



22 August 2014

Ms R Cumming
Director Metropolitan Delivery (Parramatta)
Growth Planning and Delivery
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Cumming,

**Request for a Pre-Gateway Review – Nos. 166 -176 St Andres Road Varroville
(ref:14/05524-1)**

I refer to the Department's correspondence dated 2 April 2014, and also to Council's reply dated 9 April 2014 concerning the planning proposal request that relates to the proposed Macarthur Memorial Park Cemetery.

As you may be aware, the Sydney West Joint Regional Planning Panel is scheduled to meet and undertake a pre-gateway review of the planning proposal request on Thursday 28 August, 2014.

Council has been provided with an opportunity to brief the Panel over its position concerning the request and subsequently, has engaged consultant planner Mr Ian Reynolds to address the Panel on its behalf. Mr Reynolds has prepared a submission that will be forwarded to the Panel Secretariat today, that he will speak to as part of his address. I have enclosed a copy of that document for the Department's information.

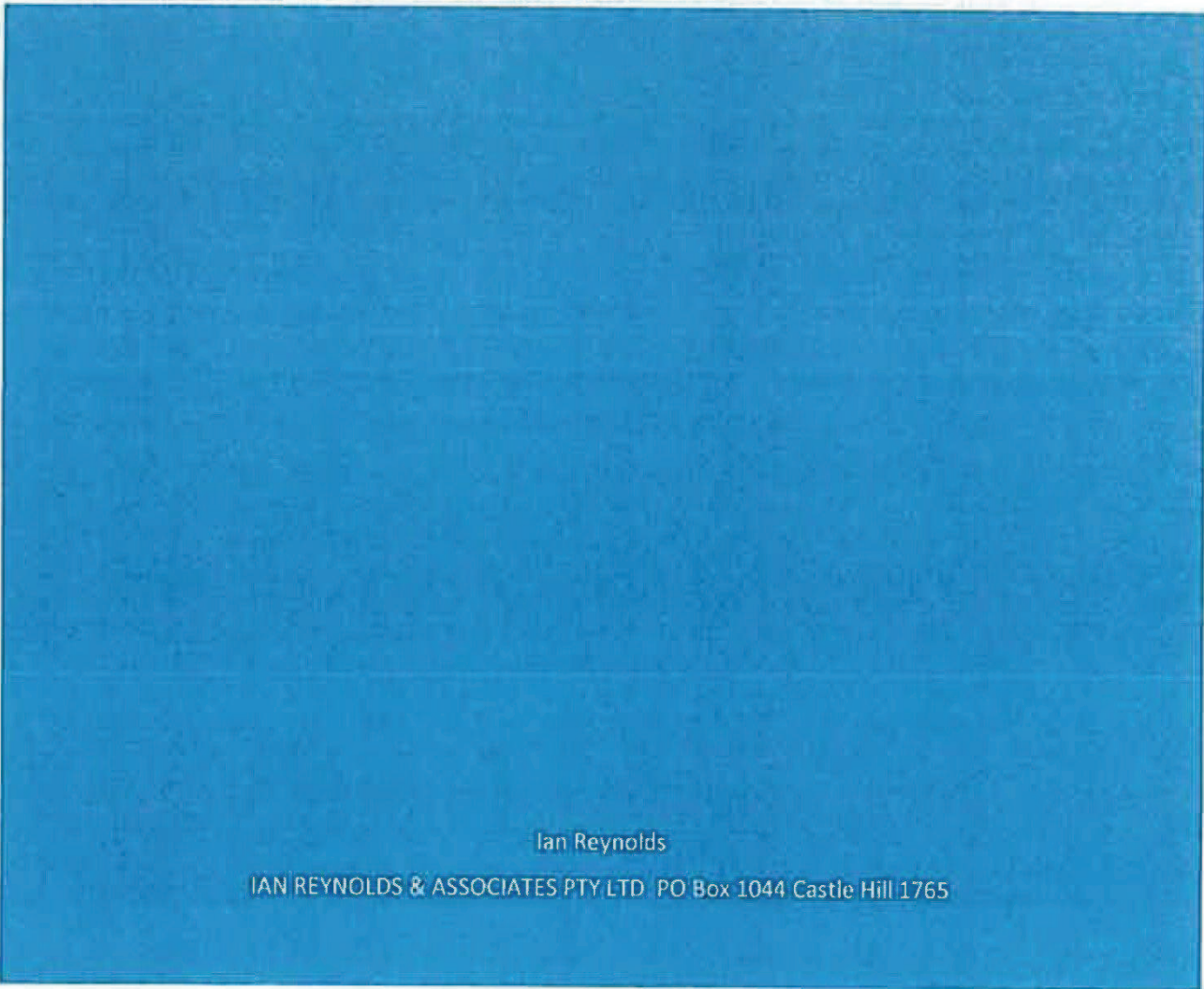
If Council can be of any further assistance, please do not hesitate to contact me directly on (02) 46 454 575.

