

## **2.2 RZ/15/2014 - Planning Proposal - Lot 1 DP 1012816 31 Palmdale Road Palmdale.**

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TRIM REFERENCE: RZ/15/2014 - D11828253

MANAGER: Tanya O'Brien, Manager

AUTHOR: Chris Ferry, Strategic Planner

### **SUMMARY**

Council is in receipt of an application to rezone a 4.13ha parcel of land at No 31 Palmdale Road Palmdale. The site is located on the eastern boundary of the existing Palmdale Memorial Park, and the proposed rezoning seeks to facilitate potential future expansion of the cemetery / memorial park.

The planning proposal seeks to rezone Lot 1 DP 1012816 from RU2 Rural Landscape to part SP2 Special Purpose – Cemetery and part E2 Environmental Conservation and retain the portion of the lot south of Palmdale Road as RU2 Rural Landscape.

This report recommends that the concept has merit and that Council should initiate the rezoning process by referring a planning proposal to the Department of Planning and Environment (DP&E) for a gateway determination.

|                   |                                |
|-------------------|--------------------------------|
| Real Description: | Lot 1 DP 1012816               |
| Street Address:   | 31 Palmdale Road Palmdale      |
| Owner/s:          | J R Stevens (Nominees) Pty Ltd |
| Site Area:        | 4.138 hectares                 |
| Current Zoning:   | RU2 Rural Landscape            |

### **RECOMMENDATION**

- 1 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone Lot 1 DP 1012816 from RU2 Rural Landscape to Part SP2 Special Purpose – Cemetery, Part E2 Environmental Conservation and Part RU2 Rural Landscape.**
- 2 That Council forward the planning proposal to the Department of Planning and Environment (DP&E) seeking a gateway determination.**
- 3 That Council request and consider the outcomes of a geotechnical investigation considering the potential for contamination of groundwater and/or surface water in determining if the site is suitable for rezoning.**
- 4 That Council undertake community consultation in accordance with the requirements of the gateway determination.**

**BACKGROUND**

The planning proposal seeks to facilitate the expansion of the Palmdale Lawn Cemetery and Memorial Park onto the adjoining lot to the east (the subject site). The cemetery was approved by the Department of Health on 28 February 1970, and operations commenced in 1971.

Since that time there have been a number of applications as follows:

- 20 December 1982 development consent issued for the construction of a machinery shed.
- 11 November 1985 development consent issued for administration office and residence.
- 10 April 1986 development consent issued for conversion of the caretaker's residence into a refreshment room.
- 20 November 1990 development consent issued for a three car garage.
- 6 July 1992 development consent issued for a covered terrace to the existing chapel.
- 20 December 1993 development consent issued for a new chapel and ancillary facilities including office, work shed and florist buildings.
- 3 November 1997 development consent issued for the installation of a new burner in the existing crematorium.
- 12 November 2009 development consent issued for the construction of an amenities building and extension of the existing road network on the site.

The existing site includes chapels, body preparation facilities and office and maintenance buildings. It provides facilities including a café, bar and function area.

The land use was formally recognised by a rezoning gazetted on 11 July 1994 which rezoned the land from 7(b) Scenic Protection to part 5(a) Special Uses – Crematorium and part 7(a) Conservation Zone.

Land adjoining the existing memorial park known as Lot 3 DP549272 was rezoned in August 2013 to permit an expansion to the existing facilities. Subsequent to that rezoning a development application was approved on 13 June 2014 to permit a change of use from a dwelling to an office including internal alterations.

