

Planning Proposal

Lot 3 DP 549272

Palmdale Road

Palmdale

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Date: March 2013

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Section 1.0

Introduction

This report has been prepared by Stevens Group in support of an application to rezone Lot 3 DP 549272 to permit the extension of the Palmdale Crematorium and Memorial Park over the subject land. The site is within the Local Government Area (LGA) of Wyong. The land is located on Palmdale Road, at Palmdale (see Site Location Plan attached at **Appendix 1**).

This Report has been prepared in accordance with the NSW Department of Planning's "Guide to Preparing Planning Proposals" and requests that Council rezone the land to part SP2 Infrastructure and part E2 – Environmental Conservation.

It is proposed to extend the Palmdale Memorial Park over the subject land in the medium term. In the short term however it is proposed to use the existing dwelling on Lot 3 as an office for Creightons (Funeral Directors) who are currently part of Palmdale and operate from existing administrative office space within the Park.

The land is currently zoned 7(b) Scenic Protection under the provisions of Wyong Local Environmental Plan 1991.

This report should be read in conjunction with the following plans and documentation:

- Site Location Plan, attached at **Appendix 1**
- 7 Part Test prepared by Peak Land Management attached at **Appendix 2**
- Flood Impact Assessment prepared by WMA attached at **Appendix 3**
- Bushfire Assessment Report prepared by Newcastle Bushfire Consulting attached at **Appendix 4**.

It is considered having regard to the assessment undertaken that the site is suitably located for the form of development proposed. The site is also physically and environmentally capable and suitable for the development.

Section 2.0

The Site

This section of the report identifies the proposed site of the development, describes its physical and social setting, thus placing the rezoning and future development proposal in context.

2.1 Site Location

The site is located immediately adjacent to the Palmdale Lawn Cemetery and Memorial Park in the suburb of Palmdale on the Central Coast, approximately 85 km north of Sydney and 82 km south of Newcastle. The site is located west of the F3 freeway and Pacific Highway, along the northern side of Palmdale Road, Palmdale within the Wyong Shire Local Government Area, (see Site Location Plan attached at **Appendix 1**).

2.2 Physical Description

Lot 3 in DP 549272 (the subject land) forms part of the land holding owned by The Palmdale Memorial Park and Crematorium, along with Lot 42 in DP 14377 and Lot 4 in DP 549272. The total land holding comprises approximately 40,170m² or 40 hectares.

Lot 3 in DP 549272 has a site area of approximately 16,430m², with a combined northern boundary of 148 metres to adjoining Lot 4; an eastern boundary of **180** metres to adjoining land now owned by Wyong Shire Council and leased by Stevens Group; a southern boundary of 143 metres to Palmdale Road; and a western boundary of 103 metres to adjoining Lot 4.

The site is currently occupied by a single storey fibro cottage and associated structures.

Canada Drop Down Creek flows through the site, with a primarily east to west orientation. The Creek is heavily vegetated with introduced species predominating. The land is also partially flood prone.

The creek line forms the north western boundary of the land and is protected within the E2 zone under the planning proposal.

A 7 Part Test has been prepared in conjunction with the rezoning and is attached at **Appendix 2**. It should be noted that this report was prepared prior to the Department of Planning issued the direction that Cemeteries should be zoned SP2 – Infrastructure not SP1 – Special Activities.

A Flood Hazard Assessment has also been prepared in conjunction with the rezoning and is attached at **Appendix 3**.

A Bushfire Assessment Report has been prepared by Newcastle Bushfire Consulting and is attached at **Appendix 4**.

2.3 Real Property Description

The Real Property description for the land is Lot 3 in DP 549272 Palmdale Road, Palmdale.

Section 3.0

Future Development

This section of the report describes the proposed development in order to provide Council with sufficient information to assess the rezoning application. In this regard, the site is currently zoned 7(b) Scenic Protection under the provisions of Wyong Local Environmental Plan 1991.

3.1 Description of the Proposed Development

Palmdale Memorial Park is the largest burial facility on the Central Coast and has been operational for approximately 40 years. The Memorial Park now includes chapels and body preparation facilities, office and maintenance buildings, and associated car parking in addition to lawn burial sites. Burial lawns occupy the majority of the site area.