Yours sincerely



Jeff Lawrence
Director Planning and Environment

PLANNING PROPOSAL FOR A CEMETERY ON
LAND IN THE SCENIC HILLS CAMPBELLTOWN –
REVIEW ON BEHALF OF CAMPBELLTOWN CITY
COUNCIL



Ian Reynolds

IAN REYNOLDS & ASSOCIATES PTY LTD PO Box 1044 Castle Hill 1765

1 Executive Summary

Council has been requested to amend the zoning controls applying to certain land in the Scenic Hills area of Campbelltown to permit the development of a cemetery. The cemetery is expected to operate for over 150 years, providing for a total of 136,000 burial places and areas for the interment of ashes.

The total area of the subject site is 113 hectares. It is a largely undeveloped rural property predominantly cleared (currently being grazed by cattle), contains a number of drainage lines and farm dams, with pockets of remnant native vegetation, and is characterised by undulating grassed hills, high scenic amenity and panoramic views to the Blue Mountains and Sydney CBD. It forms part of the rural backdrop to the urban areas of Campbelltown, being a key component of Council's policy approach to the future of Campbelltown as a City in a rural/bushland setting.

The objectives of the current zoning clearly indicate an intent to continue rural and open space uses into the long term. This policy intent carries over into the objectives of the proposed zoning under consideration by Council as part of its City – Wide Standard Instrument LEP. The cemetery would be prohibited under the zonings proposed for the site in that draft plan.

Council Officers recommended that Council endorse the draft planning proposal. However, Council refused to support the proposal, instead refusing it for a range of reasons principally related to incompatibility with its long term policy to preserve the environmental character and scenic quality of the Scenic Hills.

Council is conducting an assessment of its rural lands in general for cemetery and related purposes. Proceeding with one isolated proposal for a cemetery at this time would be prejudicial to proper and reasonable planning practice in advance of this investigation.

2 The Planning Proposal

2.1 The Proposal

Council has been requested to support an amendment to Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to permit the development of a multi-denominational general land cemetery on a site in the Scenic Hills area of Campbelltown. The cemetery is proposed to be operated by the Catholic Metropolitan Cemeteries Trust on behalf of the Crown.

The cemetery is expected to operate for over 150 years, providing for a total of 136,000 burial places and areas for the interment of ashes.

The following works are proposed to be provided within the cemetery:

- Chapels
- Condolence rooms
- Information and administration buildings
- Sculpture park offering opportunities for local and Australian artists
- Arboretum for future preservation and education of generations to come
- Burial areas integrated in the landform
- Memorial gardens
- Passive recreation
- Swales and ponds

If the proposal proceeded, development would be staged. The first stage would be expected to cater for demand for 60 years.

2.2 The Subject Site

The subject site includes Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville, owned by Cornish Investments Pty Ltd. It is located on the eastern side of St Andrews Road, Varroville north of the M31 Hume Highway, and surrounds the historic house of Varro Ville.

The total area of the subject site is 113 hectares. It is a largely undeveloped rural property predominantly cleared (currently being grazed by cattle), contains a number of drainage lines and farm dams, with pockets of remnant native vegetation, and is characterised by undulating grassed hills, high scenic amenity and panoramic views to the Blue Mountains and Sydney CBD.

The site is shown in Figure 1 below. It forms part of the rural backdrop to the urban areas of Campbelltown, being a key component of Council's policy approach to the future of Campbelltown as a City in a rural/bushland setting.



Figure 1 Subject Site

2.3 Current Zoning

The current zoning of the subject site is part Zone No 7(d1) Environmental Protection (Scenic) and part Zone No 6(c) Open Space (Regional) under the provisions of Campbelltown Local Environmental Plan – District 8 [Central Hills Lands] (CLEP-D8) (See Figure 2).