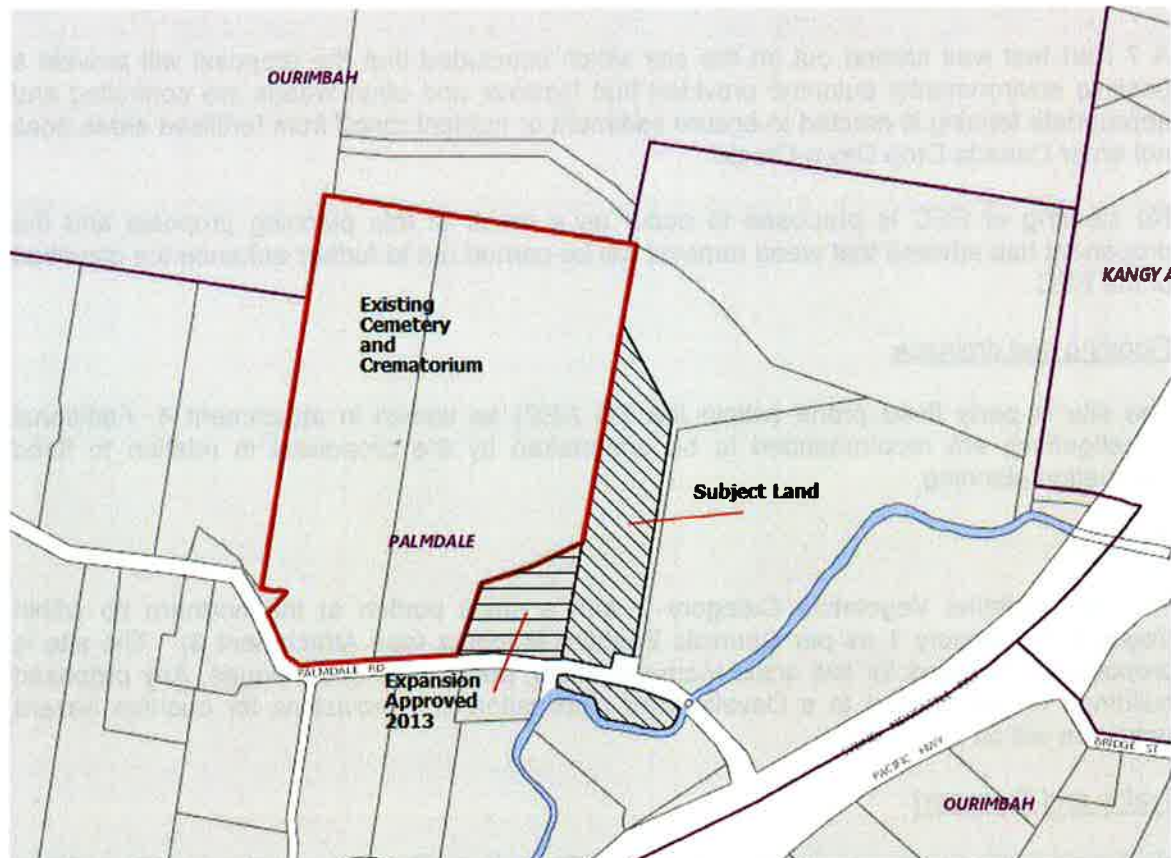


Figure 1- existing cemetery site, 2013 expansion and subject land (proposed for rezoning)

## THE PROPOSAL

The planning proposal seeks to rezone the land to permit an extension of the existing Palmdale Memorial Gardens onto the subject site in the future. The planning proposal will seek to rezone the site from RU2 Rural Landscape to part SP2 Special Purpose – Cemetery and part E2 Environmental Conservation and retain the portion of the lot south of Palmdale Road as RU2 Rural Landscape.

The future use of the site is to provide low scale memorial walls, burial sites and plaques with associated landscaping. Attachment 2 provides details of the proposed new zones for the site.

## ISSUES ANALYSIS

The planning proposal submission has been assessed having regard for the following:-

### Flora and Fauna

The northern portion of the site contains 1.04 ha of River Flat Eucalypt Forest – an identified Endangered Ecological Community (EECs). The EEC is in good condition and is proposed to be protected by the proposed E2 Environmental Conservation zone, the extent of the EEC is shown on Attachment 2.

A 7 Part test was carried out on the site which concluded that the proposal will provide a positive environmental outcome provided that Noxious and other weeds are controlled and appropriate fencing is erected to ensure sediment or nutrient runoff from fertilised areas does not enter Canada Drop Down Creek.

No clearing of EEC is proposed to occur as a result of this planning proposal and the proponent has advised that weed removal will be carried out to further enhance the condition of the EEC.

#### Flooding and drainage

The site is partly flood prone (within the 1% AEP) as shown in attachment 4. Additional investigations are recommended to be undertaken by the proponent in relation to flood evacuation planning.

