

Blacktown City Council



St Bartholomew's Cemetery Expansion

Planning Proposal

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1. Introduction

1.1 Purpose of the Planning Proposal

This Planning Proposal has been prepared by Blacktown City Council (**Council**) and submitted to the Department of Planning and Environment. The purpose of the Planning Proposal is to provide strategic merit to enable amendment to Blacktown Local Environmental Plan (**Blacktown LEP**) 2015 to facilitate the expansion of the existing St Bartholomew's Cemetery. For this to occur:

- the subject land to the east of the existing St Bartholomew's Cemetery, Prospect will be rezoned from RE1 - Public Recreation, RU4 - Primary Production Small Lots and SP2 - Classified Road to SP1 – Cemetery
- part of the subject land will be reclassified from 'community land' to 'operational land'
- the Land Reservation Acquisition Map and Lot Size Map will be updated.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act, 1979*, and associated guidelines prepared by the Department of Planning and Environment.

The Planning Proposal is structured as follows:

- Section 1 provides an overview and background to the proposal, including detailed site description
- Section 2 describes the intended outcomes
- Section 3 provides an explanation of the possible provisions
- Section 4 documents the justification for the proposal
- Section 5 addresses mapping to be modified within the Blacktown LEP
- Section 6 outlines the community consultation
- Section 7 suggests a project timeline.

Appendices to the Planning Proposal include a detailed commentary on Practice Note PN 16-001- *Classification and Reclassification of Public Land Through a Local Environmental Plan* and a preliminary Opportunities and Constraints Plan.

1.2 Project Background

Blacktown is the second largest local government area (**LGA**) in NSW (by population) and is a rapidly growing city, with a projected population of 522,000 by 2036¹. The Planning Proposal will allow for a proposed expansion of St Bartholomew's Cemetery to cater for growing demand in cemetery space in the Blacktown LGA, and the broader Sydney Metropolitan Region.

The existing cemetery has an approximate area of 3ha, and includes the St Bartholomew's Church (built 1841 and which is listed on the State Heritage Register and National Estate), and was acquired by Council in 2000 from the Anglican Church.

The land subject to the Planning Proposal adjoins the eastern side of St Bartholomew's Cemetery. It is situated 6kms to the south of Blacktown CBD, and has a total area of approximately 8.5ha. The

¹ Our Blacktown 2036, Community Strategic Plan (June 2017).

subject site is immediately bordered by the Great Western Highway to the north, vacant land to the east, the M4 Motorway to the south and the existing St Bartholomew's Cemetery to the west.

Around 6ha of the land that makes up the subject site was transferred to Council by the State Government in January 2016, on the condition that it be used for cemetery expansion. The remaining site area is owned or proposed to be acquired by the State Government, and is also to be transferred to Council for cemetery expansion purposes.

As part of the process to enable the expansion to occur, a Planning Proposal is required. As a result, Council has resolved to:

- rezone the subject site from RE1 - Public Recreation, RU4 - Primary Production Small Lots and SP2 - Classified Road to SP1 - Cemetery
- reclassify the part of the subject site currently owned by Council from 'community land' to 'operational land'
- update the BLEP 2015 Land Reservation Acquisition Map and Lot Size Map.

These proposed changes to the Blacktown LEP are the subject of this Planning Proposal.

1.3 Site Description

The subject land (**St Bartholomew's Cemetery Expansion Lands**) can be best described as follows:

1. The 15 parcels of land owned by Council as legally described in the table below. These 15 parcels of land are also the subject of the reclassification, from 'community land' to 'operational land'.

Legal Description	Current Owner	Current Zoning	Area (m ²)
Lot 15 DP 801210	Council	SP2	5,883
Lot 1 DP 134024	Council	RE1	3,924
Lot 2 DP 134024	Council	RE1	3,959
Lot 3 DP 134024	Council	RE1	3,779
Lot 1 DP 744431	Council	RE1	2,186
Lot 21 DP 448744	Council	RE1	5,514
Lot 22 DP 448744	Council	RE1	6,146
Lot 23 DP 448744	Council	RE1	4,047
Lot 24 DP 448744	Council	RE1	4,047
Lot 25 DP 448744	Council	RE1	4,047
Lot 26 DP 448744	Council	RE1	4,047
Lot 27 DP 448744	Council	RE1	4,047
Lot 20 DP 744595	Council	RE1	5,134
Lot 11 DP 802753	Council	RE1	70
Lot 140 DP 1003460 (Old Prospect Post Office)	Council	RU4	5,642

2. St Bartholomew's Place – a public road which is the subject of a road closure application. Once closed this land will be transferred to Council by the Crown.

Legal Description	Current Owner	Current Zoning	Area (m ²)
St Bartholomew's Place	Crown	RE1	3,900

3. The 7 parcels of land to be acquired by the State Government and transferred to Council for cemetery expansion, as legally described in the table below. It is noted that once this land is transferred to Council it will be subject to Section 34 of the *Local Government Act, 1993*, requiring that public notice be given of classification or reclassification by Council resolution.

Legal Description	Current Owner	Current Zoning	Area (m ²)
Lot 1 DP 456722	Department of Planning & Environment	RE1	5,602
Lot 2 DP 456722	Department of Planning & Environment	RE1	3,079
Lot 21 DP 1150386	Trustees of Former Prospect School of Arts	RE1	1,044
Lot 22 DP 1150386	Trustees of Former Prospect School of Arts	RE1	1,044
Lot 3 DP 1134381	Roads & Maritime Services	RE1	4,058
Lot 13 DP 802753	Roads & Maritime Services	RE1	3,570
Lot 12 DP 802753	Roads & Maritime Services	RE1	1,224

4. Tarlington Place - a public road.

Legal Description	Current Owner	Current Zoning	Area (m ²)
Tarlington Place	Crown	RU4	4,400

The land is primarily vacant land, with the exception of the Old Prospect Post Office – a disused State heritage listed building located at the eastern end of the subject site. The Old Prospect Post Office is accessed via Tarlington Place, which itself has local heritage significance as it is part of the former alignment of the Great Western Highway.

The subject site generally slopes from west to east, with a low point where an overland stormwater flow path and vegetation is located adjacent to the Great Western Highway, as shown on the Opportunities and Constraints Plan at Appendix B. The subject site has extensive frontage to both the Great Western Highway on the northern boundary and M4 Motorway on the southern

boundary. Both high and low voltage power is located on or across the site, with water and sewer mains in close proximity to the site.

The site surrounds can be best described as having a mix of uses, comprising of rural zoned land, industrial, commercial, residential and recreation land uses, and the Prospect Reservoir. All are located within a 1 km radius of the subject site. The nearest residential development is low density housing located approximately 50m to the north-east of the subject land, across the Great Western Highway and rural-residential housing to the west of the subject land past the existing St Bartholomew's Cemetery and Church. The nearest industrial and commercial uses include the Prospect Hotel-Motel and the Homemaker Centre to the north of the site. The nearest recreation uses include the Wet N Wild Theme Park, Prospect Reservoir and surrounding open space.

The subject site is shown on the Subject Land Map in

Figure 1 and the current Concept/ Locality Plan for the subject site is shown in Figure 2.

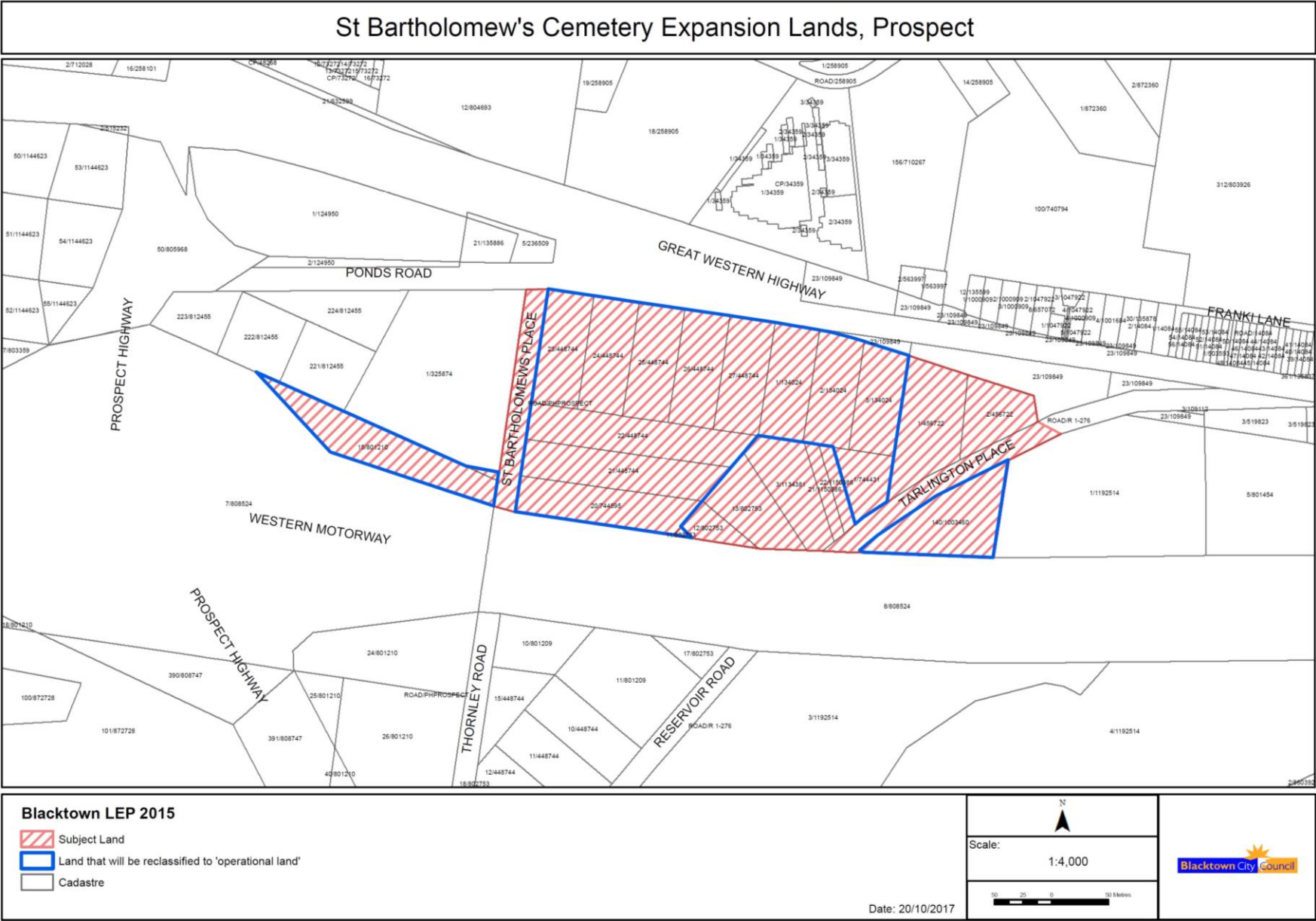


Figure 1 – Subject Land Map



NOTES:

1. This Concept Plan shows the general intentions for a cemetery use of the land.
2. A Master Plan showing details such as proposed internal roads, location of new buildings, landscaping and areas for burials and ashes interment will be submitted with a Development Application for the cemetery - the next step if land is rezoned and reclassified.

LEGEND

- EXISTING ST BARTHOLOMEW'S CHURCH AND CEMETERY
- PROPOSED CEMETERY LAND
- LOT NO'S



ST BARTHOLOMEW'S CEMETERY EXPANSION LAND - PROSPECT
FOR PLANNING PROPOSAL

SCALE: 1:2500@A3
DATE: 13/06/2018
DWG. No.: LA 01
ISSUE:0

**spackman
mossop
michaels**

Figure 2 – Concept/ Locality Plan

2. Intended Outcomes

The intended outcome of the Planning Proposal is to enable the lodgement of a development application to expand the existing St Bartholomew's Cemetery onto the subject land.