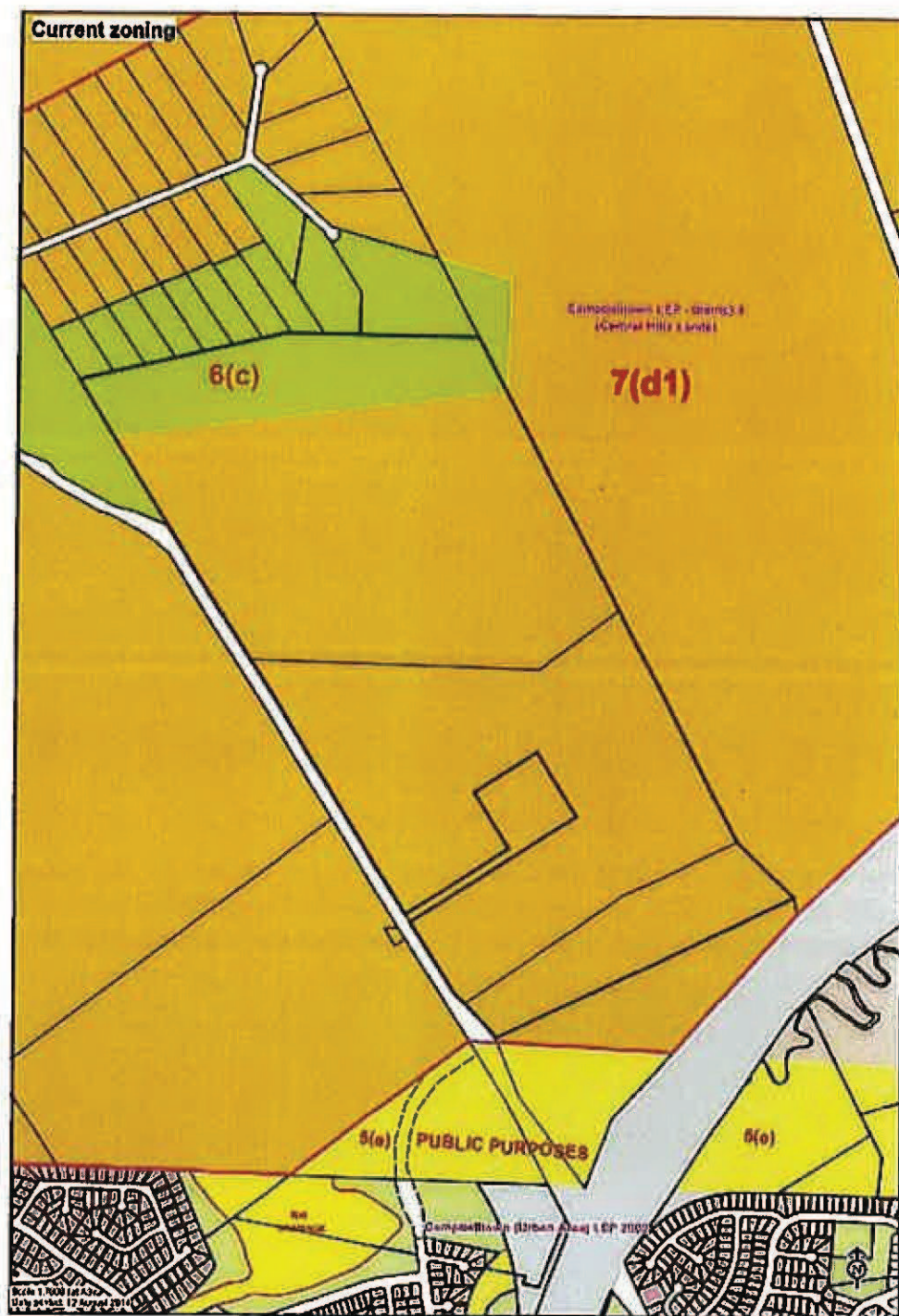


Figure 2 Current Zoning

Cemeteries are not a defined land use within this planning instrument leading to uncertainty over permissibility. Council has been requested to support amendment of the instrument to remove this uncertainty.

It is noted that the overall aim of CLEP - D8 is to retain *the rural character that was envisaged for [the Central Hills] during the planning that preceded the urbanisation of [Campbelltown]*.

Under CLEP - D8 the objective of the 6 (c) zone is *to recognise the regional open space that has been identified by the Department of Environment and Planning*. Permissible uses are heavily restricted to *works for the purpose of landscaping, gardening and bushfire hazard reduction*. It is noted that the proposal is not intended to affect that part of the site.

