**Independent advice - Chief Planner, Department of Planning and Environment**

**Subject**

To provide independent advice regarding the proposed ‘Lawn Cemetery’ at 166-176 St Andrews Road, Varroville.

**Planning Proposal**

To amendCampbelltown Local Environmental Plan – District 8 (Central Hills) to permit a cemetery.

**Proposal summary**

The proposal seeks to enable cemetery development by permitting ‘cemetery’ as an additional permitted use for the site and retaining the existing zoning of the site.

The intended outcomes of the planning proposal is to provide affordable, multi-denominational burial spaces whilst maintaining the site’s landscape character, preserving significant trees and landform features and providing a sympathetic context for colonial and non-colonial features.

As the reverent planning authority, determined by the Department of Planning and Environment, the Sydney West Joint Regional Planning Panel’s decision is to amend the Campbelltown LEP to permit the use of a lawn cemetery at the subject site.

**Background (site specifications)**

The site consists of 113.37 hectares of undulating farmland that is largely cleared with a heavily forested strip of bushland along the northern boundary. The majority of the site is zoned 7(d1) Environmental Protection (Scenic) with the narrow strip on the northern boundary zoned 6(c) Open Space (Regional) under Campbelltown Local Environmental Plan - District 8 (Central Hills Lands).

The proposal would enable the future development of a multi-dimentional cemetery on the subject site which would be operated by the Catholic Metropolitan Cemeteries trust on behalf of the Crown.

The project envisages a total of 136,000 burial places as well as areas for interment of ashes in the long-term.

As well as the use of a cemetery the site would designed as a community asset, having the appearance of passive open space, providing parks, walking tracks and lakes. It proposes limited built form with a predominately park-life landscape design that will function as a parkland cemetery, park, sanctuary park and open space.

The site of the proposal is not listed as an item or place of heritage significance, however it is located adjacent to the State Heritage Register listed Varroville House.

**Background (sequence of events)**

The proponent submitted the planning proposal to Campbelltown City Council 11 March 2014, who resolved not to support the planning proposal due to concerns regarding compatibility with rural scenic landscape of the Scenic Hills, traffic and heritage.

It should be noted that Council officers of Campbelltown City Council recommended that Council endorse the draft planning proposal, however Council refused to support the proposal.

Given Councils refusal, the proponent submitted the proposal to the Department of Planning and Environment for a pre-gateway review.

As Council had declined to act as the Relevant Planning Authority, the Sydney West Join Regional Planning Panel were appointed to the role by the Department of Planning and Environment.

Determination of the Planning Proposal was made by the Sydney West Joint Regional Planning Panel on 9 September 2016 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.

An extensive planning analysis has been conducted by officers within the Department of Planning and Environment, which concludes that the proposal aligns with the rural character of the Scenic Hills and is visually compatible with the surrounding area and that the proposal is of significant benefit to the public. The Department of Planning and Environments pre-gateway review – recommendation report notes the following justification and process for implementation.

**Justification and process for implementation**

The proponent has undertaken a Cemetery Demand Assessment to identify the need for cemetery space in the Macarthur Region. It concluded that there is a “very strong need for future cemetery space in the Macarthur Region… [Noting that]… capacity will be reached within the next 45 years”.

The proposal report states that the proposal is:

* Consistent with the Metropolitan Plan for Sydney and the Draft South West Subregional Strategy; and
* Consistent with relevant SEPP’s and S.117 Directions, and either has, or will undertake the necessary studies to ensure consistency with the requirements of these Policies and Directions.

**Panel’s decision**

As the Relevant Planning Authority, the Panel on 9 September 2016, unanimously decided to request that the Department of Planning and Environment draft and finalise an amendment to Campbelltown Local Environmental Plan 2016 to permit the use ‘cemetery’ to the subject land. The reasons for the Panel’s decision are:

1. The Panel is satisfied that there is sufficient demand for further cemetery space to service the needs of both Campbelltown LGA and the Greater Macarthur areas now and into the future and that the 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 item. 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.

In addition to the Sydney West Joint Regional Planning Panels decision, the following particulars were put forward to form the basis of the planning controls:

1. To minimise visual impacts and impact 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:
   1. 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)
   2. The preparation of a Plan of Management for the “no build area” providing for that land to be developed as a component 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.
   3. 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
   4. That any future detailed design within the “no build area” is to comply with the Landscape Plan prepared by Florence Jaquet landscape Architecture Pty Ltd.
2. The Department of Planning and 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.
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.

