



PLANNING PROPOSAL

BUMBORAH POINT - EXPANSION OF THE EASTERN SUBURBS MEMORIAL PARK

JUNE 2019
PREPARED FOR SOUTHERN METROPOLITAN CEMETERIES LAND MANAGER



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1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf the Southern Metropolitan Cemeteries Land Manager (SMCLM) (the Proponent) to initiate an amendment to the *Randwick Local Environmental Plan 2012* (RLEP 2012) in regards to land at Bumborah Point Road, Port Botany (the site). The site is legally described as Lot 4858 in DP 752015, part of Lot 7302 in DP 1139143 and the Military Road Reserve (unknown Lot and DP) as shown in **Figure 1** below.

The Planning Proposal seeks to:

- Include “*cemetery*” as an additional permitted use on the site to facilitate the expansion of the Eastern Suburbs Memorial Park (ESMP) which is located directly adjacent to the site to the north east; and
- Extend the active burial years of the cemetery by facilitating the creation of approximately 3,000 additional full body burial plots in addition to space for ash interments;
- Facilitate in meeting the demand for additional burial space across the Eastern City District by increasing the capacity of the ESMP.

The future development of the site for a cemetery will provide a logical expansion to the existing facilities of the ESMP whilst ensuring the harmonious relationship between the site and the waterfront.

Figure 1 – Aerial map of the site



1.2. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment (DPE) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the subject site and its context;
- An overview of the strategic context of the site;
- A summary of the local planning controls;
- An overview of the key elements of the Planning Proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provision of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;
- Description of the community consultation process expected to occur regarding the proposal; and
- An approximate project timeline.

The Planning Proposal is accompanied by a range of plans and reports to provide a comprehensive analysis of the site opportunities and constraints. These include:

- **Appendix A** – Site Survey;
- **Appendix B** – Updated Indicative Landscape Masterplan prepared by Matthew Higginson Landscape Architecture;
- **Appendix C** – Inner Sydney Cemetery Demand Assessment;
- **Appendix D** – Aboriginal Heritage Due Diligence Assessment by Artefact;
- **Appendix E** – Contamination Report and Preliminary Site Investigation prepared by JBS&G;
- **Appendix F** – Updated Flora and Fauna Assessment prepared by Eco Logical Australia;
- **Appendix G** – Geotechnical Report and Preliminary Geotechnical Investigations prepared by Douglas and Partners;
- **Appendix H** – Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates;
- **Appendix I** – Deed of Agreement;
- **Appendix J** – LEP Mapping prepared by Urbis;
- **Appendix K** – Coastal Engineering Study and supplementary assessment for 100 year planning period prepared by Horton Coastal Engineering;
- **Appendix L** – Visual Impact Assessment prepared by Urbis Design;
- **Appendix M** - Heritage Impact Statement and supplementary assessment regarding potential former fortifications on the site prepared by Urbis Heritage; and
- **Appendix N** – Neighbourhood Letterbox Notification.

2. PROJECT BACKGROUND

2.1. BURIAL CAPACITY AND DEMAND FOR BURIAL SPACE

There is a recognised demand for additional burial space across the Metropolitan Sydney Region. The Department of Planning and Environment estimates that existing cemetery capacity will likely be exhausted by 2050.

Like many existing cemeteries, ESMP is close to reaching capacity. The Planning Proposal is accompanied by Cemetery Demand Report for the Eastern City District (formal known as the Central District), which includes the Local Government Areas of Bayside, Burwood, Canada Bay, Inner West, Randwick, Strathfield, Sydney, Waverley and Woollahra. As detailed within the Inner Sydney Cemetery Demand Report (**Appendix C**), the ESMP had 7,458 unused burial plots at September 2017, which represent approximate 10% of all plots at the cemetery.

The total number of unused burial plots in ESMP represents approximate 90% of all unused burial plots across the Eastern City District. Based on the projected number of deaths in the Eastern City District from 2017 onwards, and assuming the proportion of burials remains constant (33%), approximately 24,300 new burial sites will be required over the next 15 years from 2017 to 2032. This represents around three times the available burial plots currently estimated to be available in the Eastern City District. If demand for burial plots remains constant, the current stock of burial plots in the Eastern City District would be fully absorbed in approximately five years from now. This data highlights that there is a strong need for additional burial space in the Eastern City District.

2.2. CONSULTATION WITH THE LA PEROUSE ABORIGINAL LAND COUNCIL

SMCLM have undertaken consultation with the La Perouse Local Aboriginal Land Council (La Perouse LALC) and New South Wales Aboriginal Land Council (NSWALC), which has resulted in the preparation of a Deed of Agreement between the three parties relating to the proposed expansion of ESMP on the subject site. The Deed of Agreement is included at **Appendix I**.

The La Perouse LALC is the LALC relating to the subject site and the broader La Perouse area. The La Perouse area has seen continuous Aboriginal presence possibly dating back 30,000 years or more. Between 2006 and 2016, the La Perouse LALC made various Aboriginal Land Claims in relation to the site. As such, the site is "Claimed Land" pursuant to section 36 of the *Aboriginal Land Rights Act 1983*.

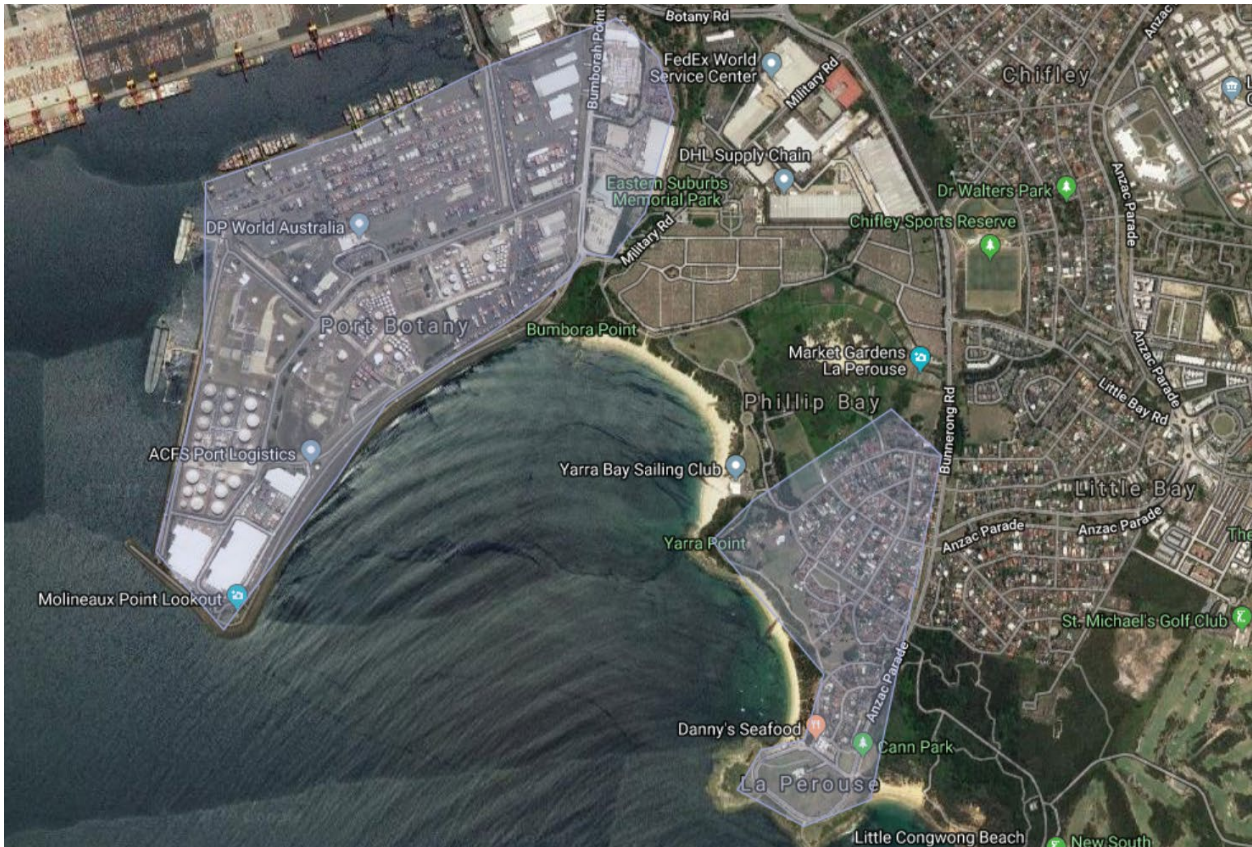
The Deed of Agreement was executed on 15 December 2016 to facilitate the proposed expansion of ESMP. Under the Deed of Agreement, the La Perouse LALC and the NSWALC will withdraw the Aboriginal Land Claims relating to the site and will not make further Aboriginal Land Claims in accordance with the following terms:

- SMCLM is to grant 125 burial licences to the La Perouse LALC in relation to burial places within ESMP.
- SMCLM must establish an exclusive Aboriginal Cemetery and Memorial Garden on the Claimed Land, for the interment of the remains of Aboriginal persons who are members of the La Perouse LALC or who are residents in the La Perouse LALC area, or members of their families. The Aboriginal Cemetery and Memorial Garden is to accommodate at least 125 double depth graves.