Owners of land within the 6 (c) zone can request the Ministerial Corporation to acquire the land.

Under CLEP - D8 the objectives of the 7 (d1) zone are

- *to set aside certain land as a protected scenic environment,*
- *to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool,*
- *to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment,*
- *to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space, and*
- *to preserve existing farming and agricultural research activities.*

As such, they clearly indicate an Intent to continue rural and open space uses into the long term.

2.4 Proposed Zoning

Council is currently preparing a City Wide Local Environmental Plan responding to the State Government's Standard Instrument Program. Under the Draft LEP (See Figure 3), the site is proposed to be zoned RE1 (Public Recreation) and E3 (Environmental Management). Cemeteries, crematoria and mortuaries are proposed to be prohibited in these zones.

Under the Draft Plan, the objectives of these zones are as follows:

RE1:

- *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 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.*

E3

- *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 the surrounding area.*
- *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 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 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.*

As such, the objectives signal the Council's clear intent to continue to pursue its policy position of maintaining rural and open space uses in the Scenic Hills area.

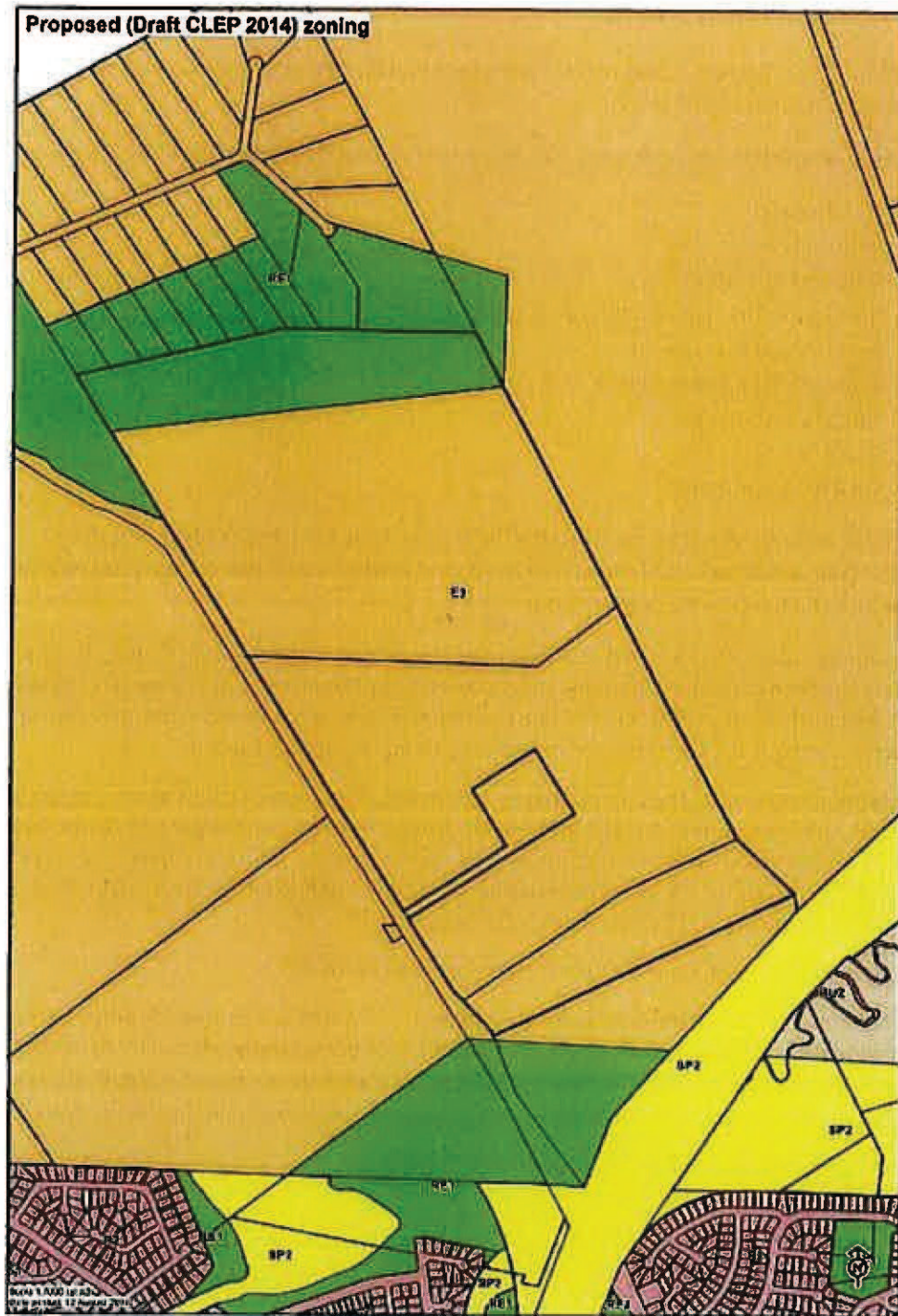


Figure 3 Proposed Zoning

3 Council Officers' Report

Council Officers prepared a report regarding the proposal for Campbelltown Council's Planning and Environment Committee of 4 March 2014.

The Report identified the following Key Planning Issues surrounding the Proposal:

- Visual Impacts
- Flora and Fauna
- Transport and Access
- Stormwater Drainage and Watercourse Assessment
- Geotechnical Assessment
- Heritage – Non Indigenous
- Heritage – Aboriginal
- Servicing
- Need for a cemetery

The Officers' Report notes that, even though the proposal has not been exhibited for public comment, Council has received several objections to the proposal, including from local religious communities and the NSW Heritage Council.

Council Officers conducted a broad assessment of the proposal noting Council's long term policy of protecting the Scenic Hills but observing that acquisition by Council was not financially possible. As a result, it was further noted that *"Council must use what powers it has to retain the landscape qualities of the Scenic Hills, for the benefit of the community, through planning controls"*.

The assessment concluded that, appropriately controlled, the proposal could be an appropriate use of the land, subject to more detailed information being prepared *"with regard to issues relating to aboriginal heritage, non-indigenous heritage, traffic and transport, flora and fauna, and servicing (eg water, sewer, electricity, telecommunications) and any additional matters requested by the Department of Planning and Infrastructure's Gateway Panel"*.

Based on this assessment, Council Officers recommended as follows:

1. *That Council endorse the draft planning proposal which aims to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to permit the development of a cemetery on Lot 8 DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville, and lodge with the Department of Planning and Infrastructure for determination by the Gateway Panel.*
2. *That Council advise the applicant of Council's decision.*

4 Council's Decision

4.1 The Decision

Following consideration of the Officers' report on 4 March, 2014, Council's Planning and Environment Committee resolved to reject the Officers' recommendation and instead not support the proposal.

The Committee's recommendation was endorsed by Council at its Ordinary Meeting on 11 March 2014.

4.2 The Reasons

The reasons given for Council's decision were expanded by Council in a letter to the (then) Department of Planning and Infrastructure dated 9 April 2014.

These reasons were as follows:

- *The development of the land for the purposes of a cemetery and related uses is considered to be incompatible with the existing and desired future rural landscape character of the locality and the Scenic Hills generally*
- *The development of the land for the purposes of a cemetery and related uses is considered to be inconsistent with the following objectives of the existing Environmental Protection (Scenic) 7d1 Zone (LEP D8):*
 - *to set aside certain land as a protected scenic environment,*
 - *to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool,*
 - *to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment,*
 - *to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space, and*
 - *to preserve existing farming and agricultural research activities.*
- *The preservation of the environmental character and scenic qualities of the Scenic Hills for the benefit of the Campbelltown and wider Macarthur community outweighs the regional benefits that would be provided by a cemetery at the nominated location*
- *A cemetery of the scale envisaged by the planning proposal request would be likely to generate traffic at a scale and of a nature that would impact on the existing and desired future passive rural ambience and character of the locality*
- *An amendment to the environmental planning instrument that would permit the development of the land for the purposes of a cemetery and related uses would set a precedent for other inappropriate development in the locality*
- *Council is not satisfied that the development of the land for the purposes of a cemetery and related uses would not have a deleterious impact on the heritage significance of Varroville House, its curtilage and landscape setting as well as the wider cultural rural landscape*
- *Council is not satisfied that the development of the land for a cemetery and related uses would not have a significant and adverse negative impact on the amenity of existing and future desired surrounding land uses*

Council has reasonably taken the view that making the subject land available for use as a cemetery and related uses would be contrary to Council's long term and publicly expressed policy position of

maintaining the character and use of the land as a rural landscape, protecting its scenic quality in the context of ongoing agricultural use.