This will require the:

1. rezoning of the subject land to SP1 - Cemetery, as neither the RE1 – Public Recreation zone or SP2 Classified Road zone permits the intended land use under Blacktown LEP 2015 ²
2. land currently owned by Council to be reclassified from 'community land' to 'operational land' to enable the proposed development to be effectively implemented and operated into the long-term
3. update of the Blacktown 2015 Land Reservation Acquisition Map and Blacktown LEP 2015 Lot Size Map.

² Whilst the RU4 Primary Production Small Lots zone permits the intended land use, being cemeteries, for clarity it is also proposed to rezone this land to SP1 Cemetery.

3. Explanation of Possible Provisions

The intended outcome of the Planning Proposal would be achieved by amending Blacktown LEP 2015 to permit 'cemeteries' on the subject site, as outlined below.

The proposed SP1 zone allows for a purpose to be shown on the Blacktown LEP 2015 Land Zoning Map, and in this case that purpose would be 'cemetery', and this would also allow for any development that is ordinarily incidental or ancillary to development for the purpose of a 'cemetery'.

The dictionary in Blacktown LEP 2015 defines 'cemetery' as *a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.*

In changing the zoning on the Blacktown LEP 2015 Land Zoning Map minor updates would also be made to the Blacktown LEP 2015 Land Acquisition Map and Blacktown LEP 2015 Lot Size Map. The update to the Land Acquisition Map is required to remove subject land that is no longer to be acquired for the purpose of 'regional open space' and to include subject land that is yet to be acquired for the purpose of 'cemetery'. The update to the Lot Size Map is required to remove the 40ha minimum from the subject land that is currently zoned RU4 – Primary Production Small Lots.

Further, the following parcels would be included in Part 1 of Schedule 4 (Classification and Reclassification of Public Land) of BLEP 2015, as all identified interests will be retained. Appendix A addresses *Practice Note PN 16-001- Classification and Reclassification of Public Land Through a Local Environmental Plan.*

Legal Description	Current Owner	Current Classification	Area (m ²)
Lot 15 DP 801210	Council	Community	5,883
Lot 1 DP 134024	Council	Community	3,924
Lot 2 DP 134024	Council	Community	3,959
Lot 3 DP 134024	Council	Community	3,779
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Lot 25 DP 448744	Council	Community	4,047
Lot 26 DP 448744	Council	Community	4,047
Lot 27 DP 448744	Council	Community	4,047
Lot 20 DP 744595	Council	Community	5,134
Lot 11 DP 802753	Council	Community	70
Lot 140 DP 1003460 (Old Prospect Post Office)	Council	Community	5,642

4. Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The expansion of St Bartholomew's Cemetery, which is the subject of this Planning Proposal, is consistent with the following strategic studies or reports.

Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

The Greater Sydney Commission is an independent body established by the NSW Government in 2016 to manage planning for the Sydney Metropolitan Area.

In March 2018, the Commission released the Greater Sydney Region Plan, which replaces 'A Plan for Growing Sydney' as the plan to accommodate 8 million people over the next 40 years in a more productive, liveable and sustainable global city.

The plan is based on a 'three city – one metropolis' approach with the cities being: Eastern Harbour, Central River and Western Parkland. Each city, whilst well-connected to the others, is intended to be largely self-sufficient with 70% of residents being within 30 minutes of work, study, services and 'great places'. This will help to encourage the spread of jobs away from the Sydney CBD and to the west of the City.

The Blacktown CBD is identified as a strategic centre in the 'Central River City'. Jobs growth in strategic centres and improved transport connections between strategic centres is proposed. The Blacktown CBD is also identified as a key health and education precinct.

This Planning Proposal will enable underutilised land in close proximity to a strategic centre, to be used more productively for cemetery purposes, providing important services and infrastructure in this location. This Planning Proposal allows for the State Government to zone the subject land to facilitate the expansion of an existing cemetery, noting the State Government has transferred the majority of the subject land to Council for that specific purpose. This is clearly consistent with the intent of the Greater Sydney Region Plan – A Metropolis of Three Cities.

Metropolitan Sydney Cemetery Capacity Report (November 2017)

Cemeteries and Crematoria NSW (CCNSW), the State government agency responsible for the industry, has prepared and released an analysis of remaining cemetery capacity in the Sydney metropolitan area (the Central, South, North, West, West-Central, and South-West planning regions).

The key findings of the report (based on eight scenarios) which this Planning Proposal directly responds to, include:

- Capacity for around 301,000 grave plots was available in metropolitan Sydney cemeteries as at 1 January 2015, with a prevailing cremation rate around 66%, and a grave occupancy rate around 1.4.
- If there is no change to cremation and grave occupancy rates, Sydney Metropolitan area's cemetery capacity will be exhausted between 2051 and 2056.

- However, pre-sale of grave plots is likely to mean that graves may become unavailable for 'at need' purchasers in some regions from around 2026, and generally from around 2036.
- Under any scenario of apprehended exhaustion, adverse outcomes may be expected by way of concentrated cemetery locations and operators, with the majority of the Sydney population lacking proximate access to burial space, and potential that significant communities will also be lacking access to culturally appropriate or feasibly priced burial capacity.
- Given the time required to identify, acquire, gain planning approval for, and commence operation of new greenfield cemetery sites, and the already intense competition between land use for affordable greenfields land extents in western Sydney, urgent action is required to provide for the future burial needs of the Sydney community.

This report highlights the urgent need for additional cemetery lands to be made available within Sydney, a need which is partially addressed via the delivery of the St Bartholomew's Cemetery expansion project.

Council Report (2017)

Council resolved to prepare this Planning Proposal in August 2017, which is a very recent indication of Council's support for the proposal.

Cemeteries and Crematoria NSW Strategic Plan (2015-2020)

A key priority area in the CCNSW Strategic Plan is 'land availability', to ensure that there is sufficient and suitable land available to meet future demand for interment services.

Strategies to achieve this priority include:

- ensure that cemeteries and crematoria are considered during land use planning
- facilitate new cemetery proposals that deliver strategic additional capacity
- work with stakeholders to allocate sufficient cemetery space to meet the needs of local communities.

This Planning Proposal, to enable the expansion of an existing cemetery within the Central City District, responds to this key priority area included in the Plan.

Eyes on Blacktown Landscape Strategy (2014)

Council's *Eyes on Blacktown Landscape Strategy* was prepared in 2014, with a vision to '*Recast the City 'image' of Blacktown through strategic landscape interventions which unify Blacktown, capture the attention of many and express positive change*'.

The document identifies the subject land as a 'major intersection/road gateway location' (as opposed to usable open space) which provides opportunity to create visual markers for the city, which increase legibility and sense of arrival. The Planning Proposal provides opportunity to implement such markers as part of a cemetery expansion, which could include planting, vertical markers and landform treatment. This opportunity would be further explored as planning for the site continues following successful changes to the LEP as proposed under this Planning Proposal.

Prospect Strategic Land Use Study - Spackman Mossop Michaels (2000)

The main purpose of the Prospect Strategic Land Use Study was to determine the direction for future land uses for the corridor of land located between the Great Western Highway and the M4 Motorway at Prospect being zoned Regional Open Space under the then SEPP 59 – Central Western Sydney Economic and Employment Area. Site development principles are embodied in a Site Development Plan that concludes the study. With specific reference to the subject lands, the Site Development Plan recognises the need to retain important view corridors, ensure connectivity between the St Bartholomew's Church and the Old Prospect Post Office and enhance the heritage precinct. The study also refers to the subject lands as a potential multi-functional event space for community access.

The Planning Proposal provides an opportunity not only to rezone the land to facilitate the expansion of the existing cemetery, but also to enhance the heritage values, view corridors, connectivity of focal heritage items and gateway treatment of the subject lands, whilst maintaining passive community access to the space.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the best means of achieving the intended outcome (cemetery expansion) for the following reasons:

- A development application for the expansion of the St Bartholomew's Cemetery cannot be lodged over the subject site as a 'cemetery' is not permitted on the land under the current zoning on part of the site.
- This Planning Proposal provides an opportunity for a cemetery expansion to respond to the heritage values of the existing St Bartholomew's Church and Cemetery and the Old Prospect Post Office (both of which are state heritage items) and Tarlington Place (a local heritage item).
- The majority of the land that makes up the Planning Proposal has been transferred from State Government ownership to Council, specifically for the purposes of cemetery expansion.
- The transfer of the majority of the subject land into Council ownership (with a condition it be used for cemetery purposes) clearly indicates the land is no longer required by the State Government for open space purposes. Open space is no longer considered to be the highest and best use of the land for the following reasons:
 - o The RE1 zoning of the majority of the subject land was a translation of the previous Regional Open Space zoning under *SEPP 59 - Central Western Sydney Regional Open Space and Residential*. That zoning was more indicative of the site as a visual entry point to Blacktown LGA/ open space gateway site (as outlined in *Eyes on Blacktown Landscape Strategy*), as opposed to an accessible/ useable regional open space.
 - o Some of the objectives of the previous Regional Open Space zone that are closely linked to the subject land and that can be achieved via this Planning Proposal include to:
 - enhance the historical significance of the area, and
 - make the area a gateway to the City of Blacktown, and
 - protect and enhance the visual significance of the cultural landscape, particularly St Bartholomew's Church and Cemetery.

- That part of the subject land that is currently zoned RE1 is no longer required to meet demand, especially since the development of the 5,280ha Western Sydney Parklands (including Prospect Reservoir) in very close proximity to the subject land.
- Council, along with the rest of the Central City and Western City District, has a growing population and a demand for additional cemetery infrastructure has been identified by the relevant State Government agency - CCNSW.
- This Planning Proposal provides an opportunity to expand an existing cemetery, rather than attempt to identify and develop a site for a new cemetery.
- The 'cemetery' land use is consistently used by Council as a special use zone (SP1) with associated description. An alternative way to achieve the intended outcome would be the use of a generic zone within the Standard Instrument LEP template that would require the inclusion of an additional permitted use in Blacktown LEP 2015. However this would not be consistent with the current approach Council has taken to zoning cemeteries. Further, the approach taken in this Planning Proposal has been discussed with the Department of Planning and Environment and they indicated support for this approach.

Following a detailed site analysis, an Opportunities and Constraints Plan for the subject land was developed and is included in Appendix B. It provides further justification to support future expansion of the cemetery and begins to indicate the key site elements to be acknowledged as the next planning stages proceed.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of Three Cities

Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) is a long term plan focussed on a 40 year vision for Greater Sydney being a metropolis of three cities: Eastern City (Sydney City area), Central City (Greater Parramatta area, including Blacktown) and Western City (emerging around Western Sydney Airport).

The Plan showcases 10 Key Directions, some of which are based around a liveability, productivity and sustainability framework. One Key Direction in this framework is “A City Supported by Infrastructure”, noting that “Providing adequate infrastructure to support population growth is essential to creating strong communities.” Relevant objectives for this direction include:

Objective 1- Infrastructure supports the three cities

Objective 2- Infrastructure aligns with forecast growth – growth infrastructure compact

Objective 3 - Infrastructure adapts to meet future needs

Objective 4 - Infrastructure use is optimised

The Planning Proposal provides an opportunity to create additional cemetery capacity to meet future local and regional demand, in the form of an expansion of an existing cemetery, thus optimising infrastructure use in an area of forecast growth.

Central City District Plan

The Greater Sydney Commission's 'Central City District Plan' (released in March 2018) provides a 20 year vision for this precinct – which encompasses the Cumberland, Parramatta, the Hills and Blacktown council areas. The draft district plan provides detail on how the objectives for Greater Sydney can be achieved – i.e. being a more productive, liveable and sustainable global city.

The Central City District Plan contains a chapter (Chapter 3) entitled 'Liveability'. This chapter includes specific planning priorities with the following being most relevant to this proposal:

1. Providing services and social infrastructure to meet people's changing needs
2. Creating and renewing great places and local centres, and respecting the district's heritage.

