial-in-confidence).

In addressing the issue of capacity, the Department has considered demand within the Sydney metropolitan area rather than individual catchments. Regional and sub-regional catchments can be arbitrarily defined and it can be demonstrated that cemeteries such as Rookwood service areas well beyond their host region. The current proposal is anticipated to service demand beyond the South Western District.

Evidence suggests that the South Western District will take overflow demand from neighbouring regions after capacity in those regions is exhausted. Data provided by CCNSW was used to inform the 2016 Greater Sydney Cemetery Capacity Report, which supports the claim that without change to current rates of consumption, metropolitan Sydney will be exhausted of cemetery capacity before 2056. CCNSW applied 'sensitivity modelling', which assumed an incremental increase to cremation and occupancy rates, which suggested there could possibly be an additional 20 years of capacity (that is, if demand for cremation increases, cemetery capacity in metropolitan Sydney could become exhausted by 2076).

The Department notes that objections have referred to the Urbis study, being *Potential Cemetery Development Sites in Western Sydney*, which investigates the suitability of other sites in Western Sydney for the location of a cemetery. It is noted that the subject site was not included for consideration as the study excluded the Campbelltown and Fairfield local government areas (LGA) as no current zoning within these LGAs permit cemetery use. The assessment of the suitability of other sites against the criteria adopted in the study does not exclude consideration of the subject site for cemetery use. While the subject site was not included in the Urbis study, a complete investigation of the suitability of the subject site has been undertaken as part of the rezoning process in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Cemeteries are an essential facility and the ongoing Sydney metropolitan demand has been established in the data provided. The site provides the opportunity to secure a large site that is suitable to meet the long term demand for a public cemetery and is appropriately located to be accessible to the Sydney metropolitan area.

The proposal will be subject to a long term rollout, which is anticipated over five stages, with the final stage not operational until after 2099. The Department is satisfied that there is sufficient evidence to suggest that metropolitan Sydney is at a genuine risk of cemetery capacity being exhausted by 2056.

7. Heritage

Summary of key issue

The Heritage division of OEH and the landowners of the Varro Ville Homestead have objected to the proposal. They claim that the CMP was not prepared with adequate

consultation and does not capture the curtilage of Varro Ville Homestead. They also considered the area surrounding Varro Ville Homestead as contributing to the heritage values of the Homestead.

Department's Response on Heritage

Condition 3 of the gateway determination required the preparation of a CMP in consultation with OEH prior to exhibition. On August 2015, the proponent contacted OEH to consult on the CMP. The proponent advised OEH could not accommodate the meeting due to workloads. At the time, OEH also stated that meetings with external parties were discouraged. Several further attempts were made by the proponent to consult OEH to no avail.

On July 2016, OEH provided comments after exhibition of the proposal on the CMP. Having reviewed this feedback, the proponent concluded that the CMP complied with OEH's CMP Guidelines. The Department concurs with the proponent's conclusions.

The proponent has undertaken a CMP which was supplemented with additional requirements in response to issues raised by the JRPP. Heritage experts prepared the proponent's CMP in accordance with OEH's requirements for preparing CMPs. The CMP nominates a heritage curtilage which will be included as an additional heritage item in the Campbelltown LEP. These provisions will ensure heritage significance is considered in any development of the site.

The Department concludes that the proposed LEP together with proposed measures and site works managed under the CMP will not result in adverse impacts on heritage and environmental outcomes. In particular, proposed maintenance and repair work on the former outbuildings will have a positive heritage impact.

It is considered these measures will help preserve the landscape and identity of the former Varroville estate and its immediate surrounds by ensuring future development applications are assessed against appropriate criteria such as impact on heritage significance.

Submissions received from the Heritage division of OEH and the owner of the adjoining Varro Ville Homestead requested that the proposal not proceed until a curtilage study for the State heritage listing is finalised. The chair of the JRPP agreed to consider this study if it was received by 2 May 2016, however it was not produced by this date.

FINAL PLANNING PROPOSAL AND PROPOSED LEP

JRPP decision on the planning proposal

On 25 August 2016, a public meeting was held by the JRPP and on 9 September 2016, the former JRPP unanimously recommended the proposal be approved. The JRPP's decision was made after considering community and stakeholder submissions, and the reasons to support their decision were published (Tab D).

On 9 September 2016, the JRPP requested the Department to expand the CMP to ensure the visual qualities of the Scenic Hills landscape are maintained, and arrange for legal drafting of the proposed LEP.

The JRPP suggested that the proposed LEP should include:

- a 'no build area' limits development on the site to a lawn cemetery and associated fencing,
- a requirement for the consent authority to consider a number of matters when determining a development application on the site, including and compliance with the CMP for the site, and
- identification of the part of the site adjoining the Varro Ville Homestead as a new item of environmental heritage in Schedule 5 to the Campbelltown LEP, meaning that heritage protections will apply to development proposed on this land.