2.3. LETTERBOX NOTIFICATION TO NEARBY NEIGHBOURS

Prior to the resubmission of this updated Planning Proposal, a letterbox notification was distributed to nearby neighbours. The notification was distributed within the catchment shown below in **Figure 2**. The notification provided an outline of the planning proposal and noted the avenues available for the public to comment or enquire about the proposal. The notification has been included for reference at **Appendix N**.

Figure 2 – Letterbox notification catchment



2.4. CONSULTATION WITH RANDWICK CITY COUNCIL

2.4.1. Councillor Briefing

A Councillor briefing was held on 4 April 2017, to request in principle support from Randwick Council for the project. The briefing was attended by representatives from SMCLM and the LA Perouse LALC. The briefing confirmed the execution of the Deed of Agreement and discussed the intended relocation of the existing coastal walkway to a future foreshore buffer zone on the site. The outcomes of the briefing were presented to Randwick City Council at the ordinary Council Meeting on 18 April 2017, where the following resolution was passed:

That Council:

- a) give its in principle support for a rezoning application of Lot 4858 at Bumbora Point for cemetery use subject to a detailed assessment of all relevant planning and environmental issues in the associated planning proposal including flora and fauna, geotechnical investigation, contamination and remediation, visual impact, public access, traffic, parking and easements, and,*
- b) requires the creation of a foreshore buffer zone incorporating a coastal walkway.*

2.4.2. Meetings with Council Strategic Planning Staff

The Proponent and project team have met with Strategic Planning Staff at Randwick City Council during the preparation of the planning proposal and following the submission of the proposal to discuss further studies and updates to the documentation.

The Proponent met with Council staff on two occasions prior to the submission of the proposal (7 April 2017 and 30 August 2017). The strategic merit for the provision of additional burial space was acknowledged by Council on both occasions. It was acknowledged that Sydney faces a critical shortage of burial space and there will be growing demand for additional cemetery space across Sydney as populations grow and age. This issue will be particularly challenging in Sydney's eastern regions, where suitable and available land is extremely limited.

It was collectively agreed that the amendment of the RLEP 2012 to add an additional land use in respect to the subject site via Schedule 1 is the most logical and appropriate statutory planning mechanism to achieve the objectives of the proposal. Council noted that the Planning Proposal will need to demonstrate that the proposal has strategic merit and must contain adequate information to demonstrate that relevant environmental, social and economic matters. This report responds to Council's request.

The planning proposal that was originally lodged with Council was updated and resubmitted in July 2018, following requested additional geotechnical and contamination studies, a heritage impact statement, visual impacts assessment and sea level rise analysis.

The Proponent and design team met with Council on 20 March 2019 to discuss additional information requested by Council following the initial assessment of the planning proposal submitted in July 2018. This updated Planning Proposal responds to each matter requested by Council as noted below in **Table 1**. The additional and updated information is appended to this report. The findings of all technical studies are discussed in Sections 4-6 of this report.

Table 1 – Council requested information and proponent response

Matter	Proponent Response	Appendix Reference
1. The proponent is to submit a Site Audit Statement to confirm if the site can be made suitable for the intended uses.	In further correspondence, Council confirmed that the Site Audit Statement can be undertaken at DA stage. The Planning Proposal is accompanied by a Preliminary Site Investigation and a Contamination Report, which was informed by site testing. The investigations confirm that the site can be made suitable for the cemetery and public recreation uses.	N/A
2. The Proponent is to review of the Coastal Engineering Study to address coastal processes/hazards over long term planning horizons (i.e. 100 years).	The Proponent's coastal engineer (Horton Coastal Engineering) has provided a supplementary assessment to address coastal processes/hazards over a 100 year planning period. The 100 year hazard line is illustrated on the Landscape Masterplan and the proposed additional permitted use map has been updated. The updated Coastal Engineering Study confirms that the cemetery use and foreshore walk are appropriately located outside of the defined hazard line.	Appendix K Appendix J
3. The proponent is to review of the Concept Landscape Plan, including (but not limited to) the boundary of the proposed foreshore buffer zone and the location of the proposed foreshore walkway to respond to any potential coastal hazards.	The Concept Landscape Masterplan has been updated to respond to the further coastal engineering assessment. The revised plan relocates the foreshore walkway and buffer zone landward and illustrates where new walkways will meet existing paths to the beach. The updated Coastal Engineering Study assesses the amended Concept	Appendix B

Matter	Proponent Response	Appendix Reference
	Landscape Masterplan and confirms that the proposed uses have been appropriately located landward of the hazard line.	
4. The proponent is to investigate design options for the Concept Landscape Plan to minimise native vegetation clearing from the site.	<p>The updated Concept Landscape Masterplan shows areas of native vegetation that can be retained under the concept scheme, including areas of Coastal Sand Tea-tree Banksia Scrub and Beach Spinifex Grassland.</p> <p>The Flora and Fauna Assessment has been updated to assess the revised cemetery footprint and native vegetation intended for retention.</p>	Appendix B
5. The Aboriginal Heritage Due Diligence Assessment report is to be updated to note any relevant finding from the geotechnical and contamination reporting.	The Aboriginal Heritage Due Diligence Assessment has been updated following Artefact's review of the geotechnical and contamination site testing findings. The recommendations and conclusions of the Aboriginal Heritage Due Diligence remain unchanged.	Appendix D
6. The Heritage Impact Statement is to investigate and consider any possible former fortification located on the subject site as indicted in photographs provided by the La Perouse Peninsula Society. The supplementary assessment is to outline the methodology undertaken to explore the possible former fortifications on the site.	An Addendum to the HIS has been provided to address the possible former fortifications on the site. No intact former military fortifications were identified on the site walkovers undertaken, nor were any definitive conclusive records observed during historical research undertaken at the national Archives of Australia.	Supplementary letter attached to HIS at Appendix M .
7. The Planning Proposal Report is to address clause 6.12 of Randwick LEP 2012 which requires the preparation of a site specific DCP for sites with an area greater than 10,000sqm.	This report has been updated to address clause 6.12 RLEP 2012 (refer to Section 4.13). A DCP for the site will be prepared prior to the lodgement of a development application. The DCP will be required to be exhibited and endorsed by Council.	N/A

This information is provided and appended to this report. The findings of all technical studies are discussed in Sections 4-6 of this report.

2.5. RESPONSE TO JOINT RANDWICK / WAVERLY DESIGN REVIEW PANEL

The Planning Proposal and accompanying Concept Landscape Masterplan were considered by the Joint Randwick / Waverly Design Review Panel on 10 September 2018. Overall the Panel supported the proposal noting that the *“scheme provides a sensitive and integrated approach to the expansion of the cemetery towards the foreshore. The minimal approach to grave markers is supported and the Columbaria has been sensitively integrated into the landform”*.

The recommendations of the panel are considered below.

Wooded foreshore

- Comment: While a scattering of new trees has been proposed in the landscape plan, landscape treatments in the form of more continuous windbreaks along major paths could help retain the image of the site as a wooded foreshore when viewed from outside the site.
- Response: We will explore continuous planting along the major paths in the updated Concept Plan to be submitted to Council. It's understood that Council would like to further develop this element of the concept plan now at PP stage to provide design guidance for the DA.

Loop Road

- Comment: The loop road should be adjusted so that it does not impinge on the 20m foreshore buffer.
- Response: The impingement of the loop road into the buffer zone is very minor. The intent of the buffer is to ensure burial areas are not proposed too close to the cliff line. A 20m buffer is best practice from a geotechnical point of view when ground water is considered, the recommendations do not relate to the location of roads. The impingement is located in the western corner of the site and does not impact on existing native vegetation. Retention of native vegetation in addition to new planting within the buffer zone in the eastern portion of the foreshore is proposed.