#### Bushfire

The site contains Vegetation Category 2 with a small portion at the northern tip within Vegetation Category 1 as per Councils Bushfire Mapping (see Attachment 5). The site is proposed to be used for low scale memorial walls, burial sites and plaques. Any proposed buildings will be subject to a Development Application and provisions for bushfire hazard reduction will be provided.

#### Traffic and Transport

No formal traffic study was prepared, however Councils traffic engineers have indicated that the potential expansion of the cemetery proposed through this rezoning is considered unlikely to create significant traffic impacts. It is noted that traffic management will be further considered through the development application phase.

#### Social and Economic Impact

The proposal will provide for additional burial sites and memorial walls within the local area reducing travel distances.

Economically the proposal will provide, at a minimum, two additional permanent positions providing a small positive impact on employment opportunities in the Palmdale area.

#### Acid Sulphate Soils

Clause 7.1 of Wyong LEP 2013 seeks to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. The site identified as being located within 500 metres of adjacent Class 1, 2, 3 or 4 as indicated on the Acid Sulphate Soils map. As such an acid sulphate soils management plan report may be required during the DA stage.

#### Slope

The area proposed for burial sites and memorial walls is slightly sloping from 12 metres to 14 metres AHD over a distance of 225 metres. As such the site is relatively flat no issues have been raised in regard to slope.

Potential for surface and groundwater contamination

The potential for contamination of surface water and groundwater is quite minimal as the site is not contoured to trap and hold floodwaters. Council's Flooding Engineer has confirmed that the site would be covered by flood waters for less than 24 hours during a flood event. This would not be sufficient time for the flood waters to penetrate the burial sites causing leaching of possible contaminants into the groundwater.

Potential for contamination of drinking/domestic water supply

Drinking water extraction occurs upstream of the confluence between Canada Drop Down Creek and Ourimbah Creek therefore this development would not result in potential for contamination of the drinking water supply.

Additional investigations are required for flood planning and potential groundwater contamination prior to any community / public authority consultation being undertaken.

**STRATEGIC LINKS**

**Central Coast Regional Strategy (CCRS)**

One of the key regional challenges identified in the CCRS is population growth and in migration by retirees relocating from the Greater Metropolitan Region. The over 65 population in the Shire is predicted to increase by 12,000 persons over the next 25 years. Such changes in the age demographic will increase infrastructure needs related to ageing within the Shire.

The CCRS recognises the need for social infrastructure which is amenable to such changes; the proposed extension of the cemetery compliments the objectives and requirements of the CCRS in that it will provide infrastructure to meet local needs.

**Public Health Act 2010 and Clause 66(2) of the Public Health Regulation, 2012**

Council must be sure that this proposed use will not cause contamination. A literature review has been undertaken which indicates that the use could cause contamination as part of the site is located within 1% AEP. A geotechnical assessment will also be prepared to investigate the possible contamination of groundwater and surface water leaving the site. It is also proposed to consult with the Office of Water and the Department of Health as part of the planning proposal process.

**Environmental Planning and Assessment Act, 1979: Applicable Section 117 Ministerial Directions**

***S117 Ministerial Directions – 4.3 Flood Prone Land***

The proposed rezoning of the site from RU2 Rural Landscape to SP2 Special Purpose - Cemetery conflicts with the objectives of the section 117 Ministerial Directions and the NSW Flood Prone Land Policy and Development Manual by proposing to rezone land within a rural zone to a special use zone in a flood planning area. It is noted however that the development proposed over Lot 1 DP 1012816 is the extension of an existing cemetery

including plots and memorial gardens but excluding any filling of the floodplain or the erection of structures. The flood impact assessment prepared by the proponent's consultant, in support of the application, concludes that the rezoning of the land including future development is not considered to increase risk to property or life from flooding. As such the report concludes that the extension of the cemetery would not have a significant impact on flood levels. Council's Flooding Engineer has advised that the site is not contoured to trap flood water and it should dissipate in less than 24 hours therefore will have minimal impact burial sites.

#### ***S117 Ministerial Directions – 4.4 Planning for Bushfire Protection***

The subject site is identified as being bushfire prone on Council's mapping system. Under Section 117 Direction 4.4 – Planning for Bushfire Protection, Council must, in the preparation of a planning proposal, consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act. It is considered that any development made permissible by the proposed rezoning could be made compliant with the objectives and standards detailed in Planning for Bushfire Protection (2006) (attachment 5 shows the Bushfire Planning Map).