Further, the 'Liveability' chapter notes there will be an ongoing increase in the district's proportion of population that are aged over 65 by 2036. An aging population has a clear correlation to localised cemetery demand.

This Planning Proposal is consistent with the relevant planning priorities of the Central City District Plan, in that it provides an opportunity to create additional cemetery capacity (via the renewal and expansion of an existing State Heritage listed cemetery), which is both a service and infrastructure that will meet the changing needs of the population in the district.

4.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Council's Community Strategic Plan (*Our Blacktown 2036 Our Vision, Our Plan*) was adopted in June 2017 and responds (in part) to the projected population growth in Blacktown via Strategic Direction 1 – A Vibrant and Inclusive Community and Strategic Direction 4 – A Growing City Supported By Accessible Infrastructure. These strategic directions include the community outcomes that are statements describing the kind of place the community would like Blacktown City to be.

This Planning Proposal, by enabling the expansion of the existing St Bartholomew's Cemetery will support these strategic directions by:

- ensuring access for the community to cemetery services into the future
- providing an opportunity to preserve and maintain the heritage values of the location.

As identified above, the project provides an opportunity to create additional cemetery capacity which is both a service and infrastructure that will meet the changing needs of the local population over coming years.

4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal has been considered in relation to applicable State Environmental Planning Policies (SEPP). Comment with respect to those that are particularly relevant to the subject land are outlined below. It is noted there are no deemed SEPPs relevant to the Planning Proposal. For a complete checklist of SEPPs, refer to Appendix D.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

Cemeteries are not currently identified within any of the relevant schedules of the SEPP nor are they deemed as State or Regional Development.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this SEPP are to facilitate the orderly and economic use and development of rural lands for rural and related purposes and identify Rural Planning and Rural Subdivision Principles.

One parcel of land to which the Planning Proposal applies is currently zoned RU4 – Primary Production Small Lots and this SEPP applies to both this zone and to the Blacktown LGA. As the land is only approximately 5,000m² in area, is fragmented from other rural land and contains the State Heritage listed Old Prospect Post Office, its current or potential for use for economic rural purposes is considered to be very limited.

State Environmental Planning Policy 55 Remediation of Land

SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The subject site has historically been used for grazing/ agricultural uses along with the residential and commercial use at the Old Prospect village, but this has ceased many years ago. More recently, the site has become surrounded by both industrial and commercial uses and has been used for stockpiling of road materials. Consequently a Preliminary Site Investigation (*Prensa, February 2018*) was carried out which concluded there is moderate potential for contamination to exist on the site. Appropriate contamination assessment, including an intrusive soil assessment, is recommended by the Preliminary Site Investigation (*Prensa, February 2018*) and this would be undertaken as part of any future development application for cemetery expansion on the subject site.

State Environmental Planning Policy 19 Bushland in Urban Areas

SEPP 19 aims to protect and preserve bushland within urban areas, including Blacktown. The SEPP is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

The majority of the subject site is currently zoned RE1 – Public Recreation, however it is primarily cleared and the bushland that remains in the low lying parts of the site is not accessible to the public. Most of the endemic open woodland that may have occurred on the site no longer exists, and the cleared land contains mainly introduced grasses. The Cumberland Plain Woodland remnants that may remain have been heavily disturbed by clearing, grazing and weed infestation. Further, the bushland on the subject site is not identified in any of Council's strategic planning documents for passive public recreation purposes.

However, a future development application for cemetery purposes would be required to address accessibility to the bushland located on site, along with addressing the requirements of the *Biodiversity Conservation Act, 2016* in relation to any proposed development impacts on the Cumberland Plain Woodland, being an Endangered Ecological Community.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal has been considered in relation to applicable Ministerial Directions (known as s.9.1 Directions as they are identified within that Section of the *Environmental Planning and Assessment Act 1979*). Comment with respect to those that are particularly relevant to the subject land are outlined below. For a complete checklist of Section 9.1 Directions, refer to Appendix E.

Employment and Resources - 1.2 Rural Zones & 1.5 Rural Lands

These directions seek to generally protect agricultural production values where land is zoned for that purposes (i.e. within RU zones). One parcel of land within the subject site is currently zoned RU4 – Primary Production Small Lots. As the land is approximately 5,000m² in area, is fragmented from other rural land and contains the State Heritage listed Old Prospect Post Office, its agricultural production value is very limited. The site is considered to be of minor significance in agricultural production terms and the Planning Proposal is therefore consistent with this s.9.1 direction.

Environment and Heritage – 2.3 Heritage Conservation

These directions seek to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The following listed heritage items are located on or adjoin the subject site:

1. St Bartholomew's Church and Cemetery
2. Old Prospect Post Office
3. The former alignment of the Great Western Highway (part of which is now Tarlington Place).

Details of these listing are provided in the table below.

Suburb	Description	Street Address	Property Description	Significance	LEP Item #
Prospect	Church and cemetery—St Bartholomew's	Ponds Road and St Bartholomew's Place	Lots 221–224, DP 812455 and Lot 1, DP 325874	State	I63
Prospect	Great Western Highway (former alignment)	Reservoir Road/Tarlington Place/Yallock Place/Honeman Close		Local	I60
Prospect	Old post office cottage	23 Tarlington Place	Lot 140, DP 1003460	State	I65

It is the intention of any future development that these items would be significantly enhanced by the proposal, including appropriate restoration, reactivation and increased public access to these important community assets.

As noted in the St Bartholomew's Cemetery Expansion: Desktop Heritage Assessment (Navin Officer Heritage Consultants Pty Ltd, June 2018) report, *"future detailed design of the cemetery (once the rezoning and reclassification has occurred) will consider the following:*

- *Do not reduce the landmark significance of the existing St Bartholomew's church and cemetery*
- *Do not obstruct existing view lines to St Bartholomew's church and cemetery and between the church/cemetery and the Old Prospect Post Office.*
- *Use landscaping to enhance/conserv e heritage values and landscaping that is sympathetic to the open woodland nature of the site.*
- *Internal road widths should not dominate the site.*
- *The Tarlington Place road alignment should be retained.*

And, the recommendations for development/operational stage are:

- *All heritage management policies outlined in the heritage assessment by GML in 2002, the St Bartholomew's Church and Cemetery 2010 CMP and Prospect Post Office (n.d.) CMP be followed for the cemetery expansion lands.*
- *A full impact assessment including a statement of heritage impact (SOHI) for the St Bartholomew's Church and Cemetery and Prospect Post Office should be undertaken based on those plans and the above management plans and assessments.*
- *Subsurface archaeological test excavation should be undertaken in the area of the Old Prospect town in order to determine the nature and extent of surviving archaeological features in the area. A s139 Excavation Exception Application is required for testing of land to verify the existence of relics without destroying or removing them.*
- *It should be noted that in the past clandestine burial sometimes occurred in the grounds outside of the consecrated cemetery grounds. A Ground Penetrating Radar (GPR) study has been conducted (onpointlocating 2018) that has indicated that there are unmarked graves within the current cemetery lands, no anomalies were reported on in the expansion lands. There is however moderate potential for there to be burials that did not show-up in the GPR survey. If graves are located they should be appropriately researched and marked, particularly Maria Lock's grave.*
- *Following any new development, the CMPs for both the St Bartholomew's Church and Cemetery and the Prospect Post Office should be revised.*
- *A protocol be developed for the unanticipated discovery of Aboriginal objects and be referred to as a part of any works on site."*

As the Planning Proposal conserves items, areas, objects and places of environmental heritage significance, and provides heritage conservation recommendations for the future design and development of the subject site it is considered to be consistent with this s.9.1 direction.

Local Plan Making - 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that any future LEP provisions encourage the efficient and appropriate assessment of development. As the Planning Proposal does not include new or proposed provisions that require concurrence, consultation or referral of development applications to a Minister or public authority, it is considered to be consistent with this s.9.1 direction.

Local Plan Making – 6.2 Reserving Land for Public Purposes

This direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes and to subsequently remove these where they are no longer required.

The Planning Proposal removes two lots (Lots 1 & 2 DP456722) from the Blacktown LEP 2015 Land Reservation Acquisition Map as they have been transferred into Council's ownership (from State government ownership), thus the land has now been acquired by Council.

The Planning Proposal is therefore primarily consistent with this s.9.1 direction as the land no longer needs to be acquired. Further, the State government transferred the land to Council on the condition that it be used for cemetery expansion, which is the core purpose of this Planning Proposal.

However, subclause (4) for this direction states '*A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)*'. At this stage, although the land has been transferred to Council the Secretary has not agreed to reduce or remove the RE1 zoning. Therefore, although the Planning Proposal is inconsistent with this subclause of the s.9.1 direction, it is considered to be a minor and necessary inconsistency.

Local Plan Making – 6.3 Site Specific Provisions

The purpose of this direction is to discourage unnecessarily restrictive site specific planning controls. Whilst the Planning Proposal will allow a particular development to be carried out on the land (cemetery), it is not for a specific future development proposal and does not contain additional site specific planning controls for a cemetery. Therefore the Planning Proposal is consistent with this s.9.1 direction.

Metropolitan Planning - 7.1 Implementation of A Plan For Growing Sydney

This direction gives legal effect to the planning principles, directions and priorities contained in A Plan for Growing Sydney (now replaced by Greater Sydney Region Plan – A Metropolis of Three Cities) and therefore ensuring that planning is consistent with its intent. As discussed in Section 4.2 the Planning Proposal is consistent with the directions of the Greater Sydney Region Plan – A Metropolis of Three Cities (which replaces A Plan For Growing Sydney) and is therefore consistent with this s.9.1 direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The St Bartholomew's Cemetery Ecological Report for Planning Proposal (*Eco Logical Australia, June 2018*) determined that the majority of the study area was highly modified and predominantly cleared of native vegetation, however several patches of remnant native vegetation were mapped within the study area.

A field survey (conducted by Eco Logical Australia) confirmed the presence of Cumberland Plain Woodland (CPW) within the study area, which is listed as a critically endangered ecological

community (CEEC) under the *Biodiversity Conservation Act, 2016* and *Environmental Protection & Biodiversity Conservation Act, 1999*. The report identified that the Cumberland Plain Woodland was disturbed with a high presence of exotic species in the mid-storey and groundcover. Native plantings, exotic plantings and large areas of disturbed grassland were also present in the study area.

The *Biodiversity Conservation Act, 2016* includes a framework for the assessment methodology and introduces a new Biodiversity Offsets Scheme (BOS) that applies at the Development Application stage. Impacts can be offset by purchasing and retiring biodiversity credits. If removal of 0.5 ha or more of native vegetation is proposed subsequent to the Planning Proposal being progressed, area threshold criteria is likely to be exceeded and entry into the BOS will subsequently be triggered - pending detailed design outcomes associated with the proposal as it proceeds. The study area also contains land mapped on the Biodiversity Value Map which, if removed, will also trigger the BOS. If both these criteria are not triggered, Tests of Significance will need to be conducted

The planning proposal itself will not have an impact on critical habitat or threatened species, populations or ecological communities, or their habitats, however as the Planning Proposal enables the development of the site as an expanded cemetery and associated infrastructure, the requirements of the *Biodiversity Conservation Act, 2016* will need to be addressed at the development application stage, which as above, may trigger entry to the BOS and the preparation of a Biodiversity Development Assessment Report.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Land use compatibility

The Planning Proposal will result in the site having the same zoning as the adjoining St Bartholomew's Cemetery land to the west, consistent with the proposal to expand this land use. The land use is therefore considered to be compatible within the broader land use context, particularly given that the land is essentially 'land locked' by adjoining major road networks.

Road capacity and traffic impact

With significant road transport networks surrounding the site in the form of the M4 Motorway and Great Western Highway, the intention is for the area to utilise the existing arrangements for access to the new facilities. In particular this would see increased public access via Tarlington Place, which would be the only public access point to the cemetery expansion area, with public facilities and services likely to be located in and around the Old Prospect Post Office.