Visual Impact Assessment

- Comment: Methodology is acceptable and has been correctly followed, however, the imagery could benefit from a series of before and after images in which the removal of landscape is clearly illustrated. The panel provides some specific comments relating to the views analysed.
- Response: The proponent will undertake before and after imagery at the DA stage when the masterplan is finalised. Before and after imagery can only be examined once the masterplan is finalised and renders are produced based on a final design. W
- Comment: The view shown at the confluence of Simblist Rd and Prince of Wales Drive should be relocated south to the point, as this is where there is a public gathering point. It is agreed that this is not a view of High Sensitivity.
- Response: This is Molineux Reserve approx. 1.34km from subject site (similar distance to Viewpoint 8). The visual sensitivity would be moderate due to distance and land use being under parks, reserves and recreation. The visual modification level and discussion would be comparable to Viewpoint 8 and as such do not believe an additional viewpoint is required. Additionally, access is gated reducing frequency of use. Therefore, operational visual impact would be Low.
- View 2 – Military Road, Comment: An additional view should be provided just to the south of View 2 where the path turns prior to entering the new memorial park. This will be a view of High Sensitivity and should be assessed.
- Response: The existing vegetation to the south of Military Road and north of the existing Memorial Park is to be retained and enhanced (right side of photograph below). No burial plots are proposed in this location. Additionally, the views from the existing path south-westerly (left side of photograph) would be seen in context with an existing cemetery. Visual sensitivity would be high due to distance and land use being shared use path. The visual modification level would be low-moderate due to falling topography and extent of view impacted by the proposal. Therefore, operational visual impact would be moderate - high.



- View 3 – Trigg Point, Comment: Does the proposal increase views through/into the port?
- Response: The proposal would marginally increase views to the port at operation due to the removal of canopy trees. Formal tree planting is proposed along the existing shared path, internal footpaths and proposed internal road network which would assist to filter views towards the port infrastructure once mature.
- View 5 - Yarra Bay Bicentennial Park, Comment: It is unclear how views to the foreshore are disrupted as the foreshore is located across the bay and will not be affected from the viewers point.
- Response: The discussion is not about disrupting views to the foreshore but the change in what the viewer will see. The viewing experience is from the Yarra Bay Bicentennial Park looking towards a foreshore encircled by vegetation. The viewing experience would change to a foreshore encircled by a cemetery.
- View 7 - Yarra Bay Sailing Club, comment: Does the proposal increase views through/into the port? The proposal would marginally increase views to the port at operation due to the removal of canopy trees.
- Response: The existing rising topography and proposed formal tree planting along the existing shared path, internal footpaths and proposed internal road network which would assist to filter views towards the port infrastructure once mature.

3. SITE AND SURROUNDING CONTEXT

3.1. SITE LOCATION

The site is known as Bumborah Point and is located at Bumborah Point Road, Port Botany, as shown in **Figure 3** below. The site is legally described as Lot 4858 in DP 752015, part of Lot 7302 in DP 1139143 and part of the Military Road Reserve (unknown Lot and DP)

The site is located within the Randwick Local Government Area, within the eastern suburbs of the Sydney Metropolitan Area. The site is located approximately 12 kilometres by direct line from the Sydney Central Business District. The key features of the land to which the Planning Proposal applies are described in **Table 2** below and can be seen in the site photographs at **Figure 4**.

Figure 3 – Site maps



Picture 1: Location map



Picture 1: Site aerial

The key features of the land to which the Planning Proposal applies are described in **Table 2** below and can be seen in the site photographs at **Figure 3**.

Table 2 – Site features

Feature	Description
Site area	4.35 hectares
Topography	The topography gently rises to a knoll in the centre of the site. Steeper topography is present towards the foreshore in the southern areas of the site.
Access	Vehicular and pedestrian access is provided from Military Road. An existing driveway provides access to a small carpark and bitumen path leading to Yarra Beach. The majority of the site is currently inaccessible due to thick vegetation and the poor condition of informal dirt tracks.
Existing development	The site currently accommodates a driveway from Military Road and a carpark with 20 car spaces. The site is free of built structures and largely covered in thick scrub and weeds.
Flora and Fauna	The dominant vegetation communities on the site are Coastal Sand Tea-tree Banksia Scrub and Beach Spinifex Grassland. The site also contains a number of weeds including Lantana, Caster Oil Plant and Moth Vine. No threatened species of flora or fauna were recorded during the site inspection undertaken by Eco Logical Australia.

Feature	Description
Easements	<p>As indicated in the Survey Plan at Appendix A, the following easement affect the site:</p> <ul style="list-style-type: none"> • Easement for Circulating Water Tunnels, Manholes and Inlets – expires 28/06/2036 • Easement for Sewerage 4.265m wide • Easement for Services 18.29 wide • Easement for Salt Water Intake 3.05, 4.42 & 10.73 wide

Figure 4 – Site photos



Picture 1 – Typical site vegetation



Picture 2 – existing dirt trails through site



Picture 3 – Looking north east from the western corner of the site



Picture 4 – Looking east from the site towards Yarra Beach

3.2. SURROUNDING CONTEXT

The site is located in the suburb of Port Botany, near to the suburbs of Matraville and Phillips Bay. The area is characterised by a variety of land uses including logistics uses associated with Port Botany, the existing ESMP and residential uses in the suburbs of Phillips Bay and La Perouse. The site is immediately surrounded by the following:

- **North:** To the north of the site is Military Road. To the north of Military Road are freight and industrial uses.
- **East:** To the east of the site is the existing ESMP. Further east is the Chinese Market Gardens. South of ESMP is Yarra Beach and Reserve.
- **South:** To the south of the site is Yarra Bay.
- **West:** To the west of the site is Prince of Wales Drive and the Port Botany freight and logistics precinct.

3.3. SURROUNDING ROAD AND PUBLIC TRANSPORT NETWORK

The site is well serviced by the existing road network, which includes the following key roads:

- Botany Road – a State Road and arterial route;
- Bunnerong Road – a State Road (north of Botany Road, Regional Road south) and sub-arterial route linking between La Perouse and Kingsford;
- Anzac Parade – a State Road and sub-arterial route;
- Bumborah Point Road – a State Road connecting to Botany Road forming a collector route with Military Road;
- Millennium Circuit – a local access cul-de-sac; and
- Princes of Wales Road – a private “port road” cul-de-sac which is gated.

Public transport services for the site are provided by the following bus routes:

- Route 309 connecting Central Station and Port Botany (Military Road) via Botany Road;
- Route L09 (weekday morning and afternoon peak services) connecting Central Station and Port Botany (Military Road); and
- Route 391 connecting Central Station and Port Botany (Military Road) via Anzac Parade.

Bus services are frequent and provide connection to numerous centres with opportunities for further connections.