#### ***S117 Ministerial Directions – 5.1 Implementation of Regional Strategies***

The proposal is consistent with the regional strategy in supporting the viability of an existing business, and also in supporting the supply of infrastructure and facilities appropriate to the region's population structure.

#### ***Significant vegetation, Endangered Ecological Communities & environmental Populations***

Approximately 1.05 hectares of undisturbed an Endangered Ecological Community (EEC) are present within the northern portion of the site; the EEC community is identified on Council's mapping system as River Flat Eucalypt Forest (attachment 3 provides the location of the EEC). The 7 part test prepared for the site indicates that noxious and other weed control will provide a positive environmental outcome for the condition of the EEC.

The proposed E2 Environmental Protection Zone will protect the EEC and will also protect the Canada Drop Down Creek riparian corridor. Canada Drop Down Creek traverses the property from west to east through the EEC's located at the northern end of the property. The riparian corridor of varying width from approximately 290 metres at western boundary of the site to approximately 50 metres on the eastern boundary will also be zoned E2 Environment Protection.

#### ***State Environmental Planning Policies (SEPP's)***

The planning proposal is consistent following State Environmental Planning Policy which applies to the land.

- SEPP No 44 Koala Habitat Protection – The area containing potential Koala Habitat is located to the north of the site, and is therefore is to be protected as part of the E2 Environmental Protection zoning. As such no removal of the Koala Habitat trees is proposed to occur as a result of the rezoning proposal. As such the planning proposal is consistent with SEPP 44 as Koala Habitat will be protected.

**Wyong Local Environmental Plan (WLEP) 2013**

The land is currently zoned RU2 Rural Landscape. The planning proposal seeks to amend WLEP 2013 by zoning the land SP2 - Special Purpose – Cemetery Zone and E2 Environmental Conservation with the southern portion of the land remaining RU2 Rural Landscape. The proposed SP2 Special Purpose zoning is a logical choice for the expansion of the existing cemetery and crematorium and the E2 zone will ensure the protection the EEC that exist within the property. As such the proposed zoning outcome is positive from an economic and environmental perspective. It is further noted that the retention of the RU2 Rural Landscape zone on the portion of the site south of Palmdale Road is consistent with the adjoining zones and land uses.

**Wyong Development Control Plan 2013**

Any future development of the subject site being undertaken as a result of the rezoning will be required to be consistent with relevant controls of WDCP 2013, in particular, the following Chapters:

- Chapter 2.11 Parking and Access
- Chapter 3.1 Site Waste Management
- Chapter 3.3 Floodplain Management
- Chapter 3.6 Tree and Vegetation Management

**CONSULTATION**

It is proposed to liaise with the Office of Water, Department of Health and the Rural Fire Service as part of the state authority consultation.

The community consultation requirements for this planning proposal, including public exhibition timeframes, will be determined within the gateway determination.

A further report to Council will be provided following the consultation periods outlining any responses received.