The Transport Impact Assessment (*GTA Consultants, June 2018*) states that "*Considering a growth rate of 1.2 per cent per annum over the next 10 years and the proposed upgrade of the Prospect Highway, the key intersections near the site are all expected to operate within satisfactory levels of service, with only minor increases in the delay and queue at the intersections of Prospect Highway/ M4 eastbound ramps and GWH/ Tarlington Place.*

Against existing traffic volumes near the site, the additional traffic generated by the proposed development could not be expected to compromise the safety and function of the surrounding road network".

The Transport Impact Assessment (*GTA Consultants, June 2018*) also recommends two bus stops/ shared path and crossing which can be integrated into the future design processes at the development application stage.

Flooding

Whilst most of the site is largely unaffected by flooding, the Flooding Stormwater Management Report (*ARUP, June 2018*) analysed the existing flood conditions for the 1% AEP peak flood event, using the ARR 2016 methodology. The report states *“The site topography slopes to a low point in the centre of the site, adjacent to Great Western Highway. As such, most of the site flood affection is located within this area. In the 1% AEP peak flood event, water ponds in this area to depths greater than 1.0m, creating an area of high hazard. Development will need to account for this existing flooding, either by retaining this as the low point or providing sufficient flood storage space elsewhere.”* As such, future development of the site for cemetery purposes will incorporate on-site stormwater detention, water quality devices, WSUD practices and ensure no net loss of existing flood storage or adverse flood impact on adjacent properties.

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

As this Planning Proposal responds to a demand for services and infrastructure, in this case demand for cemetery space, the economic and social effects will be beneficial to both the local and district level community.

As stated in Section 4.1 above, CCNSW has prepared and released (in November 2017) an analysis of remaining cemetery capacity in the Sydney metropolitan area (the Central, South, North, West, West-Central, and South-West planning regions). The key findings of the report (based on eight scenarios) which this Planning Proposal directly responds to, include:

- Capacity for around 301,000 grave plots was available in metropolitan Sydney cemeteries as at 1 January 2015, with a prevailing cremation rate around 66%, and a grave occupancy rate around 1.4.
- If there is no change to cremation and grave occupancy rates, Sydney Metropolitan area’s cemetery capacity will be exhausted between 2051 and 2056.
- However, pre-sale of grave plots is likely to mean that graves may become unavailable for ‘at need’ purchasers in some regions from around 2026, and generally from around 2036.
- Under any scenario of apprehended exhaustion, adverse outcomes may be expected by way of concentrated cemetery locations and operators, with the majority of the Sydney population lacking proximate access to burial space, and potential that significant communities will also be lacking access to culturally appropriate or feasibly priced burial capacity.
- Given the time required to identify, acquire, gain planning approval for, and commence operation of new greenfield cemetery sites, and the already intense competition between land use for affordable greenfields land extents in western Sydney, urgent action is required to provide for the future burial needs of the Sydney community.

Further, a key priority area in the CCNSW Strategic Plan (2015-2020) is ‘land availability’, to ensure that there is sufficient and suitable land available to meet future demand for interment services.

Strategies to achieve this priority include:

- ensure that cemeteries and crematoria are considered during land use planning
- facilitate new cemetery proposals that deliver strategic additional capacity
- work with stakeholders to allocate sufficient cemetery space to meet the needs of local communities.

With reference to loss of open space (being a potential social impact of the Planning Proposal), it is noted that the transfer of the majority of the subject land into Council ownership (with a condition it be used for cemetery purposes) clearly indicates the land is no longer required by the State Government for open space purposes. Open space is no longer considered to be the highest and best use of the land for the following reasons:

- The RE1 zoning of the majority of the subject land was a translation of the previous Regional Open Space zoning under SEPP 59 - Central Western Sydney Regional Open Space and Residential. That zoning was more indicative of the site as a visual entry point to Blacktown LGA/ open space gateway site (as outlined in Eyes on Blacktown Landscape Strategy), as opposed to an accessible/ useable regional open space.
- Some of the objectives of the previous Regional Open Space zone that are closely linked to the subject land and that can be achieved via this Planning Proposal include to:
 - o enhance the historical significance of the area, and
 - o make the area a gateway to the City of Blacktown, and
 - o protect and enhance the visual significance of the cultural landscape, particularly St Bartholomew's Church and Cemetery.
- That part of the subject land that is currently zoned RE1 is no longer required to meet demand, especially since the development of the 5,280ha Western Sydney Parklands (including Prospect Reservoir) in very close proximity to the subject land.

Based on the above indication of strong demand, both social and economic effects of expanding an existing cemetery in the Central City District will be positive. Specifically this Planning Proposal will:

1. Assist in meeting the needs of the Blacktown community and beyond, by providing opportunity to create additional cemetery capacity
2. Revitalise a key gateway/ entry point to the City of Blacktown
3. Although RE1 – Public Recreation land will be rezoned resulting in a loss of zoned open space, the passive recreation values of a proposed cemetery use will contribute to the visual and heritage significance of the cultural landscape
4. Create a sustainable income stream for Council to enable development of the cemetery.

The key environmental, social and economic elements of the site are also highlighted in the Opportunities and Constraints Plan included as Appendix B.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the planning proposal?

The subject site is located in an area that is well serviced by public infrastructure (being only 6kms from the centre of Blacktown). The Planning Proposal Servicing and Utilities Strategy Report

(ARUP, June 2018) determined “the site can be serviced by all utilities required for the proposed development”.

The public infrastructure includes:

Water: Sydney Water water mains are located adjacent to the site (most directly and in closest proximity to the north).

Drainage: A stormwater conduit is located immediately to the north of the site’s low point (on the northern side of the Great Western Highway).

Electricity: Low voltage (66KV) (and high voltage (132KV)) power lines are located on the site.

Telecommunications: underground and mobile telecommunications are available at the site.

Sewer: Sewer mains are located adjacent to the site (most directly and in closest proximity to the north).

Transport: The subject site is bordered by both the M4 Motorway and the Great Western Highway. Key existing vehicular access points are available from the Great Western Highway, at Ponds Road and Tarlington Place. The use of the site for cemetery purposes would mean that vehicular activity at the site would typically be at non-peak times and be staggered throughout the day.

Although the main form of transport to the subject site is likely to be via private or community vehicles, public transport (buses) also operates on the surrounding roads, with the closest bus stop located an 8 minute walk from the subject site on Prospect Highway. Regular bus services operate from Blacktown CBD/ train station to and from this bus stop.

The key infrastructure elements of the site are also highlighted in the Opportunities and Constraints Plan included as Appendix B.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Although a gateway determination has not yet been received, the following public authorities have been consulted to obtain their views:

NSW Office of Strategic Lands

The NSW Office of Strategic Lands transferred the majority of the subject land (and are in the process of acquiring and transferring the remainder of the subject land) to Council, for the purpose of expanding the cemetery. Their activities both support and triggered the preparation of this Planning Proposal.

Cemeteries and Crematoria NSW (CCNSW)

A meeting was held with CCNSW on 11 October 2017 where the demand for cemetery space in both the Sydney Metropolitan area and Central and Western City Districts was confirmed. It was indicated that CCNSW support the Planning Proposal (as outlined at the meeting) and a letter of support has been received from CCNSW, and is included as Appendix C.

Office of Environment and Heritage (OEH)

A meeting was held with OEH and APP on 8 June 2017. The Concept Plan was presented to OEH and they provided the following comments:

- The design should be respectful of the existing St Bartholomew's Church
- This project provides an opportunity to interpret the old Prospect Village pattern
- It is important to explore the landscape relationship between St Bartholomew's Church and the expansion lands
- The re-use of the existing buildings and activation of the overall area is considered a good outcome.

The Concept Plan was updated accordingly and a further meeting was held with OEH on 3 May 2018. At this meeting OEH provided in principle support for the Planning Proposal, and indicated that both the concept design and final design needs to be sympathetic to the existing land forms and main heritage items on site, especially in the context of views and prominence of the "church on the hill". These matters will continue to be addressed as the project moves forward to the design stages and submission of a development application for the project.

Department of Planning and Environment

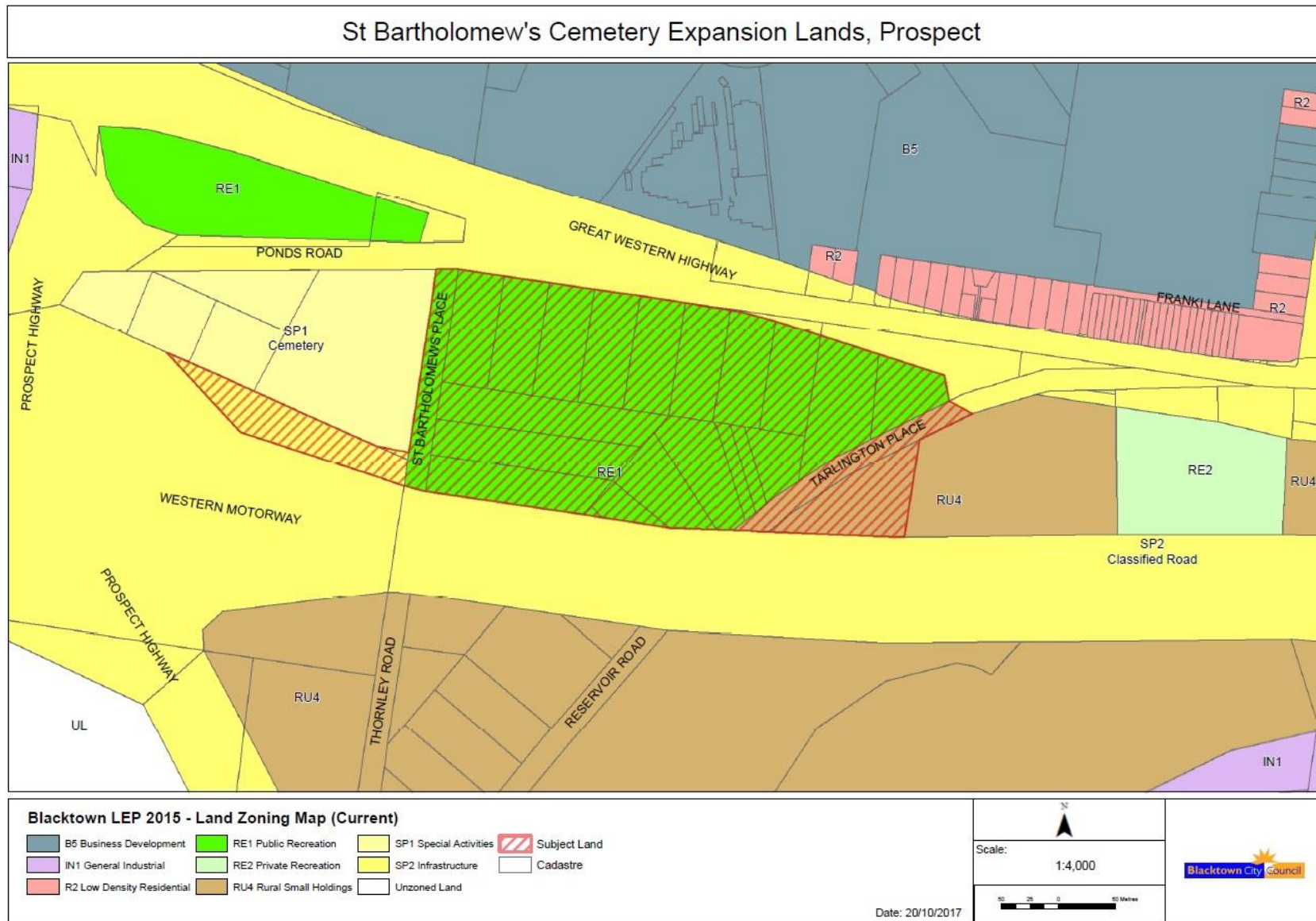
A meeting was held with Department of Planning & Environment (Sydney Region West) on 8 November 2017 where the Planning Proposal was discussed to allow a gateway determination to be made efficiently.