4. STATUTORY PLANNING CONTEXT

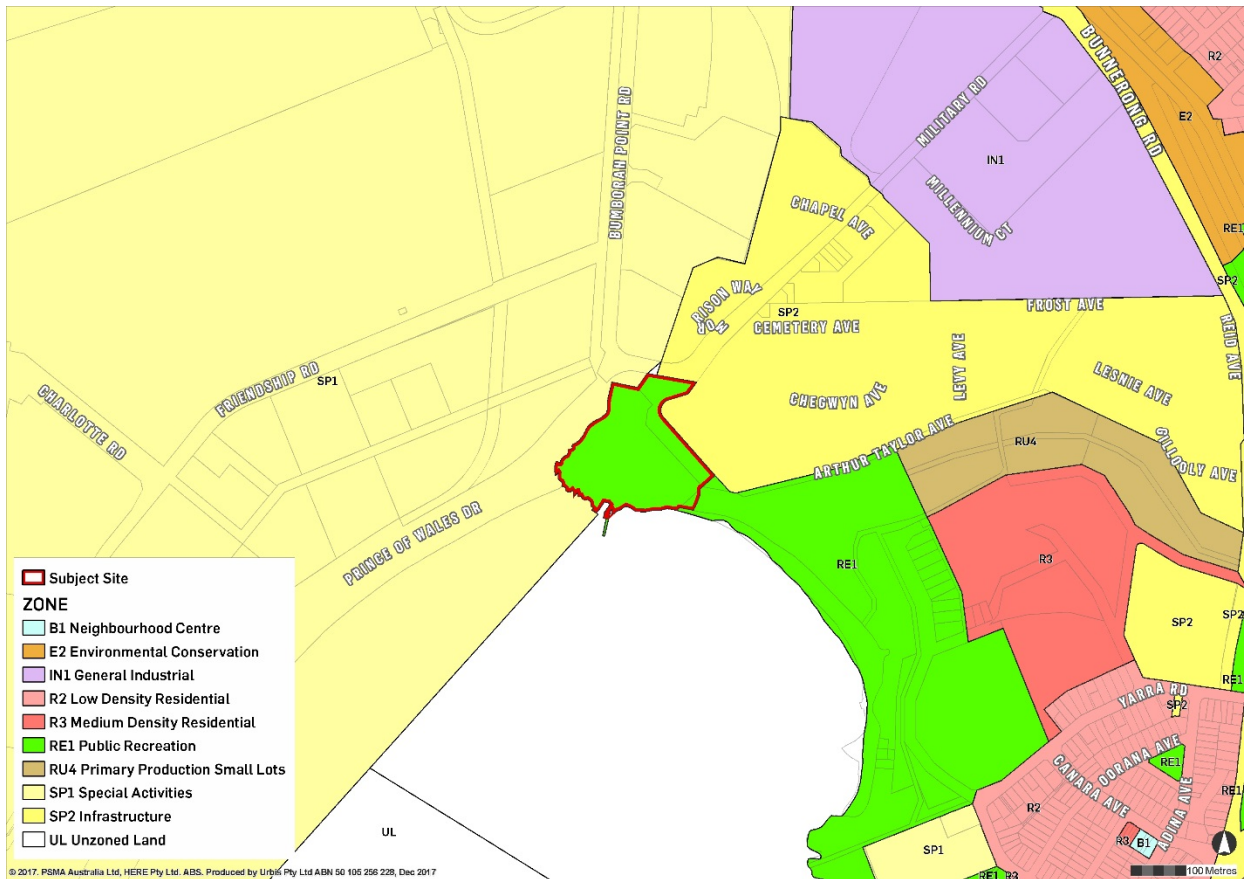
4.1. RANDWICK LOCAL ENVIRONMENTAL PLAN

The *Randwick Local Environmental Plan 2012* (RLEP 2012) was gazetted 1 February 2013 and is the principle environmental planning instrument applicable to the site.

4.1.1. Zoning

The site is zoned RE1 Public Recreation at shown in **Figure 5** below. **Table 3** details the zone objectives and land use permissibility.

Figure 5 – RLEP 2012 Zoning map



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Table 3 – Zone objectives and permissibility

Zone objectives	<ul style="list-style-type: none"> • <i>To enable land to be used for public open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> • <i>To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors</i>
Permitted without consent	<i>Environmental facilities; Environmental protection works; Flood mitigation works; Roads</i>
Permitted with consent	<i>Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Heliports; Horticulture; Information and education facilities; Jetties; Kiosks; Markets; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures</i>
Prohibited	<i>Any development not specified in item 2 or 3</i>

This Planning Proposal relates to the inclusion of “cemetery” as an additional permitted use on the site. As per the RLEP 2012, “cemetery” means:

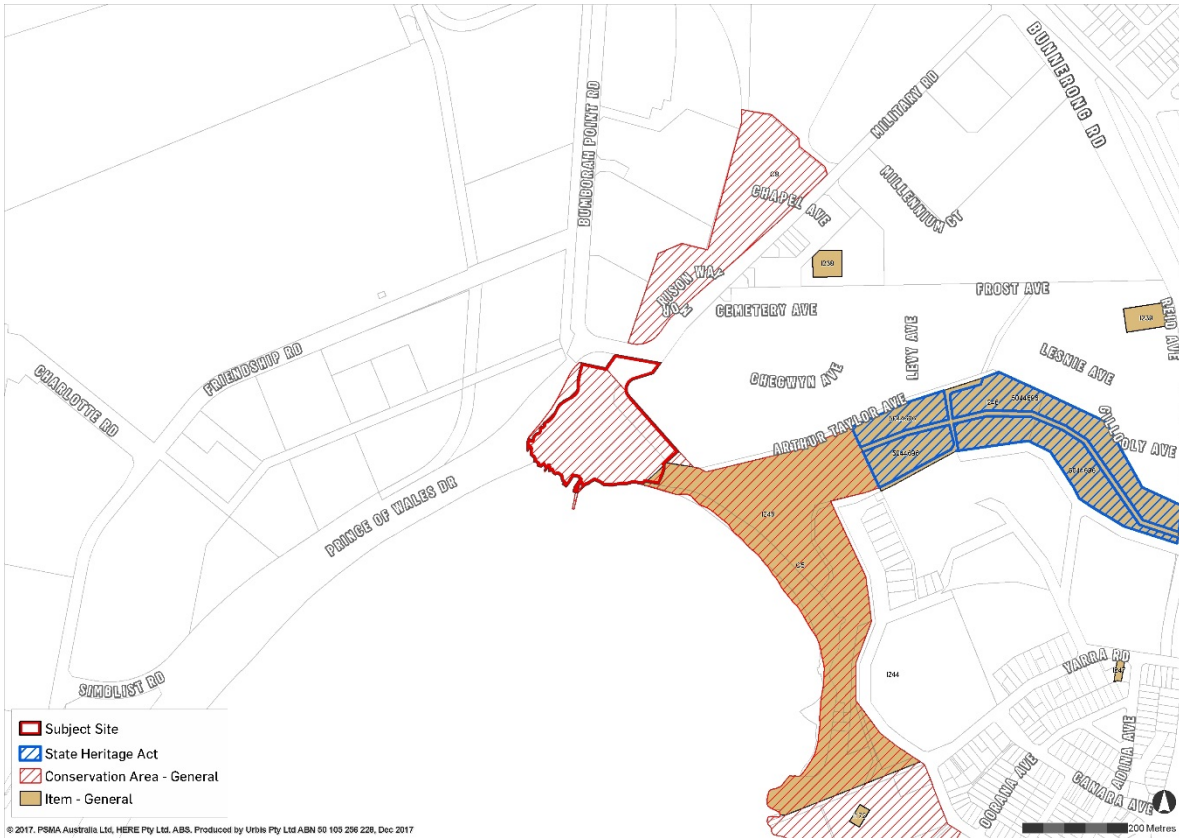
a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

Development for the purpose of a “cemetery” is prohibited in the RE1 Public Recreation zone. Notwithstanding, having considered the objectives of the RE1 zone, the range of permitted uses on the site we conclude that the proposed additional use satisfies the intended development outcomes sought in the zone and on the site, and therefore presents a strong merit case for Council to support the proposal.

4.1.2. Heritage Conservation

The site is located within the Botany Bay National Park Heritage Conservation Area as indicated in the RLEP 2012 Heritage Map extract at **Figure 6** below. The south eastern corner of the site constitutes the Yarra Bay Beach and Reserve (item no. 245) which is identified as an item of local heritage significance. A Heritage Impact Statement has been prepared by Urbis Heritage and is included at **Appendix M**, heritage is further discussed in Section 5 of this report. The Botany Bay National Park Heritage Conservation Area includes the Botany Bay National Park at La Perouse and extends either side of the national park along the waterfront to Bumborah Point to the west as evident in map extract at the Botany Bay National Park Heritage Conservation Area map at **Figure 6**.

Figure 6 – Heritage mapping



Picture 5 – RLEP 2012 Map Extract

Source: Google Earth



Picture 6 – Botany Bay National Park Heritage Conservation Area Map Extract

4.1.3. Development requiring the preparation of a development control plan

Clause 6.12 of the RLEP 2012 specifies that sites over 10,000sqm require the preparation of a DCP. A DCP for the site will be prepared and is to be endorsed by Randwick Council prior to the lodgement of a DA for the site. As per subclause 4 of clause 6.12, the DCP is to address the following:

- (a) design principles drawn from an analysis of the site and its context,*
- (b) phasing of development and how it will provide for the social and recreational needs of a new community,*
- (c) distribution of land uses, including open space (its function and landscaping) and environment protection areas,*
- (d) subdivision pattern and provision of services,*
- (e) building envelopes and built form controls,*
- (f) housing mixes and tenure choices, including affordable and adaptable housing,*
- (g) heritage conservation, including both Aboriginal and European heritage,*
- (h) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,*
- (i) impact on, and improvements to, the public domain,*
- (j) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,*
- (k) the application of the principles of ecologically sustainable development,*
- (l) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,*
- (m) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation,*
- (n) opportunities to apply integrated natural water-cycle design and integrated renewable energy design.*

The suitability of future development of the site is demonstrated through the Concept Landscape Masterplan provided at **Appendix B**. The Concept Landscape Masterplan has the ability to be transferred into a DCP, as it considers many of the key factors under subclause 4 of the RLEP 2012, including but not limited to:

- Landscaping principles;
- Pedestrian and vehicular access;
- Environmental constraints, including coastal hazard line and 20m foreshore buffer;
- Landscape character and native vegetation retention; and
- Important view corridors and visual impact principles.

Consultation will be undertaken with Council to determine the suitable timing of the preparation of the DCP, for instance, concurrent exhibition with the Planning Proposal and DCP.