Drafting of proposed LEP

The proposed LEP has been drafted to give effect to the final proposal of the former JRPP. A number of minor changes were required as part of the drafting of the proposed LEP to ensure legal certainty, including:

- permitting a lawn cemetery on the site through a local provision rather than an additional permitted use in Schedule 1 to the Campbelltown LEP,
- referring to the CMP specifically, rather than a version approved by the Department, and
- some minor changes to the proposed description of a 'lawn cemetery'.

On 20 October 2016, the Parliamentary Counsel gave his opinion that the proposed LEP can legally be made (see Tab PC). The JRPP has been consulted on the terms of the proposed LEP, as required under section 59(1) of the EP&A Act. The proposed LEP as drafted reflects the intent of the proposal and the decision made by the former JRPP. Any alterations between the JRPP's suggestions and the proposed LEP are the result of legal drafting and does not constitute a material change to the former JRPP's suggestions.

ASSESSMENT OF PROPOSED LEP

A Plan for Growing Sydney

Under the regional plan *A Plan for Growing Sydney*, the proposal is within the area identified by green overlay and annotated 'Scenic Hills' and 'Parks and Reserves' in the map on page 129. The regional team understands that the purpose of this map is to highlight landscape qualities of the 'Scenic Hills' locality, which are supported by the proposal.

'Towards our Greater Sydney 2056' is a proposed amendment to a *A Plan for Growing Sydney*. It does not have any strategies or actions that relate to this proposal.

Draft district plan

The Draft South West District Plan 2036 contains priorities and actions for a liveable South West District which recognise significant population growth must be supported with coordinated planning for social infrastructure which includes planning for cemeteries and crematoria.

The Plan supports planning for "the full spectrum of ... resident's lives". This includes provisions for new cemeteries with appropriate land use controls and zoning. The proposal helps to fulfill this action in the South West of Sydney. The Plan Map Atlas diagrammatically includes the Scenic Hills as part of the Metropolitan Rural Area and

annotates the area 'Scenic Hills'. The Plan suggests that critical proposals within the Metropolitan Rural Area be informed by a design led process whereby the strategic complexity and context of areas is considered within a consultative planning process.

The proposal's detailed strategic assessment of key heritage and scenic visual landscape criteria together with extensive agency and community consultation aligns with this design led process concept. The draft district plan, as part of its sustainability actions and priorities, notes the protection of the qualities of the Scenic Hills and the protection of important scenic landscapes and vistas, particularly prohibiting development which would diminish the scenic value of prominent ridgelines.

An assessment of the proposal within a broad strategic context and against the goals of the 2036 Plan finds:

- the proposal provides a necessary facility for residents in the region,
- the visual impact of the proposal will be minimal as it proposes an open lawn cemetery that is predominantly green and landscaped,
- a specialist visual assessment of the proposal was submitted by the proponent which found there were two areas of high visual sensitivity which will be protected by the proposal,
- the proposal can meet the visual objectives of the existing zone,
- the proposal retains grassy, open areas which comprise the rural character of the Scenic Hills, and
- the proposal retains the open rural setting and the views to and from the Varro Ville Homestead.

The details of the design and placement of any built element would be the subject of a development application which would assess in detail the visual impacts of each stage of the proposal. This application would take into account not only the additional heritage item measures provided for in the proposal, but also the range of scenic and escarpment protection measures which apply to the site under the Campbelltown LEP. In summary, the proposal is considered consistent with the Draft South West District Plan 2036.

Department's meeting and correspondence with Varro Ville Homestead Owner

On 1 November 2016, Department officers met with Ms Kirkby, one of the owners of Varro Ville Homestead, and Fr Greg Burke OCD, a Carmelite priest from the Mount Carmel Retreat Centre.

During the meeting a commitment was made that all documentation relating to the Varro Ville Homestead would be reviewed prior to making a recommendation about finalising the proposed LEP. A curtilage study was to be reviewed if available. This study was commissioned by Ms Kirby and partly funded by OEH.

Accordingly, on 1 November 2016, Department officers contacted OEH to obtain a copy of this study. On 8 November 2016, OEH advised that it could not provide a copy of the study as the owner of the study (Ms Kirkby) did not agree to its release. The Department was advised that it could request a copy of the study under the *Government Information (Public Access) Act 2009* (Tab L).

On 10 November 2016, Ms Kirkby emailed the Department regarding the proposed LEP and requested that the finalisation of the proposal be deferred for several reasons (Tab M). These reasons include:

1. a curtilage study commissioned by Ms Kirby and OEH has not been finalised,
2. a strategic plan by CCNSW including a final cemetery capacity assessment and cemetery land selection criteria has not been completed, and
3. the Heritage Council's assessment of the land surrounding Varro Ville Homestead for a curtilage expansion, which relies on a curtilage study commissioned by Ms Kirkby and OEH, has not been completed.

Ms Kirkby also indicated in her email of 10 November 2016 the curtilage study would not be released to the Department. The Department's position on the three issues raised in this email are set out below.