In concluding this chapter of the Planning Proposal, all relevant data/ information used to inform the 'Justification' in Chapter 4 of this Planning Proposal has been embodied in a preliminary Opportunities and Constraints Plan, which is included as Appendix B. It is noted this plan is indicative in nature and shows that the purpose of the Planning Proposal can be realised on the subject land in the context of the various opportunities and constraints presented by the site and its surrounds.

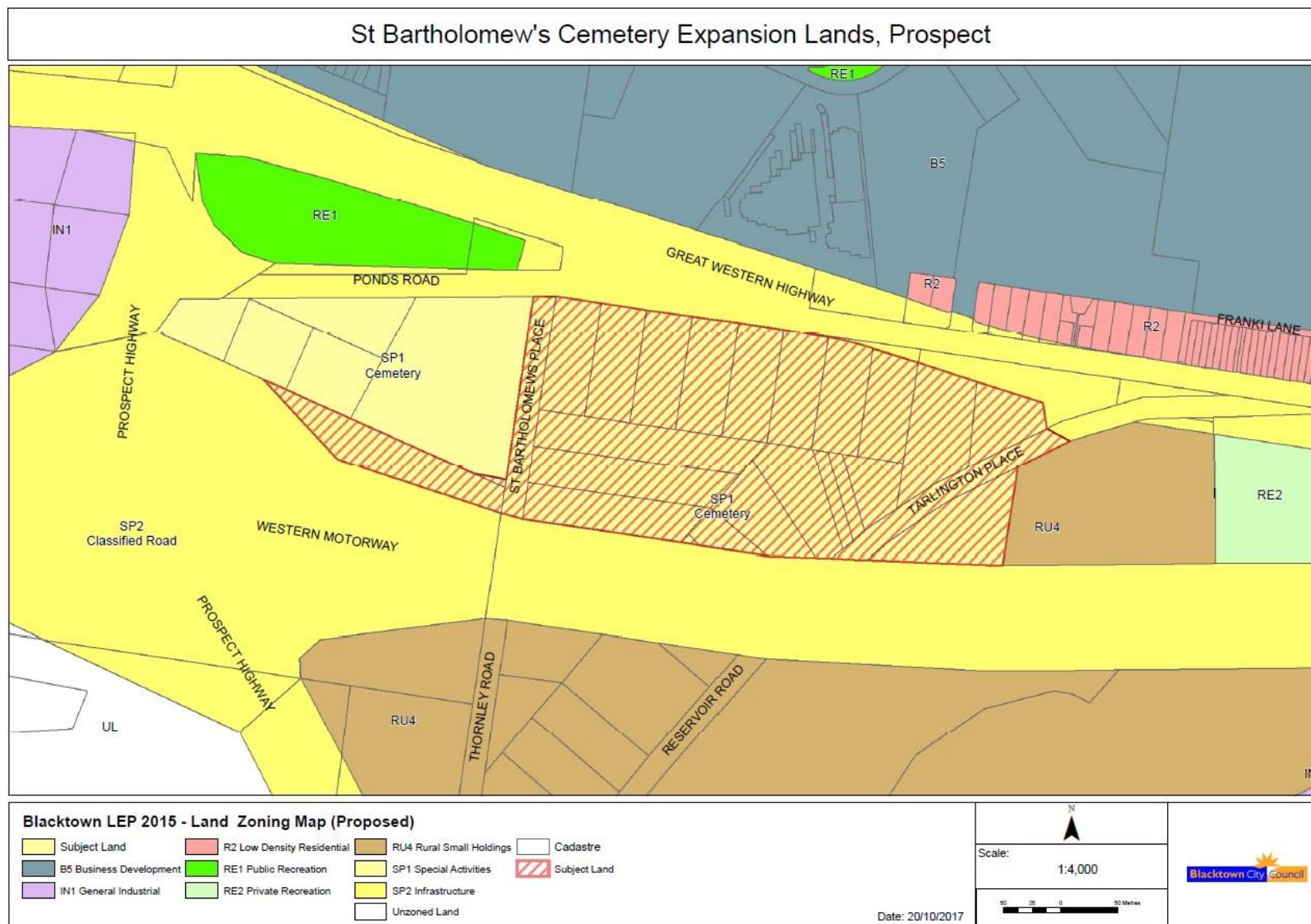
5. Mapping

The Planning Proposal will require amendments to the existing Land Zoning Map (Sheet LZN_014), the Land Reservation Acquisition Map (Sheet LRA_014) and Lot Size Map (Sheet LSZ_014) relevant to the subject site contained within the Blacktown LEP 2015.

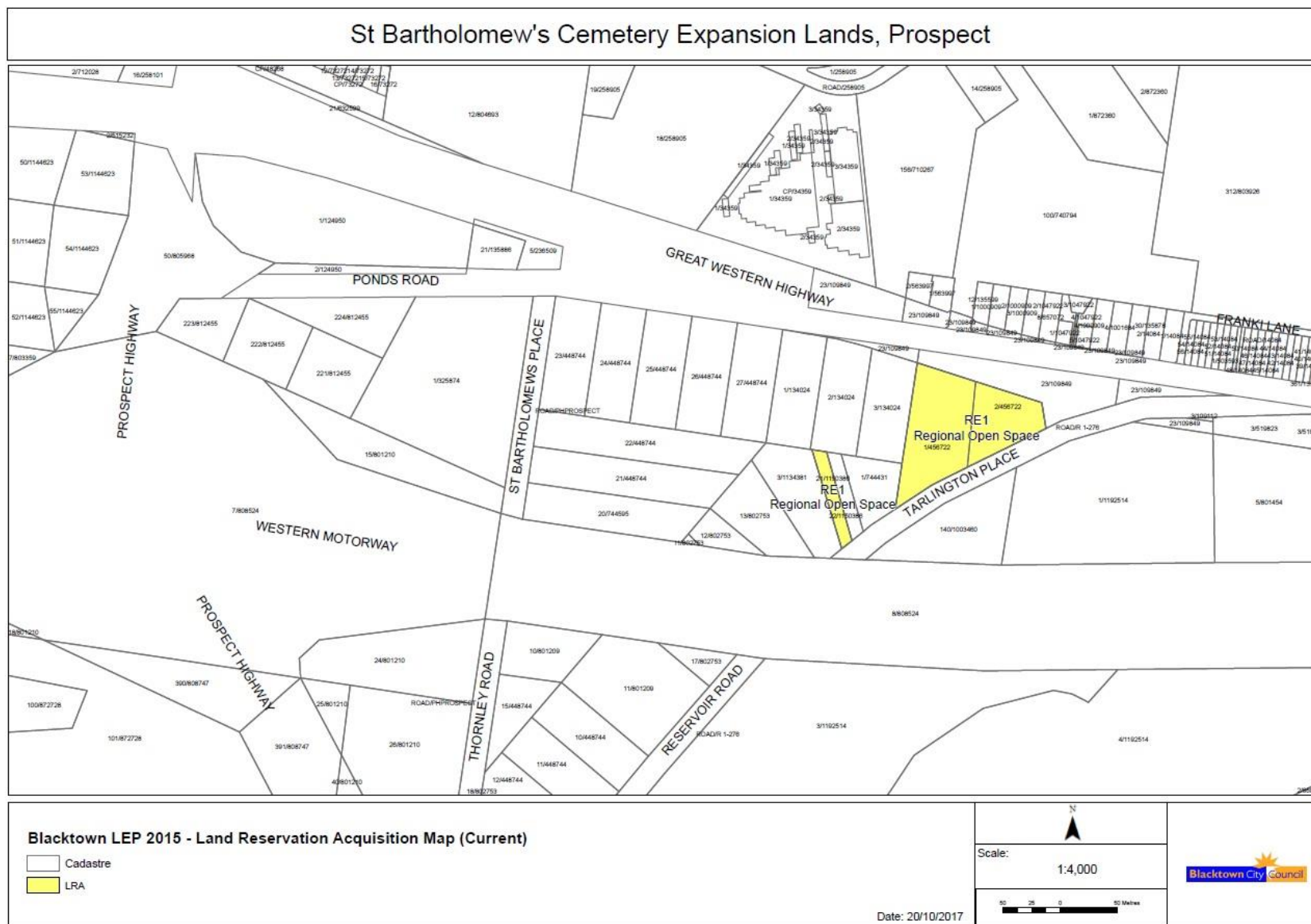
The proposed amendments to the maps are shown in the following pages.