5. INTENDED DEVELOPMENT OUTCOME

The Planning Proposal seeks to include “cemetery” as an additional permitted use on the site to facilitate the expansion of ESMP. The proposal will increase the capacity of ESMP, which will facilitate meeting the demand for additional burial space across the Eastern City District. The proposed cemetery expansion will facilitate the creation of approximately 3,000 additional full body burial plots in addition to space for ash interments. This will increase the active burial years of the cemetery, with estimated plot exhaustion to occur at 2024, as discussed in the Inner Sydney Cemetery Demand Report at **Appendix C**.

5.1. CONCEPT LANDSCAPE MASTERPLAN

A Concept Landscape Masterplan has been prepared for the site by Matthew Higginson Landscape Architecture, as indicated in **Figure 7** below and at **Appendix B**. The Concept Landscape Masterplan has been updated following Council’s information request and further design discussions with Council on 20 March 2019. The key elements of the concept Landscape Masterplan are described below.

Figure 7 – Concept Landscape Masterplan



Source: Matthew Higginson Landscape Architecture

5.1.1. Burial space and landscape character

The Concept Landscape Masterplan has been designed to accommodate approximately 3,000 additional full body burial plots in addition to space for ash interments. The areas for burial have been determined through a thorough assessment and analysis of the opportunities and constraints across the site. The suitability of burial areas has been informed by the location of easements, coastal hazards, vegetation retention and suitable water table buffers from the cliff line.

Bumborah Point is to be designed as a contemporary lawn cemetery with some section for monumental graves adjacent to the existing cemetery. Lawn cemetery design is considered contemporary cemetery design across Australia and often serves a dual purpose as publicly accessible open space. Lawn cemetery design and includes the following key landscape characteristics:

- The landscape is predominantly lawn and resembles parklands;
- The landscape includes pathways and can be enjoyed for passive recreational purposes;
- Key pathways are lined with landscaping to provide wind breaks;
- Burial plots are provided in rows within a manicured lawn area; and
- Memorials and plaques are commonly uniform in design and generally lay flush to the lawn with minimal protrusion above ground level.

The visual and landscape characters of a lawn cemetery significantly differ from Victorian era cemetery design. Victorian era cemetery design is exhibited in older sections of most existing cemeteries and is characterised by large monuments and above ground concrete and stone graves coverings. The Concept Landscape Masterplan also includes wall niches for ash interments which are integrated into the topography of the site.

The Concept Landscape Masterplan has been amended to illustrate the areas of native vegetation (Coastal Sand Tea-tree Banksia Scrub and Beach Spinifex Grassland) which can be retained under the Concept Landscape Masterplan. The retention of native vegetation where possible and possible further propagation of native species on the site will form objectives in the draft DCP which will be developed for the site.

5.1.2. Visual character

A Visual Impact Assessment (VIA) has been completed for the proposal and is contained at **Appendix L**. The VIA assesses the concept design from nine (9) surrounding viewpoints to comment on the visual impact from surrounding public spaces. The VIA provides the following conclusions:

The Site has a limited degree of visual exposure and overall, has a low visual sensitivity. With the implementation of the landscape measures, the Project is able to be integrated into the Site and would result in limited reduction to the landscape and visual amenity of the surrounding area. The proposal would not displace any landscape features or resources of value and would be able to be absorbed into the landscape. The Project is therefore, in landscape and visual terms, acceptable for the proposed development. Accordingly, it is concluded that developing the Site for the purposes of a 'cemetery':

- Can be accommodated into the landscape without significant adverse impacts on the landscape quality of the surrounding area;
- A suitable 'environmental fit' can be achieved and the setting is capable of absorbing the proposal in conjunction with the landscape measures; and
- Would increase the functionality and useability of the RE1 zoned land for passive recreational activities.
- It is anticipated the visual principles of the future cemetery will be developed to inform of the draft DCP which will be prepared in accordance with clause 6.12 of the RLEP 2012.

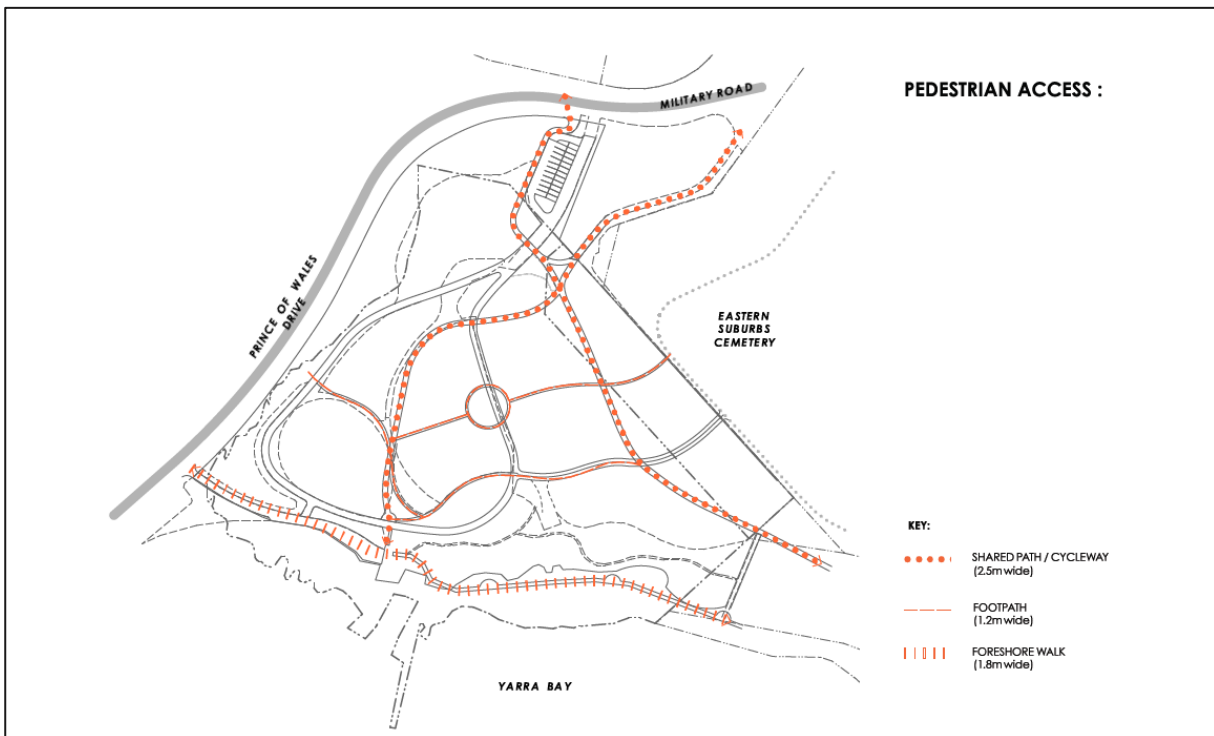
5.1.3. Site access and parking

As indicated in Landscape Masterplan, the future development of the site will include an access driveway and onsite parking in the northern portion of the site. The Concept Landscape Masterplan includes a one-way loop road through the site and a road connecting to the existing ESMP road network. The concept road and path network will provide convenient access to burial areas. Vehicular access will be provided from Military Road. Military Road is a two-lane, two-way road, which includes a traffic island near to the entrance of the subject site. As such, access will be provided in the form of a left turn in / left turn out arrangements. As detailed in the Traffic and Parking Report at **Appendix G**, the proposed cemetery expansion will not result in any adverse traffic circumstances. Whilst the proposal seeks to increase the capacity of the cemetery, it will not increase the frequency or magnitude of ceremonies undertaken at ESMP.

5.1.4. Pedestrian access

The Concept Landscape Masterplan includes provides a hierarchy of pathways and cycleways throughout the site for public access around the site and to Yarra Beach, as indicated in the Pedestrian Access Plan at **Figure 8** below. The future development of the site will improve access to Yarra Beach and the Yarra Beach Foreshore. The site is currently highly vegetated and does not provide any formal or safe pedestrian access to the beach. The future development of the site will include a foreshore promenade and beach access along the southern boundary of the site accessed from Prince of Wales Drive. The Concept Landscape Masterplan includes a boardwalk to the beach and a viewing platform accessed from the foreshore promenade. The provisions of footpaths through the site from Military Road will also provide a north-south connection to Yarra Beach for public use.