The rezoning of Lot 3 is requested to allow the extension of the Memorial Gardens onto the subject land in the future. In this regard the future land use will result in low scale memorial walls and plaques, along with landscaping. In the interim however, it is proposed to utilise the existing residence on the site as an office for Creightons Funeral Services. Creightons is owned by Palmdale and is currently operated out of an office within the existing Memorial Park.

In April 2008, the NSW Minister for Lands, Mr Tony Kelly, issued a discussion paper titled "*Sustainable Burials in the Sydney greater metropolitan area*". In his introduction, the Minister states that approximately one quarter of Australia's population live in the greater metropolitan area and based on estimates extrapolated from ABS figures over 245,000 grave sites will be required by 2020. This means that all of the currently unused available grave sites may be used by 2050, if not before. The Minister went on to point out that land available for new cemeteries within the greater metropolitan area is scarce. The growing population means that there are strong competing demands for land for new housing, commercial and industrial infrastructure, major public facilities, open space areas, transport networks and primary production. In addition, past experience suggests that communities prefer to have some separation between cemeteries and residential areas. Establishing sufficiently large and new sites for Cemeteries is becoming increasingly difficult.

The Central Coast will not be removed from these pressures. Through population growth ageing and general impact from the Baby Boomer generation it is estimated the annual death rate will nearly double by 2025, with a consequential increase in demand for burial and memorial sites. This could be further exacerbated by the changing mix in the resident demography that would vary individual's preferences for burial v's cremation compared to traditional proportions.

Palmdale Lawn Cemetery and Memorial Park has played an integral role in providing funeral and cemetery services for the Central Coast community. The park has been positively and publicly recognised for its environmentally sensitive practices (water retention, recycling and low consumption) and its aesthetic qualities. From its inception, it established a permanent maintenance fund that sets aside a proportion of profits from the sale of sites into a trust that ensures the care and preservation of the park into the future.

Current demand at Palmdale is around 250 burial sites per annum and around 600 memorial sites. More relevantly, this (together with associated infrastructure – access roads, parking, visitor amenities) equates to land consumption at a rate of 0.5 acres per annum, applying this and projected consumption rates with the increase in demand would mean that without rezoning approvals, Palmdale could be expected to have exhausted its current land stock availability within 25 years.

The Central Coast is also serviced by four Council run public cemeteries comprising Point Clare and Wamberal in the Gosford City LJA and Norah Head and Jiliby in the Wyong Shire LJA.

Capacity in these areas varies but is limited, as is the financial scope to invest in their maintenance and development, considering the competing priorities within a local Council's resources. It is difficult to see how the public cemetery system on the Central Coast would cope with the demand resulting from Palmdale no longer being an alternative, with the nearest private options being Toronto (60km to the north) or Cessnock (75km to the north west).

A new "Greenfields Cemetery" site would require a minimum of 100 acres plus buffer zones to make it worthwhile; it would be a lengthy process and it would economically unviable east of the F3 freeway.

The application seeks to rezone Lot 3 in DP 549272 Palmdale Road, Palmdale from an existing 7 (b) Scenic Protection Zone to part SP2 - Infrastructure and part E2 – Environmental Conservation (being effectively the creek line and buffer).

In the short term the existing dwelling on the subject land will be utilised as an office for Creightons Funerals. In the longer term the office will be demolished and the land will be utilised for memorialisations.

Section 4.0

The Planning Proposal

This Report has been prepared in accordance with the NSW Department of Planning's 'Guide to Preparing Planning Proposals'.

PART 1

Objectives or Intended Outcomes of the proposed LEP.

To enable the development of Lot 3 DP 549272 for purposes associated with the neighbouring Palmdale Crematorium, Cemetery and Memorial Park. In this regard it is intended to utilise the existing building on the site as an office for Creighton's Funeral Service in the short term and for memorialisations in the medium term.

PART 2

An explanation of the provisions that are to be included in the proposed LEP.

It is requested that Council endorse rezoning the subject land to Part SP2 Infrastructure and Part E2 (the creek line) – Environmental Conservation.

PART 3

The Justification for the objectives, outcomes and provisions and the process for their implementation.

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

Yes. The Minister for Planning issued a discussion paper in 2008 titled "Sustainable Burials in the Sydney Greater Metropolitan Area". See Section 3.1 of this Report.