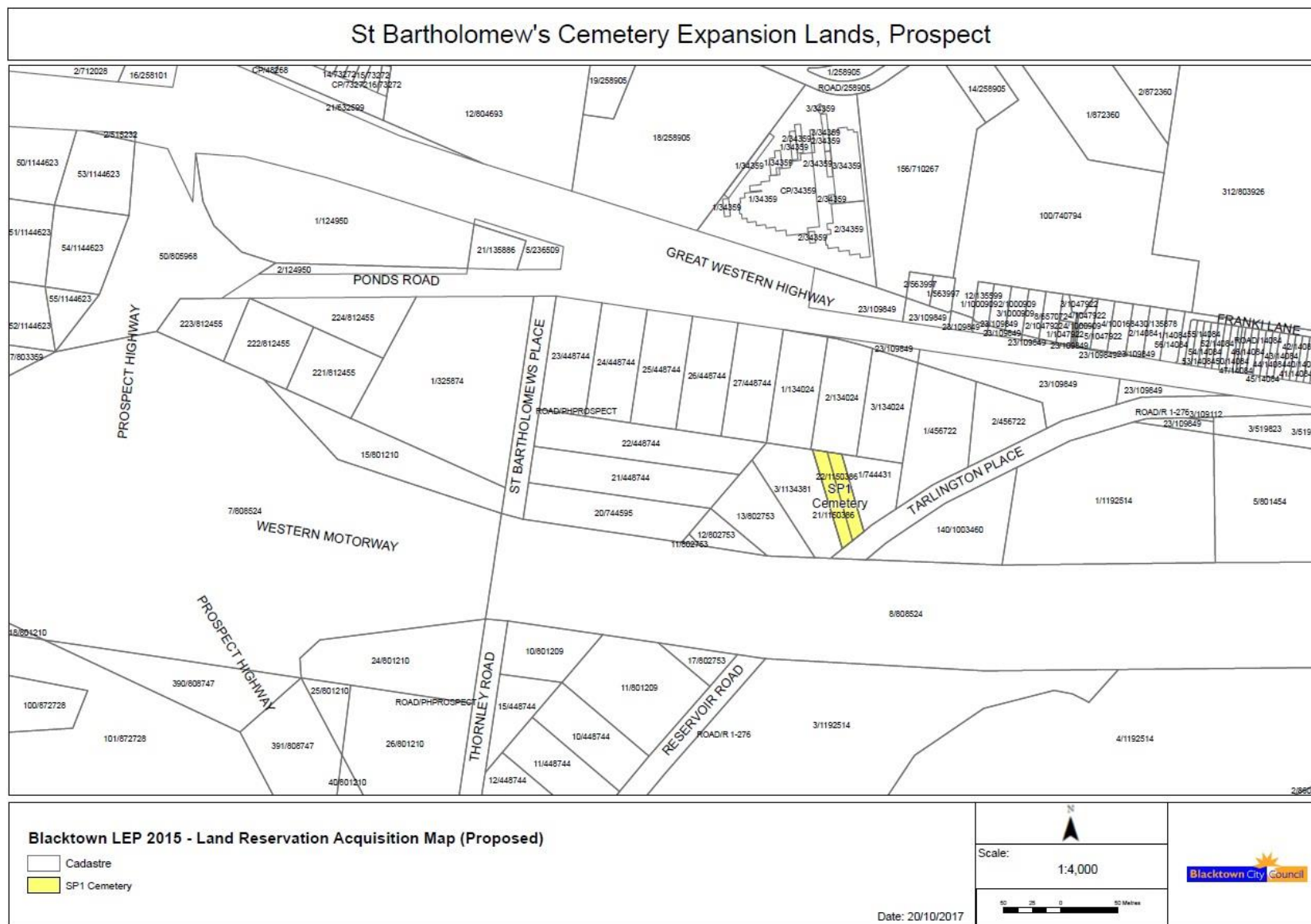
Land Zoning Map - Existing



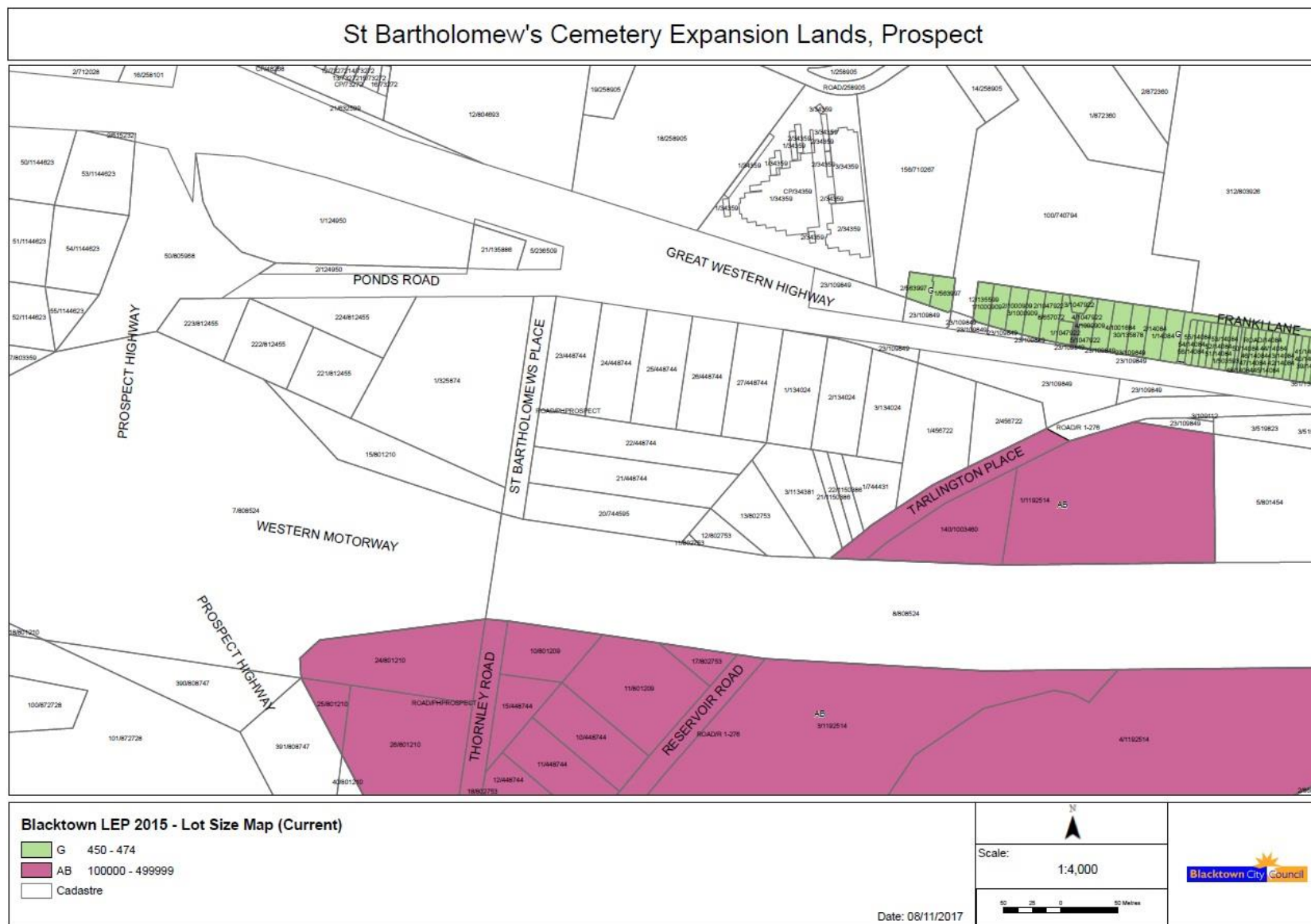
Land Zoning Map- Proposed



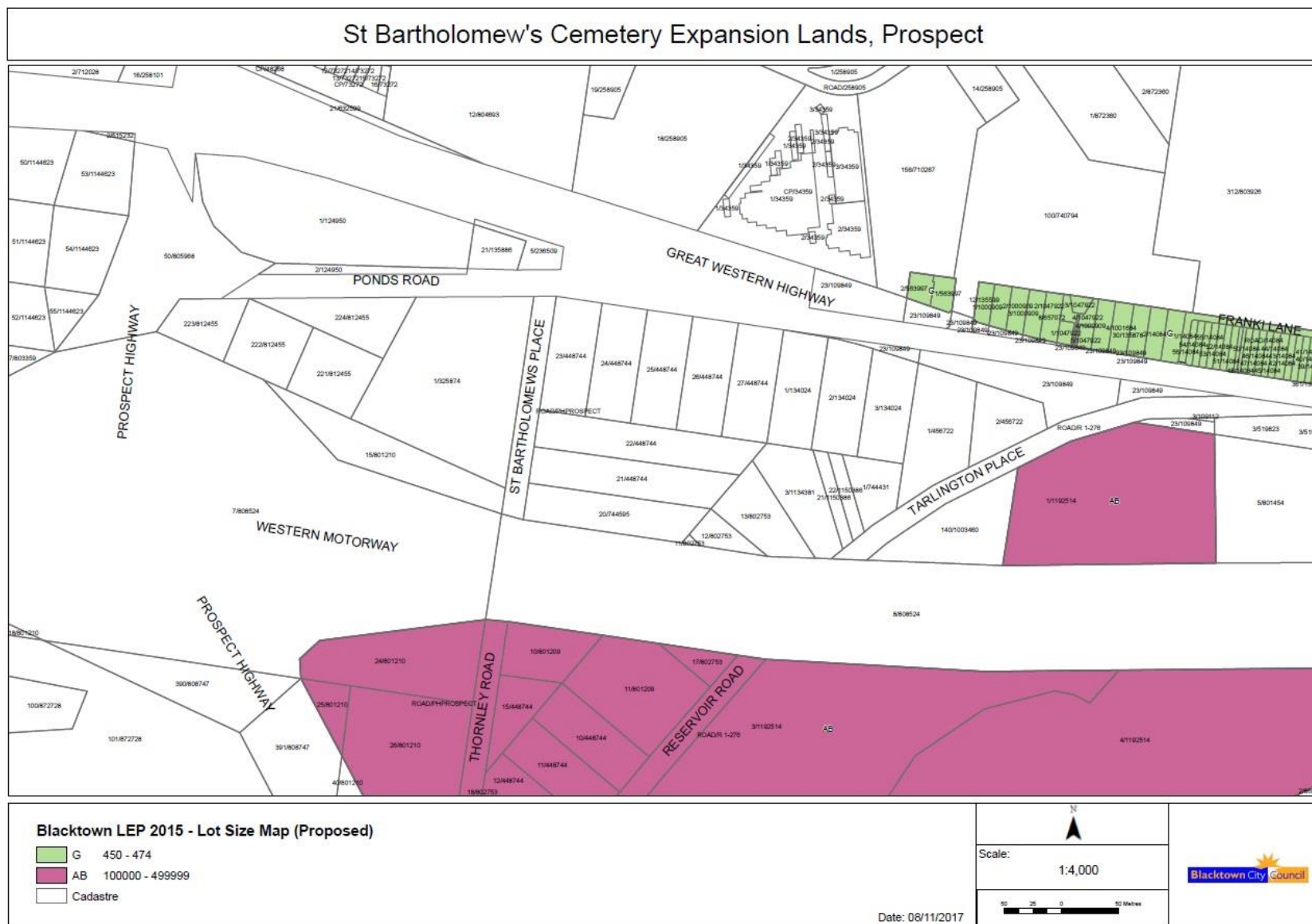
Land Reservation Acquisition Map - Existing



Land Reservation Acquisition Map - Proposed



Lot Size Map - Existing



Lot Size Map Proposed

6. Community Consultation

The Planning Proposal will be exhibited in accordance with the requirements of *Section 3.34 of the Environmental Planning & Assessment Act, 1979*, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and any other requirements determined by the Gateway process³.

As the proposal involves the reclassification of Council-owned land, the Planning Proposal will be publicly exhibited for at least 28 days⁴. Council proposes to notify interested parties of the Planning Proposal by:

- Notice of the public exhibition in the local newspapers and on the Blacktown City Council website.
- Letters to adjoining and nearby land owners and occupiers.
- Letters to public authorities.

A copy of the Department of Planning and Environment's Practice Note PN16-001 – 'Classification and reclassification of public land through a local environmental plan' will be included in the public exhibition material, as required.

As the Planning Proposal seeks to reclassify land from 'community' to 'operational', Council will also hold a public hearing⁵. This will give the community and opportunity to expand on written submissions and discuss issues with an independent person in a public forum. Practice Note PN16-001 – 'Classification and reclassification of public land through a local environmental plan' requires that the public hearing be held after the close of the exhibition period. This allows the person chairing the hearing sufficient time to consider written submissions. At least 21 days public notice is required before the hearing. No later than four days after receiving a report from the person who chairs a public hearing, Council must make a copy of the report available for inspection by the public⁶.

Further, this Planning Proposal is a step in the process of expanding the St Bartholomew's Cemetery for which a Communications Strategy has been prepared. The Communications Strategy includes the following actions relevant to this Planning Proposal, other than those legislative requirements outlined above:

- Launch of dedicated project website, which will include a Planning Proposal fact sheet/ FAQs
- Community information/ feedback sessions and pop up information stalls
- Various media releases/ announcements via a media strategy
- Briefings of government stakeholders, including MPs, State Government agencies and the Western Sydney Regional Organisation of Councils.

³ Under section 56 of the *Environmental Planning and Assessment Act 1979*.

⁴ 28 days is the minimum consultation period for Planning Proposals to reclassify land, as per Planning and Environment LEP Practice Note PN16-001 – Classification and reclassification of public land through a LEP' and the Department's Guide to preparing local environmental plans'.

⁵ As required under section 57 of the *Environmental Planning and Assessment Act 1979* and section 29 of the *Local Government Act 1993*.

⁶ As per section 47G of the *Local Government Act 1993*.

7. Project Timeline

The project timeline will be subject to Council and the State Government's resources, but it is expected a Planning Proposal of this nature would be completed within 6-12 months of the date of the Gateway determination.

The following table provides an indication of the expected timelines for progression of the Planning Proposal.