Council Officers note that current traffic movements in the area are low given the nature of the land uses and existing road connections but this would be expected to increase significantly should the proposal proceed. Council's technical officers clearly foreshadow the need for further assessment of traffic impacts to adequately examine the impact of the proposal. Regardless of the extent of impact, Council itself has reasonably formed the view that the extent of increased traffic would be such as to undesirably impact on the rural character of the area.

Having reasonably formed a view that the proposed development is not appropriate because of its potential impact on the locality, Council has also reasonably taken the view that to proceed with the proposal would establish a precedent for other inappropriate development proposals to seek to occupy land in the Scenic Hills.

In addition, it is apparent that Council shares the concerns of the Heritage Council of the inappropriateness of the proposal surrounding the listed property Varro Ville.

Council has also come to its conclusion on a regional basis, considering the site in the context of its wider amenity value to the Campbelltown, Camden and Liverpool communities. In contrast, the proponent has concentrated its analysis in support of the proposal on site specific aspects.

Taken as a whole, Council has reached a reasonable position in refusing to proceed with the proposal.

5 Relationship of the proposal to overall Campbelltown City Planning

As noted previously, Council is in the process of preparing a new City-wide Local Environmental Plan in response to the State Government's Standard Instrument program. Exhibition of the Draft Plan concluded on 8th August 2014.

Subsequent to Council's decision to refuse to proceed with the requested rezoning, by letter dated 24 March 2014, the then Director General of the Department of Planning and Infrastructure issued his S65 Certificate enabling exhibition of the Draft Plan to proceed. In that letter, he specifically addressed the issue of permissibility of cemeteries, crematoria and mortuaries in certain zones in the City:

"I have also agreed to Council's proposed prohibition of 'cemeteries', 'crematoria' and 'mortuaries' from the following proposed zones:

- *RU2 Rural Landscape*
- *E3 Environmental Management*
- *E4 Environmental Living*

I agree to this on the basis that these land uses are not mandated under the Standard Instrument Template and their exclusion from these zones reflects the existing zoning status.

I support Council's intent to conduct further investigations concerning the use of rural lands in the City of Campbelltown. I understand these investigations will enable Council to develop a well-informed and strategic policy position regarding these areas and the need for cemeteries, crematoria and mortuaries. To this end I request that Council lodge a planning proposal dealing with this matter within 12 months."

It is understood that Council has commenced this investigation and will consider any submissions on the draft City-wide plan as part of that investigation.

Proceeding with an isolated proposal for a cemetery in the Scenic Hills in advance of this overall investigation is considered inappropriate.

6 Conclusion

The proposal to rezone land for a major cemetery on the subject site in the Scenic Hills should be rejected by the Joint Regional Planning Panel for the following reasons:

- Proceeding with one isolated proposal for a cemetery at this time would be prejudicial to proper and reasonable planning practice in advance of the investigation underway by Council pursuant to the Director General of Planning's requirements in certifying Council's Draft "Standard Instrument" LEP for exhibition
- In Council's opinion, the proposal represents an unwarranted intrusion into the Scenic Hills, being an area that Council has consistently sought to protect in its rural form, a policy position maintained by Council in its exhibited Draft Standard Instrument
- The long term nature of the proposed use (over 150 years in active use for interments) means that any decision to proceed with the proposed rezoning will have long term effects which need to be considered in the overall Campbelltown City context prior to committing this site to this proposed use. This can only be done in light of the City Wide investigation underway
- The investigation underway by Council may identify other sites better capable of accommodating the proposed use without the potentially adverse impacts on the Scenic Hills associated with the current proposal
- In reaching its decision to refuse the proposal, Council considered the proposal in the broader context of Campbelltown City Planning in general and reasonably concluded that the proposal was not worthy of support for the following reasons
 - *It was considered to be incompatible with the existing and desired future rural landscape character of the locality and the Scenic Hills generally*
 - *It was considered to be inconsistent with the objectives of the existing Environmental Protection (Scenic) 7d1 Zone (LEP D8)*
 - *The preservation of the environmental character and scenic qualities of the Scenic Hills for the benefit of the Campbelltown and wider Macarthur community outweighs the regional benefits that would be provided by a cemetery at the nominated location*
 - *A cemetery of the scale envisaged by the planning proposal request would be likely to generate traffic at a scale and of a nature that would impact on the existing and desired future passive rural ambience and character of the locality*
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