Figure 8 – Pedestrian access plan



Source: Matthew Higginson Landscape Architecture

5.1.5. Heritage Conservation

The Botany Bay National Park Heritage Conservation Area includes the Botany Bay National Park at La Perouse and extends either side of the national park along the waterfront to Bumborah Point to the west as evident in map extract at the Botany Bay National Park Heritage Conservation Area map at **Figure 6**. A Heritage Impact Statement has been prepared by Urbis Heritage and is included at **Appendix M**. An Addendum to the HIS has been prepared to address possible locations of former fortifications on the site. The HIS and Addendum conclude the following:

- *The retention of a 20-metre vegetated 'buffer zone' of natural shrubbery along the foreshore will enable the site to retain its connection with the broader Botany Bay National Park Heritage Conservation Area, and also allow it to be read and understood as part of the natural foreshore landscape.*
- *The subject site will still be read, when viewed from the foreshore, as a connecting portion of the Botany Bay National Park Heritage Conservation Area, and the provision of natural shrubbery along the southern periphery of the subject site maintains the continuation of the 'natural' National Park flora along the whole extent of Yarra Bay.*
- *The Concept Masterplan included herein shows that future burials would avoid the significant underground infrastructure associated with the former Bunnerong Power Station, as well as typical underground services and infrastructure, by only occurring outside of areas under which this infrastructure lies. Therefore, future development of a cemetery that would be facilitated by this Planning*

Proposal, will not have any adverse impacts or physical intervention into, the significant tunnel infrastructure of the former Bunnerong Power Station.

- *Our site inspections did not confirm the existence of any intact military structures, although it is acknowledged that our inspections were restricted by the thick vegetation across the site. It is possible that if structures indeed existed on the site, they may have been infilled (speculation) or dismantled (which would be supported by the portions of concrete structure evident throughout the site).*
- *Should structures of the like be found, we would recommend an archival recording of the extant fabric and setting for Council's records, prior to removal. If conclusive evidence of this potential former use is discovered, there remains an opportunity to explore options for interpretation at the site.*

5.2. PUBLIC BENEFIT

The future development of the site for a cemetery will deliver significant public benefit, including the following:

- **Additional burial space** – The provisions of approximately 3,000 additional burial plots, in addition to space for ash interments will facilitate in meeting the demand for burial space in the Eastern City District.
- **Aboriginal Cemetery and Memorial Garden** – The proposal will include a dedicated Aboriginal Cemetery and Memorial Garden which will include 125 burial plots for the interment of the remains of Aboriginal persons who are members or are associated with the La Perouse LALC.
- **Creation of publicly accessible open space** – The future development of the site will increase the functionality and useability of the RE1 zoned land for passive recreational activities. At present, the site is unusable for recreational uses. The site is highly vegetated and does not include any safe or clear access paths, lighting or usable space.
- **Public access** – The future use of the site for a lawn cemetery and associated access networks will significantly improve public access and the safety of access to Yarra Beach and foreshore.

6. PARTS OF THE PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Section 55 of the EP&A with consideration of DPE's *A guide to preparing Planning Proposals*.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following sections.

6.1. PART 1: OBJECTIVES AND INTENDED OUTCOMES

6.1.1. Objectives

The primary objective of the planning proposal is to amend the RLEP 2012 to include “cemetery” as an additional permitted use on the site.

6.1.2. Outcomes

The intended outcome of the planning proposal is:

To extend the active burial years of the Eastern Suburbs Memorial Park by facilitating the creation of approximately 3,000 additional full body burial plots in addition to space for ash interments. The proposal will facilitate in meeting the demand for additional burial space across the Eastern City District and will also improve the usability and access of the site for public passive recreational uses.

6.2. PART 2: EXPLANATION OF THE PROVISIONS

The purpose of the Planning Proposal is to amend RLEP 2012 to allow the proposed development to occur on the site. Accordingly, the proposed outcome will be achieved by amending Schedule 1 Additional permitted uses of the RLEP 2012, to state the development for the purposes of a cemetery is permitted with development consent on the site.

The site is to be identified in the RLEP 2012 Additional Permitted Uses Map (APU_0004) in accordance with the proposed additional permitted use map at **Appendix J**, as also shown in **Figure 9** below.

Figure 9 – Additional permitted uses map



6.3. PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL

The following sections considers the justification for the planning proposal.

6.3.1. Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not directly the result of any strategic study or report. However, the Planning Proposal has arisen following a detailed analysis of the site and surrounding context, the suitability of the site to accommodate the proposed cemetery use, diminishing available burial space in ESMP and the strong demand for additional burial space in the Eastern City District of the Sydney Metropolitan Region.

Urbis have undertaken a Cemetery Demand Assessment to investigate the need for cemetery space in the Eastern City District. The assessment considered the demographic profile of the catchment area (population growth, age distribution, household incomes, ancestry, religious affiliations etc) and the location and capacity of existing cemeteries in the study area.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed use of the subject site as a cemetery is currently prohibited within land zoned RE1 Public Recreation under the RLEP2012. As such amendment to the RLEP2012 is the only feasible pathway to achieve the objectives of the Planning Proposal. The site represents the only land adjacent to ESMP suitable for cemetery expansion.

6.3.2. Section B – Relationship to Strategic Planning Framework

Q3. 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)?

a) Does the proposal have strategic merit?

The strengthened strategic merit test criteria require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria:

1. *Consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment*
2. *Consistent with a relevant local council strategy that has been endorsed by the Department.*
3. *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The Planning Proposal demonstrates strategic merit in relation to Criteria 1 above as set out below in **Table 4**.

Table 4 – Strategic Merit Test

Criteria		Response
A Metropolis of Three Cities – The Greater Sydney Regional Plan		
Liveability	<p>Strategy 6.2: Optimise the use of available public land for social infrastructure</p> <p><i>Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking.</i></p>	<ul style="list-style-type: none"> • The proposal directly relates to an acknowledged shortage of burial space across Metropolitan Sydney, as identified within the Regional Plan and publications released by Cemeteries and Crematoria NSW. • The proposal seeks to extend the active burial years of the Eastern Suburbs Memorial Park by facilitating the creation of approximately 3,000 additional full body burial plots in addition to space for ash interments. • The proposal is supported by evidence based benchmarks which consider remaining cemetery capacity, mortality rates and future burial demand across the Eastern City District. The Inner Sydney Cemetery Demand Assessment at Appendix C confirms that there is very limited available burial space within the Eastern City District and confirms that new burial space must be made available to meet medium and long term local demand.
Eastern City District Plan		
Action and priorities	<p><i>Priority: Providing services and social infrastructure to meet people's changing needs</i></p>	<ul style="list-style-type: none"> • The Eastern City District Plan highlights the need to plan for services and social infrastructure. Consistent with the Draft Greater Sydney Region Plan, it is considered that services and infrastructure includes essential cemetery infrastructure, where there is a known and established demand for additional burial space.

Criteria		Response
	<i>Priority: Increasing urban tree canopy cover and delivering Green Grid connections</i>	<ul style="list-style-type: none"> The planning proposal will increase the usability and functionality of the RE1 zoned land. The site is currently heavily vegetated with low lying scrubs and weeds and does not function as open space. The Planning proposal will facilitate the dual use of the site for both internment and as space for passive recreational area. The proposal will vastly improve the safety and accessibility of the site by increasing connections to Yarra Beach and foreshore.

b) Does the proposal have site-specific merit?

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site-specific merit against the criteria set out in **Table 4** below.

Table 5 – Site Specific Merit Test

Criteria	Planning Proposal Response
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the natural environment (including known significant environmental values, resources or hazards)?</i></p>	<ul style="list-style-type: none"> There is no environmentally sensitive land or land with biodiversity value on or surrounding the subject site that will be affected by the proposed rezoning. As confirmed in the Flora and Fauna Assessment Report at Appendix F, no threatened species of flora or fauna were recorded on the site during the site inspection. The Concept Landscape Masterplan would require the removal approximately 1.32 ha of native vegetation from within the study area and thus offsetting under the Biodiversity and Conservation Act 2016 would be required at DA stage. The site currently accommodates infrastructure associated with four easements which run through the site. The detailed landscape design of the site will consider the opportunities and constraints relating to developing on the site with respect to each easement. Furthermore, there are no environmental constraints or hazards of such significance that would preclude the development of the site for a cemetery. As detailed in the Contamination and Geotechnical Reports at Appendix E and G respectively, the site can be made suitable for use as a cemetery. The Coastal Engineering Statement and supplementary Long Term Coastal Hazards Assessment at Appendix K concludes that the cemetery is acceptable from a coastal engineering perspective. Anticipated erosion and recession overtime is consistent with what would be expected of a coastal locality. The report notes that at a conservative estimate, the site will not be subject to any major impacts by erosion or recession for approximately 100 years. A 100 year hazard line has been factored into Concept Landscape Masterplan and the proposed rezoning extent. Any future erosion can be managed and there would be ample time to assess these management options in the future.
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the existing uses, approved uses and likely future uses of</i></p>	<ul style="list-style-type: none"> Whilst zoned RE1 Public Recreation, the site is underutilised and is primarily unusable due to thick scrub and weed coverage and uneven and unformal access ways. The public use and public access through the site to Yarra Beach and foreshore through the site will be enhanced.