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

Yes. The proposed rezoning is the only mechanism that will permit the establishment of the facility on the subject land in a timely fashion.

Is there a net community benefit?

Yes the Net Community Benefit Test is set out in the Draft Centres Strategy and has been adapted here. The assessment is set out in the following table:-

Table 1: Net Community Benefit Test

Net Community Benefit Test	Comment
<ul style="list-style-type: none"> Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)? 	<p>Yes. Yes it will be compatible with regional strategic direction of encouraging the viability of existing businesses and by providing infrastructure and facilities for the growing population of elderly people.</p>
<ul style="list-style-type: none"> Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy? 	<p>The site is within the area guided by the Central Coast Regional Strategy which does not address the funeral industry specifically. The strategy does however apply in terms of employment, services and facilities that would be in keeping with the needs of the aging population as outlined in the strategy.</p>
<ul style="list-style-type: none"> Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders? 	<p>No. No similar situations exist.</p>
<ul style="list-style-type: none"> Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? 	<p>N/A. There are no similar circumstances in the Shire.</p>
<ul style="list-style-type: none"> Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? 	<p>Yes. The rezoning will allow Creightons to continue to operate and Palmdale to expand.</p>
<ul style="list-style-type: none"> Will the LEP impact upon the supply of residential land and therefore housing supply and affordability? 	<p>No the parcel of land is zoned 7(b) Scenic Protection and no subdivision potential exists.</p>
<ul style="list-style-type: none"> Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? 	<p>The proposal is not reliant on any extension of infrastructure. The facility is not such that pedestrian and cyclists need to be accommodated.</p>

<ul style="list-style-type: none"> Is public transport currently available or is there infrastructure capacity to support future public transport? 	N/A. The activity is one which is normally isolated and does not rely on public transport.
<ul style="list-style-type: none"> Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety? 	No. Creightons currently operates from within Palmdale Memorial Park, hence there is no change to travel patterns.
<ul style="list-style-type: none"> Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact? 	No.
<ul style="list-style-type: none"> Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding? 	No. The land does not have high biodiversity values. See 7 Part Test attached at Appendix 2 . Yes. The land is subject to flooding – see Flood Impact Assessment attached at Appendix 3 .
<ul style="list-style-type: none"> Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community? 	The land is physically isolated from neighbouring rural lands. The proposal will not increase the volume of traffic on Palmdale Road as the service currently exists within Palmdale.
<ul style="list-style-type: none"> Will the public domain improve? 	Yes. The existing dwelling will be renovated for use as office space associated with Creightons in the short term. In the long term the dwelling will be replaced by memorial gardens.
<ul style="list-style-type: none"> Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? 	N/A
<ul style="list-style-type: none"> If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? 	N/A
<ul style="list-style-type: none"> What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time? 	See Section 3.1 of this report highlighting the increasing pressure on land for burials/cemeteries.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Central Coast Regional Strategy identifies the need to create local job opportunities to match labour force growth. Health and Community Services are identified as one of the key economic sectors within the Central Coast. One of the objectives for “The Economy and Employment” under the Regional Strategy is:-

“Growth in health services, driven by population growth, lifestyle preferences, an ageing population and growing sophistication and complexity of services”.

The LEP is consistent with the objectives and actions under the strategy. In this regard the Funeral Industry is a significant employer with its importance increasing as the Central Coast population continues to age placing high demand on burial lands as outlined in Section 3.1.

5. Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?

The proposal does not raise any issues of relevance to any Council Community or other Local Strategic Plan.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies? (SEPPs)

SEPP No. 55 – Remediation of Land

The site has been previously used for Rural Residential purposes, with a house currently occupying the site. There is no evidence of any contaminating activity having been carried out on the site. It can therefore be concluded that the land is suitable for the purposes proposed.