1. Curtilage Study

In response to 10 November 2016 email, the Department advised Ms Kirkby on 19 December 2016 that it would continue to assess and finalise the matter. Ms Kirkby replied on the same day again referring to the matters raised in her 10 November email and requesting no decision be made about the planning proposal until her concerns were reconsidered.

Ms Kirkby's email on 19 December 2016 reiterated the commitment made by the Department to consider the curtilage study. After considering Ms Kirkby's representations, all the information relating to heritage matters for the site available to the Department, and the measures included in the proposed LEP to conserve the heritage values of the site, the Department considers that it has sufficient information to complete the assessment of the proposal without waiting for the curtilage study to be made available.

2. CCNSW Documentation

The Department has considered and reviewed documentation received from CCNSW. The Department's response to this material is outlined in issue 6 of this report, the 'Department's response on Demand for Internment Spaces'. To summarise, the Department's response is as follows:

- The Department considered demand within the Sydney metropolitan area as the proposal is anticipated to service demand for internment spaces beyond the South Western District.
- Data provided by CCNSW supports the claim that the Sydney metropolitan area will be exhausted of cemetery capacity before 2056. There could possibly be an additional 20 years of capacity using CCNSW's 'sensitivity modelling' which assumes an incremental increase to cremation and occupancy rates.
- Therefore, if demand for cremation increases, cemetery capacity could become exhausted by 2076.
- While the subject site was not included in the Urbis study, a complete investigation of the suitability of the subject site has been undertaken as part of the rezoning process in accordance with the requirements of the EP&A Act.
- The Department is satisfied that there is sufficient evidence to suggest that the Sydney metropolitan area is at a genuine risk of cemetery capacity being exhausted in the near future.

3. Possible expansion to State heritage curtilage

The possible expansion of the State heritage curtilage of the Varro Ville Homestead is a separate process which does not have a set timeframe. If this process results in an expansion of the State heritage listing, it will add further protection including under the heritage legislation.

As the LEP will apply specific heritage based controls to the site for the first time, the Department does not consider it appropriate to further delay the finalisation of the proposed LEP until a decision on the expansion of the State heritage listing is made.

Chief Planner's Independent Advice

On 16 November 2016, the Department's Chief Planner provided independent advice on the planning proposal to the former Minister for Planning (Tab H). An addendum to this advice was provided on the 9 January 2017 (Tab I). The addendum explains that the zoning of the land under the Campbelltown LEP is effectively equivalent to the previous zoning. Thus the advice provided in November, which refers to previous zoning, is valid.

The advice noted that the Department had conducted an extensive planning analysis of the proposal. The advice also noted that designating the land as a scenic non-urban area is timely in the context of the region forming "one of the most significant metropolitan growth corridors".

The Chief Planner concluded in agreement with the recommendations of Council officers' original assessment of the proposal, the Department's assessment of the proposal, the former JRPP's decision and reasons for supporting the proposal, and the principles which underlie their suggested planning control amendments.

CONCLUSION

The proposed LEP together with proposed measures and site works managed under the CMP will not result in adverse impacts on heritage and environmental outcomes. In particular, proposed maintenance and repair work on the former outbuildings will have a positive heritage impact.

On balance, these measures will help preserve the landscape and identity of the former Varroville estate and its immediate surrounds by ensuring future development applications are assessed against appropriate criteria such as impact on heritage significance.

It is questionable whether other permitted uses (such as educational establishments and places of worship) would be as effective in achieving this result. The Department agrees with the former JRPP, who in their decision on 9 September 2016, noted that a number of currently permitted uses have the potential to have a significant impact on the visual, cultural and environmental qualities of the locality.

The proposal has satisfied all conditions of the gateway determination and the Department is satisfied that there has been adequate consultation as required by condition 3 of the gateway determination as:

- the proponent had early engagement and undertook a site inspection with OEH prior to the issue of the gateway determination,

- several attempts were made by the proponent to engage with OEH prior to exhibition of the proposal, and
- the CMP has been prepared in accordance with OEH's CMP Guidelines.

The JRPP has reviewed and satisfactorily addressed all issues raised in the submissions and it is considered that OEH's and Council's concerns have been addressed by the additional provisions in the proposed LEP. There are no outstanding objections from the other relevant public authorities.

Under section 59(1) of the EP&A Act the JRPP (as RPA) was consulted on the terms of the proposed LEP. On 28 October 2016, the JRPP's secretariat advised that consultation with the Secretariat was sufficient for this stage of assessment and requested that arrangements be made for notification of the instrument.

The Department does not consider it appropriate to further delay the finalisation process until the curtilage study is produced. The Department is satisfied that the heritage values of the site will be adequately protected by the controls in the proposed LEP. The identification of part of the site as an item of environmental heritage will also impose further controls on any future development application on the site. The Department has relied upon the extensive and comprehensive information available and recommends that the proposed LEP be made.



10/2/17

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15 February 2017

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16/02/2017