Criteria	Planning Proposal Response
<i>land in the vicinity of the land subject to a proposal?</i>	<ul style="list-style-type: none"> The proposed cemetery use of the site is entirely compatible with the adjacent existing cemetery use. The Port Facilities to the north and west of the site will not be impacted by the proposed cemetery use.
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i></p>	<ul style="list-style-type: none"> The proposed cemetery use will require minimal servicing. Servicing the site from existing water, sewer, electrical and stormwater infrastructure services will be detailed in the future development application for the site. The Traffic and Parking Impact Assessment at Appendix H identifies that the proposal will result in minimal traffic generation and is unlikely to have any negative implications in terms of road network capacity.

Q4 - Is the planning proposal consistent with a council's local strategy or any other local strategic plan?

Randwick City Plan – A 20 Year Plan

Randwick City Council has endorsed the Randwick City Plan as the overarching strategy for Council's objectives and operations. The plan itself provides no commentary in regards to the site itself or the need for cemetery space within the government area. The following Key issues in the City Plan however are considered relevant to the planning proposal

- Enrich our range of community services that meet our community's needs;
- New and upgraded community facilities that are multipurpose and in accessible locations; and
- Vibrant business, commercial and industrial sectors that provide ongoing and diverse employment opportunities.

The proposal will allow for the expansion of the existing cemetery facilities of the Eastern Suburbs Memorial Park in an accessible location. An expansion of the existing facility is essential to meet the community's growing needs for burial space and in doing so the proposal will assist in satisfying the need to grow existing community facilities. The proposal will transform underutilised and unusable RE1 zoned land to landscaped publicly accessible land which can be used for passive recreational activities. The proposal will also result in additional employment opportunities both during and post construction.

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in **Table 5**. The Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in **Table 6**.

Table 6 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Coastal Management) 2018	<p>The Coastal Management SEPP aims to ensure that future coastal development is appropriate and sensitive to coastal environments, public access to beaches and foreshore areas is protected and enhanced.</p> <p>The SEPP categorising land into a variety of coastal management areas. Portions of the site are categorised as 'Coastal Environment Area' and 'Coastal Use Area'.</p> <p>Coastal Environment Area</p> <p>Includes all coastal waters mapped as state waters from the boundary of a LGA and areas 100m landward. Development in the coastal environment area aims to protect and improve natural coastal features and environmental values.</p> <p>The cemetery use will not adversely affect any native water or land based species, any significant Aboriginal cultural heritage and places or the stability of the site and land and water interface. As detailed in the Geotechnical Report, groundwater can be readily managed on the site. Permanent groundwater is generally expected to be below the likely depth of excavation for the proposed cemetery development. Seepage from perched groundwater may occur at burial levels. As per the recommendation of the Geotechnical Report, appropriate contouring during excavation can be used to direct drainage across the site. A 20m setback to the existing sandstone cliffs is also recommended. This has been incorporated in the landscaped design and proposed rezoning extent under this proposal. A 100 year coastal hazard assessment has been undertaken, which has produced a buffer line to ensure the suitability of the site for burials. The hazard buffer has been informed the rezoning extent.</p>

State Environmental Planning Policy	Comment
	<p>Coastal Use Area</p> <p>The Coastal Use Area includes land adjacent to coastal waters. Any development in the coastal use area is to be in the public interest and is to maintain public access and respect the scenic nature of the coast.</p> <p>The landscape concept plan will improve and formalise public access to Yarra Beach. Public access will be provided through the site from public roads to the north and west of the site. The proposal will have no adverse overshadowing or view impacts. Views from the site to Yarra Bay will be improved. As requested, a visual impact assessment has been undertaken and submitted to Council to assess the impacts of the proposal (Appendix L).</p>
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Not Applicable
State Environmental Planning Policy (Aboriginal Land) 2019	Not Applicable
State Environmental Planning Policy (Gosford City Centre) 2018	Not Applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not Applicable
SEPP Amendment (Child Care) 2017	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Rural Lanes) 2008	Not Applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable
SEPP (Infrastructure) 2007	<p>This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p> <p>While not specifically relevant to this Planning Proposal, future infrastructure works may not require development consent in accordance with the SEPP.</p>
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Sydney Region Growth Centres) 2006	Not Applicable
SEPP (State Significant Precincts) 2005	Not Applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable

State Environmental Planning Policy	Comment
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP No. 1 Development Standards	Not Applicable
SEPP No. 19 Bushland in Urban Areas	<p>The aim of SEPP 19 is to protect and preserve bushland in urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource.</p> <p>Under the SEPP 19, Bushland means: <i>land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.</i></p> <p>As per Clause 6, consent authority shall not consent to the removal of bushland zoned or reserved for public open space purposes unless:</p> <p><i>(a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,</i></p> <p><i>(b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and</i></p> <p><i>(c) it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.</i></p> <p>The Flora and Fauna Assessment Report at Appendix F provides an assessment of the impacts on bushland associated with the concept landscape design of the cemetery. The Concept Landscape Masterplan has been developed having regard to the protection of bushland. A native vegetation zone is indicated on the plans, allowing for the retention and protection of existing vegetation in the zone and along the foreshore buffer area. Areas to be retained and areas where disturbance has been unavoidable are indicated on the plans. Minor disturbance has been unavoidable adjacent to the foreshore to allow for the public foreshore walkway.</p>
SEPP No. 21 Caravan Parks	Not Applicable
SEPP No. 30 Intensive Agriculture	Not Applicable
SEPP No. 33 Hazardous and 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 Showgrounds	Not Applicable
SEPP No. 50 Canal Estate Development	Not Applicable
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No. 55 Remediation of Land	SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The policy 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.

State Environmental Planning Policy	Comment
	A desktop contamination assessment has been undertaken for the site by JBS & G which is attached as Appendix E of this report. The assessment has reviewed the potential for contamination on the site and confirms that the site is of a suitable quality for the advancement of a Planning Proposal. A detailed contamination assessment will be undertaken as part of any Development Application lodged for the site.
SEPP No. 62 Sustainable Aquaculture	Not Applicable
SEPP No. 64 Advertising and Signage	Not Applicable
SEPP No. 65 Design Quality of Residential Apartment Development	Not Applicable
SEPP No. 70 Affordable Housing (Revised Schemes)	Not Applicable
SEPP No. 71 Coastal Protection	The site is not identified as being within the coastal zone as defined by State Environmental Planning Policy No 71—Coastal Protection.

Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal's consistency with applicable section 117 Ministerial Directions is outlined in **Table 7**.

Table 7 – Section 117 Compliance Table

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
Environment and Heritage	
2.1 Environmental Protection Zones	Not Applicable
2.2 Coastal Protection	The site is not identified as a coastal vulnerability area under SEPP (Coastal Management) 2018 or land affected by a current or future coastal hazard which would impact the suitability of the site as confirmed in the Coastal Engineering Report at Appendix K . The 100 year hazard line traverses a small extent of the site behind the beach. The hazard line inform the extent of the rezoning proposal cross the site.
2.3 Heritage Conservation	The proposal will not impact on the significance of the Botany Bay National Park Heritage Conservation Area or the Yarra Bay Beach and Foreshore which is identified as an item of Local Heritage Significance. A Heritage Impact Assessment will be undertaken as part of the DA process to assess the heritage significance of registered and potentially unregistered heritage items on the site and surrounding area. The Aboriginal Heritage Due Diligence Assessment at Appendix D confirms that the site is considered to

Ministerial Direction	Comment
	be of low Aboriginal archaeological sensitivity as a result of previous land disturbance.
2.4 Recreation Vehicle Areas	Not Applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not Applicable
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable
3.4 Integrating Land Use and Transport	Not Applicable
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>A geotechnical investigation has been undertaken for the site by Douglas Partners which has identified that Acid Sulphate soils may potentially be present on the site. Douglas Partner's however acknowledge the following:</p> <p><i>If present, such soils are expected to have been converted to actual acidic soils during the historic reclamation process. Acid sulphate soils may also potentially be present at greater depth within alluvial soils. Given the sand soils likely to be present, the risk of acid sulphate soils is nonetheless expected to be relatively low.</i></p> <p>In this regard the proposed development is considered to be consistent with the S117 Direction as it currently applies.</p>
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Lane	Not Applicable
4.4 Planning for Bushfire Protection	Not Applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not Applicable

Ministerial Direction	Comment
5.2 Sydney Drinking Water Catchments	Not Applicable
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	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 and Referral Requirements	Not Applicable
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	Not Applicable
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	As discussed in Section 6.3.2 the Planning Proposal is consistent with the objectives and actions of the A Plan for Growing Sydney.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable

6.3.3. Environmental, social and economic impact

Q7 - 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?