**CONCLUSION**

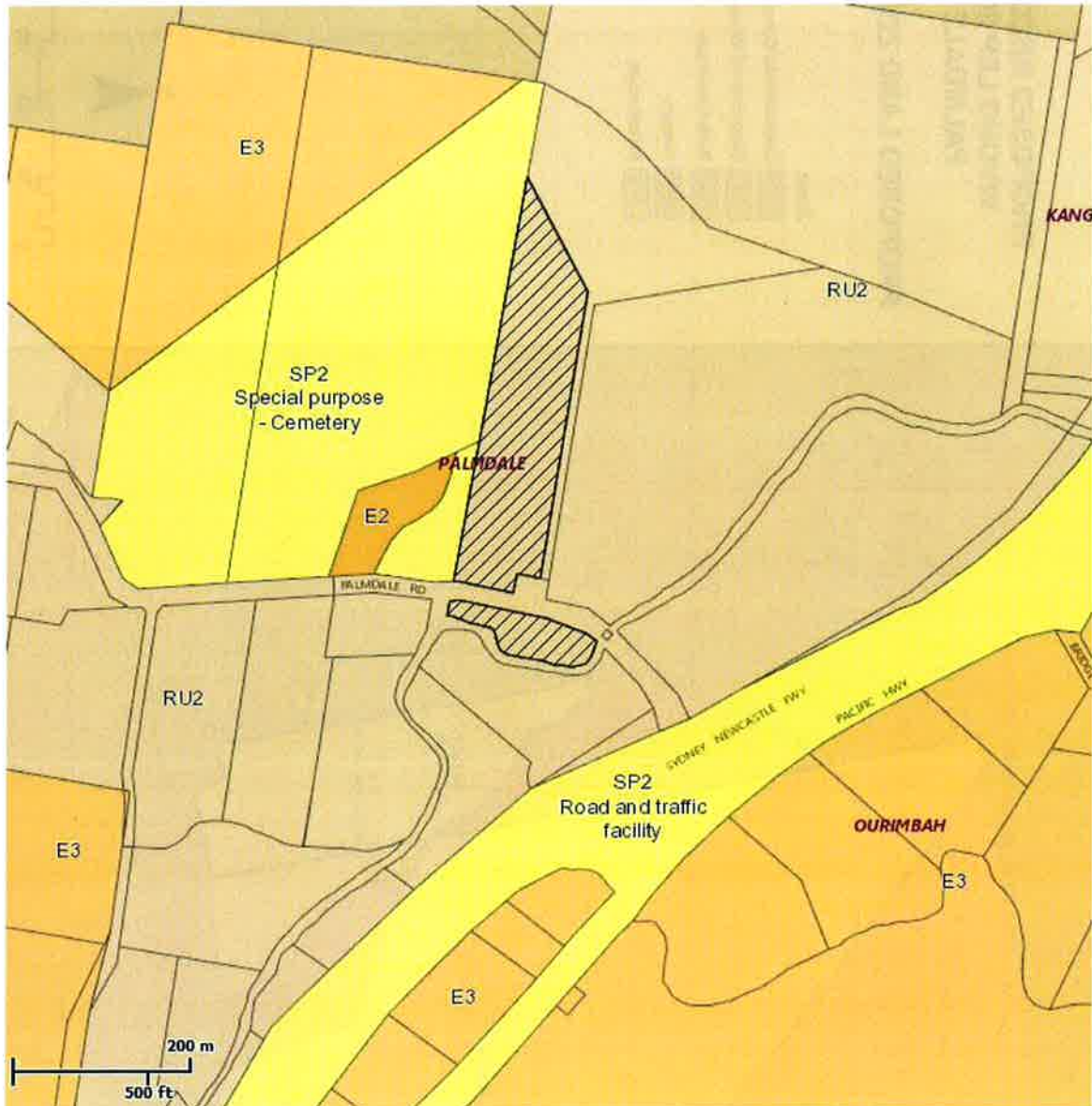
The proposed use of the land as described in the planning proposal will not have significant impacts and will allow the logical extension of the existing Cemetery. The proposal to amend WLEP 2013 by rezoning the land from RU2 Rural Landscape to SP2 Special Purpose – Cemetery and E2 Environmental Conservation is therefore supported, and it is recommended that the planning proposal be forwarded to the Department of Planning and Environment seeking gateway determination.