7. Is the planning proposal consistent with applicable Ministerial Directions made under s.117?

The Minister has issued Directions under Section 117(2) of the Environmental Planning and Assessment Act. These Directions are to be taken into consideration in the determination of a rezoning application. The following section of this report addresses those directions that are of relevance to the current proposal:-

Table 2: 117 Directions

SUMMARY OF RELEVANT S117 DIRECTIONS	COMMENT
<p>2.1 Environmental Protection Zones</p> <p>Objective:</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>The creek line is considered environmentally sensitive whilst the balance of the land has been previously modified. The sensitive land will be protected under the E2 zoning. A seven part test has been prepared in conjunction with the application and is attached at Appendix 2. The report envisages that there will be no significant threat or impact on any local species, populations or ecological communities.</p>
<p>4.3 Flood prone land</p> <p>Objective;</p> <p>To ensure that development of flood prone land is consistent with the NSW Governments Flood Prone Land Policy and the principles of the Flood Plain Development Manual 2005. Also to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of potential flood impacts both on and off the subject land.</p>	<p>A flood impact assessment has been undertaken by WMA Water and is attached at Appendix 3. The report concludes that they do not anticipate that the extension of the cemetery and memorial park would have any significant impact on flood levels unless filling was included. It's also relevant that the subject land is a low hazard floodway and the use of the premises for Creightons would not necessitate filling of the site, therefore impacting flood behaviour. As previously noted the office already exists within Palmdale which is equally flood affected.</p>
<p>4.4 Planning for Bushfire Protection</p> <p>Objective; To protect life and property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourages sound management of bushfire prone areas.</p>	<p>The land is mapped as being bushfire prone with Lot 3 being identified as supporting Category 2 vegetation. The long term use of the land for memorialisations is not inconsistent with this direction. In the short term the use of the existing dwelling as an office has been considered in the Bushfire Assessment Report attached at Appendix 4. It should be noted that the balance of Palmdale is also bushfire prone and the office currently exists on the site. The existing dwelling can be modified to</p>

	achieve bushfire protection measures as outlined in the recommendations contained in the report.
5.1 Implementation of Regional Strategies Objective; To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The proposal is consistent with the regional strategy in supporting the viability of existing businesses, and also in supporting supply of infrastructure and facilities appropriate to the region's population structure.
6.1 Approval and Referral Requirements Objective: The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Noted.
6.3 Site specific Provisions Objective; To discourage unnecessary restrictive site specific planning controls.	Wyong Shire Council has been consulted in preparation of an earlier planning proposal for this site and have nominated the SP2 and E2 zonings as being appropriate in this instance.

Table 3: Spot Rezoning Criteria

Category 1 Spot Rezoning Criteria

	Criteria	Yes/No
1	Will the LEP be compatible with agreed State and Regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes. See above regarding compliance with the objectives of the Central Coast Regional Strategy.
2	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (S.117) directions?	N/A.
3	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	The site is within the area guided by the Central Coast Regional Strategy which does not address the funeral industry specifically. The strategy does however apply in terms of employment, services and facilities that would be in keeping with the needs of the aging population as outlined in the strategy.
4	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. It will create permanent employment opportunities. The rezoning will allow Creightons to continue operate and Palmdale to expand.
5	Will the LEP be compatible/complementary with surrounding land uses?	Yes. The facility will be complementary to existing development as it represents an extension of the activity conducted on the neighbouring land.
6	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	No. No similar circumstances apply elsewhere.
7	Will the LEP deal with a deferred matter in	No.

	an existing LEP?	
8	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	None known.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. 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?

No. The site has been significantly modified. In this regard the site has been previously filled and cleared of vegetation. The existing creek line is to be protected under the E2 zoning. A 7 Part Test has been undertaken, see **Appendix 2**.

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

The 7 Part test prepared by Peak Land Management outlines several recommendations that will be adhered to in order to negate any potential negative environmental impacts.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

Adequate infrastructure already exists in connection with Palmdale Cemetery & Memorial Gardens and in respect of the existing dwelling.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

To be advised following consultation.

PART 4 – COMMUNITY CONSULTATION

Details of the Community Consultation that is to be undertaken on the planning proposal are to be determined.

Conclusion

Favourable consideration of the planning proposal to rezone the subject land to permit the extension of Palmdale Cemetery & Memorial Gardens onto the land in the medium term, and short term use of the existing dwelling by Creightons Funeral Directors is requested.

APPENDIX 1

SITE LOCATION PLAN

APPENDIX 2

7 PART TEST

APPENDIX 3

FLOOD HAZARD ASSESSMENT

APPENDIX 4

BUSHFIRE ASSESSMENT REPORT