An updated Flora and Fauna Assessment Report has been prepared by Eco Logical Australia (**Appendix F**) to verify the presence of any native vegetation, threatened ecological communities, and threatened species and / or their habitat.

Eco Logical Australia undertook a site inspection and did not detect any threatened species of flora or fauna. The site largely comprises Coastal Sand Tea-tree Banksia Scrub and Beach Spinifex Grassland, in addition several identified weed communities. The report confirms that the site is suitable for the proposed use and site works and will not have any adverse effects on any critical habitats or threatened species, populations or ecological communities.

As confirmed at **Appendix F**, according to the National Flying-fox monitoring viewer, the nearest Grey-headed Flying-fox (GHFF) camp is approximately 7 km to the north-east of the study area. No camps have

been recorded within the study area by the monitoring project in the past. Therefore GHFF does not currently utilize the study area for roosting. Therefore any proposed works within the study area are unlikely to cause a significant impact to this species under the EPBC Act, as no important populations (GHFF camps) occur within the study area.

The conceptual plan currently would remove approximately 0.65 ha of native vegetation from within the study area and thus offsetting under the *Biodiversity Conservation Act 2016* would be required at the DA stage.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are not likely to be any environmental impact associated with the future development of the land that cannot be suitably mitigated through detailed design development. The following sections addresses the potential environmental impacts. Overall, it is considered that the site will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site.

Aboriginal and non Aboriginal Heritage values

The Aboriginal Heritage Due Diligence Assessment at **Appendix D** confirms that the site considered to be of low Aboriginal archaeological sensitivity as a result of previous land disturbance. The proposal will not impact on the significance of the Botany Bay National Park Heritage Conservation Area or the adjacent Yarra Bay Beach and Foreshore which is identified as an item of Local Heritage Significance. A Heritage Impact Assessment will be undertaken as part of the DA process to assess the heritage significance of registered and potentially unregistered heritage items on the site and surrounding area.

Traffic and parking

As detailed in the Traffic and Parking Report at **Appendix G**, the proposed cemetery expansion will not result in any adverse traffic circumstances. The existing peak cemetery generated vehicle movements (apart from staff arrival/departure) occur in the period 9.30am to 3.30pm which is outside of the normal on-street morning and afternoon peak periods while heightened traffic generation is largely limited to a few special days each year, for example, Mother's Day). Whilst the proposal seeks to increase the capacity of the cemetery, it will not increase the frequency or magnitude of ceremonies undertaken at ESMP. The report confirms that the existing and proposed parking provision will be quite adequate for the needs of the envisaged development.

Q9 - Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is entirely within the public interest and will have the following positive social and economic benefits:

Economic impacts

The proposal will increase the supply of burial space managed by SMCLM in the Eastern City District. SMCLM is a not-for profit and non-denominational cemetery operator. The price of burial plots is generally lower than that offered by private cemetery operators.

Social impacts

The proposal will have a positive social impact on the local community and wider Randwick LGA and Eastern City District as follows:

- The proposal will provide approximately 3,000 additional burial plots, in addition to space for ash interments will facilitate in meeting the demand for burial space in the Eastern City District. Cemeteries represent an intergenerational investment in infrastructure for communities and the proposal will facilitate in addressed the recognised shortage of burial space across Metropolitan Sydney.
- The proposal will include a dedicated Aboriginal Cemetery and Memorial Garden which will include 125 burial plots for the interment of the remains of Aboriginal persons who are members or are associated with the La Perouse LALC.
- The future development of the site will increase the functionality and useability of the RE1 zoned land for passive recreational activities. At present, the site is unsafe and unusable for recreational uses. The site is highly vegetated and does not include any safe or clear access paths, lighting or usable space. The

use of the site for a lawn cemetery is entirely consistent with the RE1 zone objectives, and will facilitate the dual function of the site for a cemetery and passive recreation space.

- The future use of the site for a lawn cemetery and associated access networks will significantly improve public access and the safety of access to Yarra Beach and foreshore.

6.3.4. State and Commonwealth Interests

Q10 - Is there adequate public infrastructure for the planning proposal?

It is understood that the existing infrastructure has the capacity to accommodate development on the site. Accordingly, it is not anticipated that it will place unnecessary demands on public infrastructure. Any upgrades to infrastructure to support a future development on the site would be investigated and potentially form a condition of consent for the development.

A full audit will be undertaken as part of the future development application reporting with any augmentation and mitigation outlined.

Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

6.4. PART 4: MAPPING

The Planning Proposal includes an amendment to the Additional Permitted Uses Map of the RLEP 2012 to include map **APU_004**, as illustrated in the map provided at **Appendix J**.

6.5. PART 5: COMMUNITY CONSULTATION

Clause 57 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be publicly exhibited for at least 28 days in accordance with DP&E's *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the Planning Proposal is expected to involve:

- A letterbox notification at the time of resubmission of the PP (June 2019);
- A public notice in local newspaper(s);
- Notification on the Randwick City Council website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

6.6. PART 6: PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided below.

Table 8 – Indicative Project Timeline

Stage	Timeframe and/or Date
Preliminary Consideration by Randwick City Council	January 2018
Revised Submission Considered by Randwick City Council	July 2018
Revised Submission Considered by Randwick City Council	June 2019
Planning Proposal referred to DPE for Gateway Determination	August 2019

Stage	Timeframe and/or Date
Gateway Determination by DPE	To be determined
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DPE to finalise the LEP	To be determined
Gazettal of LEP Amendment	To be determined

7. CONCLUSION

The Updated Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant guidelines prepared by the NSW Department of Planning including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal provides a comprehensive justification of the proposed amendment to the RLEP 2012 to permit development for the purposes of a “cemetery” on the site. The justification is supported on the following grounds:

- There is a demonstrable need and demand for cemetery space in Sydney and within the Eastern City District. Without the provision of supply in the short and long-term, there is likely to be a severe shortage in coming years.
- The proposal will provide approximately 3,000 additional burial plots, in addition to space for ash interments will facilitate in meeting the demand for burial space in the Eastern City District. Cemeteries represent an intergenerational investment in infrastructure for communities and the proposal will facilitate in addressed the recognised shortage of burial space across Metropolitan Sydney.
- The proposal will include a dedicated Aboriginal Cemetery and Memorial Garden which will include 125 burial plots for the interment of the remains of Aboriginal persons who are members or are associated with the La Perouse LALC.
- Bumborah Point is to be designed as a contemporary lawn cemetery. Lawn cemetery design is considered contemporary cemetery design across Australia and often serves a dual purpose as publicly accessible open space.
- The future development of the site will increase the functionality and useability of the RE1 zoned land for passive recreational activities. At present, the site is unsafe and unusable for recreational uses. The site is highly vegetated and does not include any safe or clear access paths, lighting or usable space. The use of the site for a lawn cemetery is entirely consistent with the RE1 zone objectives and will facilitate the dual function of the site for a cemetery and passive recreation space.
- The future use of the site for a lawn cemetery and associated access networks will significantly improve public access and the safety of access to Yarra Beach and foreshore area.

Overall, it is considered that the Planning Proposal is satisfactory and that the site is capable and appropriate for development as a cemetery. It is requested that Randwick Council take the necessary steps to enable an amendment to be made to both the *Randwick Local Environmental Plan 2012*.

DISCLAIMER

This report is dated 15 September 2017 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Southern Metropolitan Cemeteries Land Manager (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A SITE SURVEY

APPENDIX B CONCEPT LANDSCAPE MASTERPLAN

**APPENDIX C INNER SYDNEY CEMETERY DEMAND
ASSESSMENT**

APPENDIX D ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT

APPENDIX E CONTAMINATION REPORT

APPENDIX F FLORA AND FAUNA ASSESSMENT

APPENDIX G GEOTECHNICAL REPORT

APPENDIX H TRAFFIC AND PARKING ASSESSMENT REPORT

APPENDIX I DEED AGREEMENT

APPENDIX J LEP MAPPING

APPENDIX K

COASTAL ENGINEERING STUDY

APPENDIX L

VISUAL IMPACT ASSESSMENT

APPENDIX M HERITAGE IMPACT STATEMENT

APPENDIX N

NEIGHBOURHOOD NOTIFICATION LETTER



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