Key Milestone	Timeframe
Gateway determination	October 2018
Technical documentation as required	November 2018
Government agency consultation	November 2018
Public exhibition period	November 2018
Public hearing (for reclassification)	21 days after end of exhibition period
Consideration of submissions	February - April 2018
Submission to Department to finalise the LEP	May 2018
Making of the Plan	August 2019

Appendix A – Practice Note PN 16-001- Classification and Reclassification of Public Land Through a Local Environmental Plan

Practice Note PN 16-001- Classification and Reclassification of Public Land through a Local Environmental Plan - Checklist

The NSW Department of Planning and Environment Practice Note PN16-001 'Classification and reclassification of public land through a local environmental plan' includes an information checklist of matters to be addressed for Gateway consideration, for all proposals to classify or reclassify public land through an LEP. The following checklist addresses the matters and identifies where relevant matters are addressed in the Planning Proposal:

No.	Matter to be Addressed	Response
1	Current & proposed classification of the land.	<p>The following lots (which form part of this Planning Proposal) are classified as 'community land':</p> <ul style="list-style-type: none"> - Lot 15 DP 801210 - Lot 1 DP 134024 - Lot 2 DP 134024 - Lot 3 DP 134024 - Lot 1 DP 744431 - Lot 21 DP 448744 - Lot 22 DP 448744 - Lot 23 DP 448744 - Lot 24 DP 448744 - Lot 25 DP 448744 - Lot 26 DP 448744 - Lot 27 DP 448744 - Lot 20 DP 744595 - Lot 11 DP 802753 - Lot 140 DP 1003460 (Old Prospect Post Office) <p>The Planning Proposal proposes to reclassify the lots listed above to "operational."</p>
2	Whether the land is a 'public reserve'.	No. The land was transferred to Council from the Office of Strategic Lands on the condition it be used for cemetery expansion and classified as 'operational land'. The Land Transfer Agreement was signed by the Minister for Planning and Council on 27 July 2015.
3	Strategic and site merits of the reclassification and evidence to support this.	This Planning Proposal supports the future expansion of an existing cemetery to meet high demand for cemetery space in the Central City District and wider area. The proposal will also facilitate a development outcome for an underutilised site, that was transferred to Council from the Office of Strategic lands for a specific purpose - being for cemetery expansion.

No.	Matter to be Addressed	Response
4	Whether the Planning Proposal is the result of a strategic study or report.	<p>A key priority area in the Cemeteries and Crematoria NSW (CCNSW) Strategic Plan (2015-2020) is 'land availability', to ensure that there is sufficient and suitable land available to meet future demand for interment services.</p> <p>In November 2017, CCNSW - the State government agency responsible for the industry, prepared and released an analysis of remaining cemetery capacity in the Sydney metropolitan area (the Central, South, North, West, West-Central, and South-West planning regions), entitled <i>Metropolitan Sydney Cemetery Capacity Report</i>.</p> <p>The key findings of the report (based on eight scenarios) which this Planning Proposal directly responds to, indicated that Sydney Metropolitan area's cemetery capacity will be exhausted between 2051 and 2056. Given the time required to identify, acquire, gain planning approval for, and commence operation of new greenfield cemetery sites, and the already intense competition between land use for affordable greenfields land extents in western Sydney, urgent action is required to provide for the future burial needs of the Sydney community.</p> <p>This Planning Proposal responds to this urgent need.</p>
5	Whether the Planning Proposal is consistent with Council's community plan or other strategic plan.	<p>'Our Blacktown 2036' is Council's Community Strategic Plan (adopted June 2017). Developed in partnership with residents, local community groups, stakeholders and businesses, it expresses the community's vision and aspirations for the future of Blacktown City.</p> <p>The vision for Blacktown City is that it be a 'City of Excellence – diverse, dynamic, progressive'.</p> <p>The proposed 'operational land' classification for the subject sites (and associated rezoning of the land to which the Planning Proposal relates) will facilitate the expansion of an existing cemetery in an accessible location for the Blacktown City community.</p>

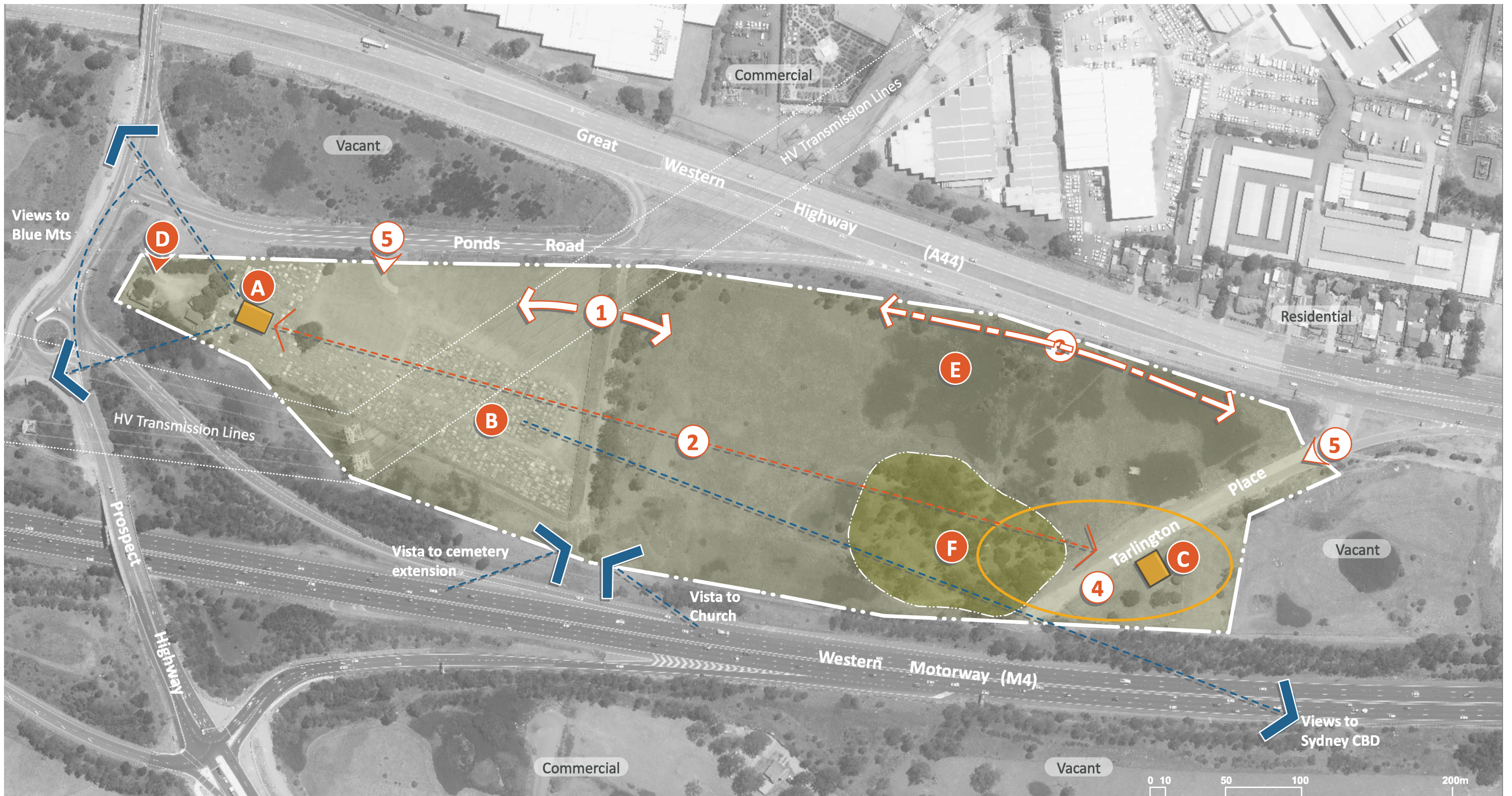
6	<p>A summary of Council's interests in the land, including:</p> <ul style="list-style-type: none"> - How & when the land was first acquired. - If Council does not own the land, owner's consent. - The nature of any trusts etc. 	<p>The land was transferred to Council's ownership in January 2016 from the Office of Strategic Lands.</p> <p>The following covenants, caveats and/ or easements are registered on title and are proposed to be retained:</p> <p><u>Lot 15 DP 801210</u></p> <p>J946973 - Easement for transmission line variable width affecting the part of the land above described so burdened in the title diagram</p> <p>O335263 - Easement vested in Prospect Electricity</p> <p>Z131522 - Covenant</p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p>DP615777 - Proposed easement for transmission line</p> <p><u>Lot 1 DP 134024</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 2 DP 134024</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 3 DP 134024</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 1 DP 744431</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 21 DP 448744</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 22 DP 448744</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 23 DP 448744</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p> <p><u>Lot 24 DP 448744</u></p> <p>AJ466556 - Positive covenant</p>
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No.	Matter to be Addressed	Response
		<p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979 <u>Lot 25 DP 448744</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979 <u>Lot 26 DP 448744</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979 <u>Lot 27 DP 448744</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979 <u>Lot 20 DP 744595</u></p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979 <u>Lot 11 DP 802753</u></p> <p>Z131522 - Covenant</p> <p>AJ466556 - Positive covenant</p> <p>AK82353 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979 <u>Lot 140 DP 1003460</u> (Old Prospect Post Office)</p> <p>Z131522 - Covenant affecting the part shown so burdened in the Title diagram.</p> <p>DP1011940 - Easement to drain sewage 3 metres wide appurtenant to the land described.</p> <p>AJ465681 - Positive covenant</p> <p>AK82354 - Caveat by Minister administering the Environmental Planning & Assessment Act 1979</p>
7	Whether an interest in the land is proposed to be discharged, and if so, an explanation of the reasons why.	No interests in the land to be reclassified are proposed to be discharged.

No.	Matter to be Addressed	Response
8	The effect of the reclassification (including loss of open space/ public reserve).	<p>The reclassification will result in the loss of underutilised or disused space partly zoned RE1 Public Recreation, but that has never been used for the purpose of public recreation. Hence, there will be no loss of public reserve or existing open space provision to the public.</p> <p>All the land proposed to be reclassified is primarily vacant land, with the exception of the Old Prospect Post Office – a disused State heritage listed building located at the eastern end of the subject site. The Old Prospect Post Office is accessed via Tarlington Place, which itself has local heritage significance as it is part of the former alignment of the Great Western Highway.</p> <p>The effect of the reclassification will be to expand the existing cemetery located to the immediate west, by using this well located vacant land that is in close proximity to meet demand of Sydney’s central and western district communities.</p> <p>The reclassification will also satisfy the condition of the Land Transfer Agreement (between the Minister for Planning and Council (dated 27 July 2015) that the land be classified as ‘operational land’.</p>
9	Evidence of public reserve status or relevant interests or lack thereof applying to the land.	Addressed in No. 6 above.
10	Current uses of the land and whether uses are authorised or unauthorised.	The current use of the land to be reclassified is “vacant”.
11	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	Nil.
12	Current or proposed business dealings (eg. agreement for the sale or lease of the land).	Nil.
13	Any rezoning associated with the reclassification.	The land to be reclassified forms part of a, larger holding proposed to be rezoned to SP1 – Cemetery as part of this Planning Proposal.

No.	Matter to be Addressed	Response
14	How Council may or will benefit financially, and how these funds will be used.	<p>The land to be reclassified has been transferred to Council from the Office of Strategic Lands and once the land is rezoned and reclassified they aim to design and develop the land for the purposes of a cemetery.</p> <p>The overall development and operational model of the cemetery will determine the financial benefit that Council will gain. Any financial benefit will be subject to Council's budget considerations and requirements under the <i>Local Government Act, 1993</i>.</p>
15	How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant.	This Planning Proposal does not commit specific funds to proposed open space sites or improvements by way of justification of the reclassification.
16	A Land Reclassification (part lots) Map in accordance with any standard technical requirements.	Not applicable. The land to be reclassified applies to 15 whole lots.
17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to Council, if applicable.	<p>The Office of Strategic Lands transferred the majority of the subject land (including the land to be reclassified) to Council, for the purpose of expanding the adjoining St Bartholomew's Cemetery. Their activities both support and triggered the preparation of this Planning Proposal.</p> <p>Meetings have also been held with CCNSW (11 October 2017) and OEH (8 June 2018) where in-principle support for the Planning Proposal was provided.</p>

Appendix B – Preliminary Opportunities and Constraints Plan



EXISTING SITE ELEMENTS

- A** St Bartholomew's Church (existing) - Heritage listed
- B** St Bartholomew's Cemetery (existing) - Heritage listed
- C** Former Prospect Post Office - Heritage listed
- D** Existing vehicle / pedestrian access to St Bartholomew's Church
- E** Low lying area subject to stormwater build-up
- F** Areas of potential Cumberland Plain Woodland

SITE OPPORTUNITIES / PRINCIPLES

- 1** Opportunity for integration between old and new cemetery portions
- 2** View corridor between Heritage items to be retained
- 3** Opportunity for landscape feature / entry marker adjoining Highway via fill to address stormwater requirements and provide effective urban design outcomes - refer Eyes on Blacktown Strategy
- 4** Opportunity to incorporate heritage building and "Old Prospect Village" into central administration and visitor services areas
- 5** Existing vehicle access network to be utilised for new cemetery area

Appendix C – Letter of Support from CCNSW



OUT18/10322

4 July 2018

Mr Jey Mahendra
Manager, Property
Corporate Services
Blacktown City Council
PO Box 63 BLACKTOWN NSW 2148

Via email: jey.mahendra@blacktown.nsw.gov.au

Dear Mr Mahendra

Planning proposal for St. Bartholomew's Cemetery expansion land

Cemeteries & Crematoria NSW (**CCNSW**) is the statutory agency established under the *Cemeteries and Crematoria Act 2013* supporting and regulating the interment industry across NSW. CCNSW's overarching objective is to deliver on the NSW Government's vision of a sustainable, equitable and transparent interment industry. One of the tenants of this is around ensuring sufficient and suitable land is available in NSW to meet current and future demand for interment services.