**Planning overview**

Greater Sydney is a large Metropolitan area undergoing significant growth and change. This scale of growth generates a demand for more population driven services and facilities. With the demands driven by population growth, there is also a need to address the future shortages in the supply of cemeteries and crematoria. This is a necessary and important issue the planning system is expected to address and deliver.

The locality of the subject planning proposal is within one of the most significant metropolitan growth corridors. An area which will continue to experience a transformation from rural to urban/suburban. Good strategic planning advocates the importance of putting appropriate land use strategies in place in advance before changes are likely to occur.

The designation of the subject area to environmental protection, scenic and open space under the relevant planning framework would appear both timely and appropriate. Despite the changes forecasted to occur in this area, the principle strategic objective is to maintain a locality which is non-urban. Whilst the land is designated for non-urban purposes, this should not preclude the land from being used for a variety of uses; provided that such uses uphold its value for environmental protection (scenic) and regional open space.

The proposal has no substantial built form and will function as a lawn cemetery where grave identifications are kept to a small ground level plaque. It provides a setting which comprises smaller park areas, a lake and a sculpture park. The proposal is designed to function as open space which will maintain that the visual character of the area is sustained long-term. This satisfies the strategic intention of maintaining the locality as non-urban.

The proposed design focuses on integrating the cemetery with the local area and promotes public use of the open space. The use will also provide an open space area available for the community to gain access to and utilise walking trails and park areas. This is oppose to creating a traditional cemetery that comprises large head stones with memorial structures which discourages public use for purposes other than visiting the deceased.

The supporting studies and extensive supplementary information provide detailed support and demonstrate how the proposal can play a role in maintaining the future open space character envisaged for the Scenic Hills area. A total of 129 submissions were received from public agencies, organisations, key industry/business groups and private individuals/residents.

The application was supported in the planning analysis and pre-gateway review conducted by the Department of Planning and Environment. This analysis concluded that the proposal aligns with the rural character of the Scenic Hills and is visually compatible.

The Sydney West Joint Regional Planning Panel, after being appointed as the relevant planning authority by the Department of Planning and Environment, unanimously supported the establishment of the cemetery on the site, giving clear reasons for its decision. The decision was conditioned by a series of principles which will inform the Campbelltown Local Environmental Plan.

**Planning considerations**

All planning merit assessed against the proposal supports the establishment of a cemetery at 166-176 St Andrews Road Varroville. The proposal has been deliberately designed to function and be managed in a manner which parallels as a multi-purpose regional park or open space area. Such a use without reference to a ‘cemetery use’ would ordinarily gain immediate approval as an ideal response to the objectives of a scenic or open space area.

The proponent has not only designed a lawn cemetery where graves are part of a manicured lawn area, not dissimilar to a playing field, but have proposed a broad based regional park. This park seeks to offer a different open space experience for the broader community to allow public access where such access is currently not permitted.

The Sydney West Joint Regional Planning Panel presented clear reasons for its decision to support the proposal and further recommend conditions or principles to be included within the local planning instrument. This will ensure that the basis for their decision will be upheld into the future. This gives certainty and safe guards the site as a non-urban and scenic space that will achieve the type of outcomes sought to uphold the local character.

The application will not set a precedent and is unlikely to trigger future demands for cemetery applications. The concerns which have driven opposition towards this planning proposal are all matters which can be dealt with under appropriate planning controls.

The proponent has provided adequate information to support a range of matters, and has responded to all requests for further information. This information has been considered and accepted by the Department of Planning and Environment in the gateway review process and in the findings of the Sydney West Joint Regional Planning Panel to permit an additional permitted use “Cemetery” to the subject site.

**Conclusion**

There is sufficient evidence and information to support the planning proposal to amend Campbelltown Local Environmental Plan – District 8 (Central Hills) to permit the lawn cemetery.

Approval of the planning proposal would make a positive contribution to the Scenic Hills Area, to the surrounding area and to the local community.

I support and agree with:

* The initial recommendation by Council officers at Campbelltown City Council to endorse the draft planning proposal in March 2014;
* The Department of Planning and Environments pre-gateway review process and justification for implementation; and
* The Sydney West Joint Regional Planning Panels decision and reasons to support the amendment of the Campbelltown Local Environmental Plan to permit the cemetery.

I further note and agree with the principles/particulars of the Panel’s decision which seek to inform the amended local planning controls.