

DATE OF DETERMINATION	9 September 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, Cllr Paul Lake and Cllr Paul Hawker
APOLOGIES	None
DECLARATIONS OF INTEREST	Mary-Lynne Taylor, Bruce McDonald, Paul Mitchell and Councillor Paul Lake declared that they do not have a conflict of interest. Councillor Paul Hawker declared that he is aware of claims made on social media and other forums which question whether or not he has a conflict of interest in the matter before the Panel today. He advised that he does not have any private interest in this application nor does he have any private interests or personal relationships with those people or organizations involved in this application. Therefore, he declared that he does not have a conflict of interest that would influence the carrying out of his functions as a Panel member or which would disqualify him from remaining on the Panel, and for this reason he intends to remain on the Panel and will form his decision based on the information before the Panel today.

MATTER DETERMINED

Planning Proposal to amend the Campbelltown Local Environmental Plan 2015 to permit an additional permitted use “Cemetery” to the subject land – 166-176 St Andrews Road, Varroville.

25 AUGUST 2016 JRPP MEETING

At the conclusion of its meeting on 25 August 2016, the Panel advised that it would reconvene in the near future, as further time is required to consider the issues raised at the meeting. Following this further consideration the Panel’s decision would be published on the JRPP website.

PANEL CONSIDERATION AND DECISION

1. The Panel has considered carefully all submissions, both written and verbal made in relation to the planning proposal and thanks all the parties involved for their submissions.
2. The Panel recognises the visual, cultural and historic values of the Scenic Hills and the very high value placed on the area by the local community.
3. The Panel notes that a number of uses now permitted on the site have the potential to impact upon the visual, cultural and environmental qualities of the locality, including educational establishments and places of public worship, which if located on this site could create a significant or greater impact on those qualities than the proposed development when regulated by the Local Environmental Plan amendments recommended by the Department of Planning and Environment.
4. The Panel notes that the proposal is to amend selected provisions of the Campbelltown Local Environmental Plan 2015 to enable the use of a particular parcel of land for a sensitively designed cemetery use. Thus, the proposal is not a broad rezoning of land.
5. The Panel notes that the planning law requires that this proposal be considered on its individual merits and that neither its approval nor rejection will set a precedent for any future rezoning proposal in the Scenic Hills.

6. The Panel believes that the proposal under consideration is based on thorough background technical investigations, has been carefully designed to address all applicable constraints, and that it will preserve the environmental and cultural values of the site.

As Relevant Planning Authority, the Panel has unanimously decided to request that the Department of Planning and Environment draft and finalise an amendment to *Campbelltown Local Environmental Plan 2015*.

The particulars of the decision are as follows:

1. To minimise visual impacts and impacts on the significant landscape within the proposed local heritage item, the current version of the applicant's Conservation Management Plan is to be expanded to either include additional policies, or amend existing policies as necessary, to ensure:
 - a) The scenic qualities of the site are maintained by providing guidance on development of land within the "no build area" (as identified on the Environmental Constraints Map in the LEP);
 - b) The preparation of a Plan of Management for the "no build area" providing for that land to be developed as a component's of Stage 4 and Stage 5 of the cemetery's operation as set out in the proponents supporting material and that such arrangement is to be reflected in any Strategic Plan or Management Plan required by any other State legislation regulating operation of cemeteries."
 - c) The above Plan of Management for the "no build area" is also to provide details on the appropriate placement or prohibition of mementos such as glass cases, ornaments, photo frames, candles, toys and flowers. The Plan of Management is to include a strategy for the removal of any non-compliant items, and;
 - d) That any future detailed design within the "no build area" is to comply with the Landscape Plan prepared by Florence Jaquet Landscape Architect Pty Ltd.
2. The Department of Planning & Environment is asked to prepare a Standard Instrument mapping for the proposal.
3. The Department is asked to liaise with Parliamentary Counsel's Office in the preparation of a draft Local Environmental Plan (draft Plan) under section 59(1) of the *Environmental Planning and Assessment Act 1979*. This draft Plan is to include the specific clause given in Attachment A (subject to legal drafting by Parliamentary Counsel).
4. The relevant delegate of the Greater Sydney Commission is asked to make the draft Plan in accordance with section 59(2) of the Act.

REASONS FOR THE DECISION

The reasons for the decision of the Panel are:

1. The Panel is satisfied that there is sufficient demand for further cemetery space to serve the needs of both the Campbelltown LGA and the Greater Macarthur area now and into the future and that provision of more affordable burial plots through a new public cemetery will be of public benefit.
2. The Panel believes the proposed proposal has been specifically designed such that it will not harm the area's visual, cultural and environmental qualities and will act to protect these values in perpetuity.

3. The Panel considers the proposal includes particular statutory provisions which will ensure that future development occurs in an appropriate manner and, particularly, that such development must be consistent with the approved Conservation Management Plan.
4. The Panel notes that the proposal includes a large area of attractive open space that will be accessible to the public and provide opportunities to experience the scenic qualities and vistas of the locality and believes this will be a substantial public benefit given that no public access is currently available to the subject land.
5. In the opinion of the Panel, the proposal will generally have no adverse impacts on adjoining uses nor on the natural and built environment. On contrary, substantial regeneration of native vegetation will replace areas that are currently infested with weeds and exotic planting, and ongoing management will further protect the environmental qualities of the area.
6. The Panel is aware of the state listed heritage item Varro Ville homestead group adjoining and surrounded by the subject land. The Panel notes that the curtilage of the state item may be expanded in the future, if this occurs, this additional state listing will complement the local heritage listed land. As a result of the local heritage listed land, future development will be subject to heritage assessment at the local level and must comply with the Conservation Management Plan, and if the state heritage listing is ever expanded, state heritage assessment provisions under the Heritage Act 1977 will also apply. Further, development in the near vicinity will not take place until stages 4 and 5 which is conditioned in the Conservation Management Plan. Therefore, the Panel is satisfied with the analysis of the heritage impact and finds it satisfactory.
7. Given the six preceding reasons the Panel believes that the proposal is a suitable use of the site, represents orderly use of land and will be in the public interest.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Paul Mitchell
 Bruce McDonald	 Paul Hawker
 Paul Lake	