In November 2017, CCNSW published its landmark Metropolitan Sydney Capacity Report where it identified that the Greater Metropolitan Area of Sydney would reach capacity by circa 2050 if additional cemetery land was not brought on line.

The draft planning proposal to expand St. Bartholomew's Cemetery provided to CCNSW via email on 3 July 2018 is **supported** by CCNSW as it will provide further capacity to meet future interments within the Greater Metropolitan Area of Sydney by expanding on an existing cemetery.

If you would like to discuss any of the content of this letter further please do not hesitate to contact me on either 02 9842 8474 or catherine.manuel@cemeteries.nsw.gov.au.

Yours truly

Catherine E Manuel
Chief Executive Officer

Copy to: Ms Jasmina Skoric, Senior Policy Officer, Property, Corporate Services, Blacktown City Council

Appendix D – State Environmental Planning Policies Checklist

SEPP	COMMENT
SEPP No. 1 - Development Standards	Not applicable.
SEPP No. 19 – Bushland in Urban Areas	<p>SEPP 19 aims to protect and preserve bushland within urban areas, including Blacktown. The SEPP is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.</p> <p>The majority of the subject site is currently zoned RE1 – Public Recreation, however it is primarily cleared and the bushland that remains in the low lying parts of the site is not accessible to the public. Most of the endemic open woodland that may have occurred on the site no longer exists, and the cleared land contains mainly introduced grasses. The Cumberland Plain Woodland remnants that remain have been heavily disturbed. Further, the bushland on the subject site is not identified in any of Council’s strategic planning documents for passive public recreation purposes. However, a future development application for cemetery purposes would be required to address accessibility to the bushland located on site, along with requirements of the <i>Biodiversity Conservation Act, 2016</i> in relation to any proposed development impacts on the Cumberland Plain Woodland, being an Endangered Ecological Community.</p>
SEPP No. 21 – Caravan Parks	Not applicable.
SEPP No. 30 – Intensive Agriculture	Not applicable.
SEPP No. 33 – Hazardous & Offensive Development	Not applicable.
SEPP No. 36 – Manufactured Home Estates	Not applicable.
SEPP No. 44 – Koala Habitat Protection	Not applicable.
SEPP No. 47 – Moore Park Showground	Not applicable.
SEPP No. 50 – Canal Estate Development	Not applicable.
SEPP No. 52 – Farm Dams & Other Works in Land and Water Management Plan Area	Not applicable.
SEPP No. 55 – Remediation of Land	<p>SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>The subject site has historically been used for grazing and agricultural uses but this has ceased many years</p>

SEPP	COMMENT
	ago. More recently, the site has become surrounded by both industrial and commercial uses and has been used for stockpiling of road materials. Consequently risk of contamination is possible. Appropriate contamination assessment and subsequent treatment where required would be undertaken as part of any future development application for cemetery expansion on the subject site.
SEPP No. 62 – Sustainable Aquaculture	Not applicable.
SEPP No. 64 – Advertising & Signage	Not applicable.
SEPP No. 65 – Design Quality of Residential Apartment Development	Not applicable.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not applicable.
SEPP (Affordable Rental Housing) 2009	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.
SEPP (Coastal Management) 2018	Not applicable.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP (Exempt & Complying Development Codes) 2008	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
SEPP (Infrastructure) 2007	Not applicable.
SEPP (Integration and Repeals) 2016	Not applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.

SEPP	COMMENT
SEPP (Rural Lands) 2008	<p>The aims of this SEPP are to facilitate the orderly and economic use and development of rural lands for rural and related purposes and identify Rural Planning and Rural Subdivision Principles.</p> <p>One parcel of land to which the PP applies is currently zoned RU4 – Primary Production Small Lots and this SEPP applies to Blacktown LGA. As the land is approximately 5,000m² in area, is fragmented from other rural land and contains the State Heritage listed Old Prospect Post Office, its current or potential for use for economic rural purposes is considered to be very limited.</p>
SEPP (State & Regional Development) 2011	<p>The aims of this SEPP are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.</p> <p>Cemeteries are not currently identified within any of the relevant schedules of the SEPP nor are they deemed as State or Regional Development.</p>
SEPP (State Significant Precincts) 2005	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Vegetation in Non-Rural Areas) 2017	<p>The Vegetation SEPP repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan and substantially reproduces the effect of these clauses in the Vegetation SEPP.</p> <p>The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent, and applies to the subject land.</p> <p>The Planning Proposal does not involve the clearing of any native vegetation, however, a future development application for cemetery purposes will need to address native vegetation in the context of the Biodiversity Offset Scheme.</p>
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
Deemed SEPP (SREP)	COMMENT
SREP No. 8 – Central Coast Plateau Areas	Not applicable.
SREP No. 9 – Extractive Industry (No.2 1995)	Not applicable.

SEPP	COMMENT
SREP No. 16 – Walsh Bay	Not applicable.
SREP No. 20 – Hawkesbury-Nepean River (No. 2 1997)	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 – St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
SREP (Sydney Harbour Catchment) 2005	Not applicable.

Appendix E – Ministerial (Section 9.1) Directions Checklist

MINISTERIAL (s. 9.1) DIRECTION		COMMENT
1	Employment & Resources	
1.1	Business & Industrial Zones	Not applicable.
1.2 & 1.5	Rural Zones	These directions seek to generally protect agricultural production values where land is zoned for that purposes (i.e. within RU zones). One parcel of land within the subject site is currently zoned RU4 – Primary Production Small Lots. As the land is approximately 5,000m ² in area, is fragmented from other rural land and contains the State Heritage listed Old Prospect Post Office, its agricultural production value is very limited. The site is considered to be of minor significance in agricultural production terms and the Planning Proposal is therefore consistent with this s.9.1 direction.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
2	Environment & Heritage	
2.1	Environment Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	<p>These directions seek to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The following listed heritage items (two of which are state significant) are located on or adjoin the subject site:</p> <ol style="list-style-type: none"> 1. St Bartholomew's Church and cemetery. 2. Old Prospect Post Office. 3. The former alignment of the Great Western Highway (part of which is now Tarlington Place). <p>The Planning Proposal conserves items, areas, objects and places of environmental heritage significance, and provides heritage conservation recommendations (in Section 4.2.4) for the future design and development of the subject site it is considered to be consistent with this s.9.1 direction.</p>
2.4	Recreation Vehicle Areas	Not applicable.
2.5	Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.

MINISTERIAL (s. 9.1) DIRECTION		COMMENT
3	Housing, Infrastructure & Urban Development	
3.1	Residential Zones	Not applicable.
3.2	Caravan Parks & Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Not applicable.
3.4	Integrating Land Use & Transport	Not applicable.
3.5	Development Near Licensed Aerodromes	Not applicable.
3.6	Shooting Ranges	Not applicable.
4	Hazard & Risk	
4.1	Acid Sulfate Soils	Not applicable.
4.2	Mine Subsidence & Unstable Land	Not applicable.
4.3	Flood Prone Land	<p>These directions seek to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that LEP provisions consider potential flood impacts both on and off the subject land.</p> <p>Although Council's LEP flood maps do not show the subject land as being flood prone, a small portion of the land (in the centre of the site, adjacent to Great Western Highway) has been identified (by <i>ARUP's Flooding Stormwater Management Report – June 2018</i>) as being within the 1% AEP peak flood event.</p> <p>This Planning Proposal does not:</p> <ul style="list-style-type: none"> ○ include provisions that apply to a flood planning area; ○ permit development in the area of the site impacted by the 1%AEP peak flood event; or, ○ impose any flood related development controls. <p>As such the Planning Proposal is primarily consistent with the s.9.1. direction.</p> <p>The only minor inconsistency is that the area of land impacted by the 1% AEP peak flood event is proposed to be rezoned from RE1 Recreation to SP1 Cemetery (Clause 5 of this direction). As this is a very small portion of the site and any future development of the site can satisfy the Floodplain Development Manual 2005, Council's LEP (Clause 7.1) and Council's DCP (Part A, Sections 9 & 10) the inconsistency is considered to be of minor significance in this case.</p>

MINISTERIAL (s. 9.1) DIRECTION		COMMENT
4.4	Planning for Bushfire Protection	Not applicable.
5	Regional Planning	
5.1	Implementation of Regional Strategies	Not applicable.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable.
5.4	Commercial & Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5	Revoked 18 June 2010	Not applicable.
5.6	Revoked 10 July 2008	Not applicable.
5.7	Revoked 10 July 2008	Not applicable.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable.
5.9	North West Rail Link Corridor Strategy	Not applicable.
5.10	Implementation of Regional Plans	Not applicable.
6	Local Plan Making	
6.1	Approval & Referral Requirements	The objective of this direction is to ensure that any future LEP provisions encourage the efficient and appropriate assessment of development. As the Planning Proposal does not include new or proposed provisions that require concurrence, consultation or referral of development applications to a Minister or public authority, it is considered to be consistent with this s.9.1 direction.
6.2	Reserving Land for Public Purposes	<p>This direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes and to subsequently remove these where they are no longer required.</p> <p>The Planning Proposal removes two lots (Lots 1 & 2 DP456722) from the Blacktown LEP 2015 Land Reservation Acquisition Map as they have been transferred into Council's ownership (from State government ownership), thus the land has now been acquired by Council.</p> <p>The Planning Proposal is therefore primarily consistent with this s.9.1 direction as the land no longer needs to be acquired. Further, the State government transferred the land to Council on the condition that it be used for cemetery expansion, which is the core purpose of this Planning Proposal.</p>

MINISTERIAL (s. 9.1) DIRECTION		COMMENT
		However, subclause (4) states 'A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)'. At this stage, although the land has been transferred to Council the Secretary has not agreed to reduce or remove the RE1 zoning. Therefore, although the Planning Proposal is inconsistent with this subclause of the s.9.1 direction, it is considered to be a minor and necessary inconsistency.
6.3	Site Specific Provisions	The purpose of this direction is to discourage unnecessarily restrictive site specific planning controls. Whilst the Planning Proposal will allow a particular development to be carried out on the land (cemetery), it is not for a specific future development proposal and does not contain additional site specific planning controls for a cemetery. Therefore the Planning Proposal is consistent with this s.9.1 direction.
7	Metropolitan Planning	
7.1	Implementation of 'A Plan for Growing Sydney'	This direction gives legal effect to the planning principles, directions and priorities contained in A Plan for Growing Sydney (now replaced by Greater Sydney Region Plan – A Metropolis of Three Cities) and therefore ensuring that planning is consistent with its intent. As discussed in Section 4.2 the Planning Proposal is consistent with the directions of the Greater Sydney Region Plan – A Metropolis of Three Cities (which replaces A Plan For Growing Sydney) and is therefore consistent with this s.9.1 direction.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.