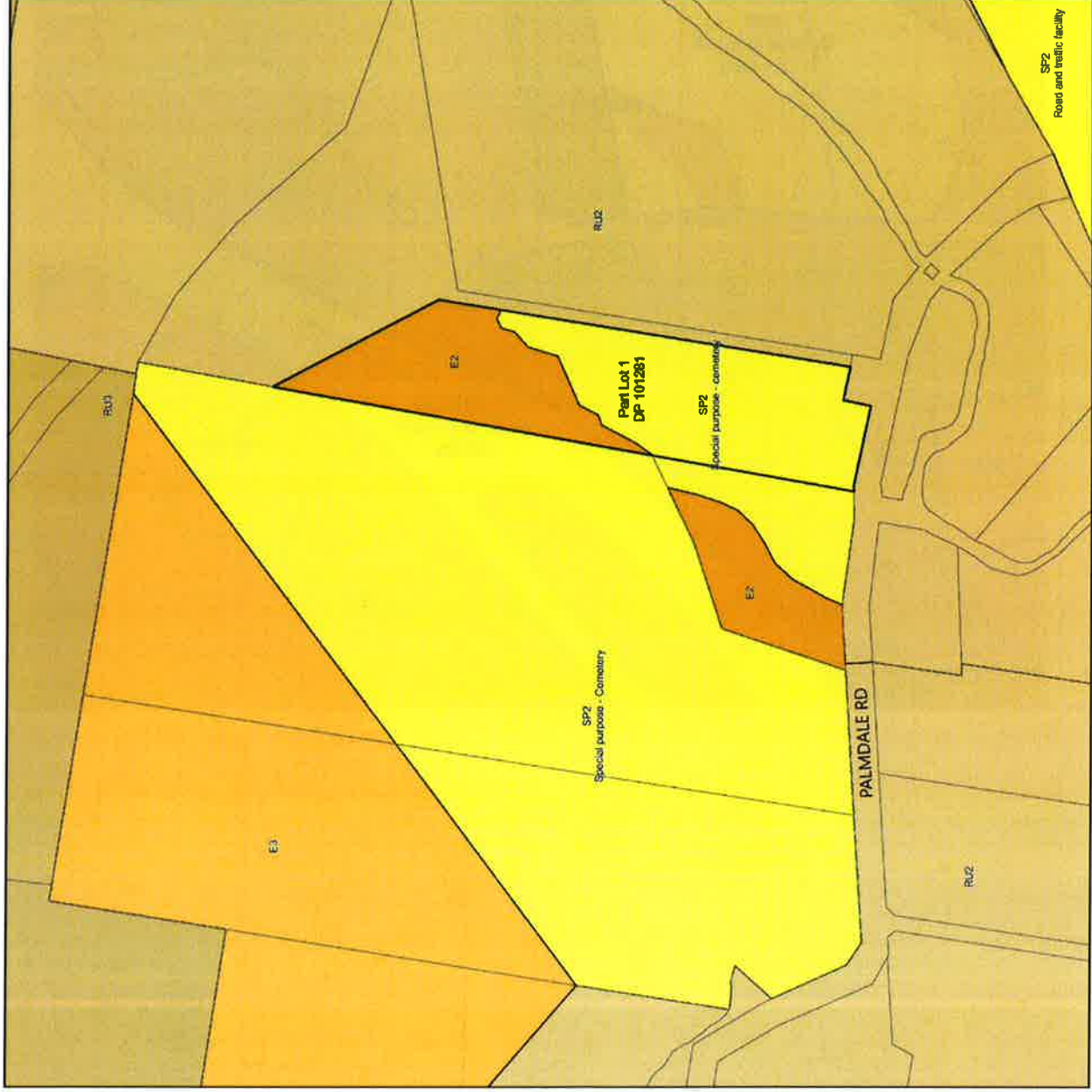
**ATTACHMENTS**

|          |                                                                                |                  |
|----------|--------------------------------------------------------------------------------|------------------|
| <b>1</b> | <b>Attachment 1 Site Plan and Existing Zoning</b>                              | <b>D11848784</b> |
| <b>2</b> | <b>Attachment 2 Palmdale - Proposed Land Zone Map 2014-11-24 E2</b>            | <b>D11848800</b> |
| <b>3</b> | <b>Attachment 3 Endangered Ecological Community River Flat Eucalypt Forest</b> | <b>D11872509</b> |
| <b>4</b> | <b>Attachment 4 - 1% AEP Flood Levels</b>                                      | <b>D11830039</b> |
| <b>5</b> | <b>Attachment 5 Bushfire Mapping</b>                                           | <b>D11872493</b> |



**Attachment 1 Existing Zoning – Proposed expansion of SP2 Special Purpose Cemetery and E2 Environmental Conservation Zone**





# **PROPOSED REZONING WYONG LEP 2013 PALMDALE**

## **PROPOSED LAND ZONING MAP**

| Zone |                            |
|------|----------------------------|
| E2   | Environmental Conservation |
| E3   | Environmental Management   |
| RU2  | Rural Landscape            |
| RU3  | Forestry                   |
| SP2  | Infrastructure             |



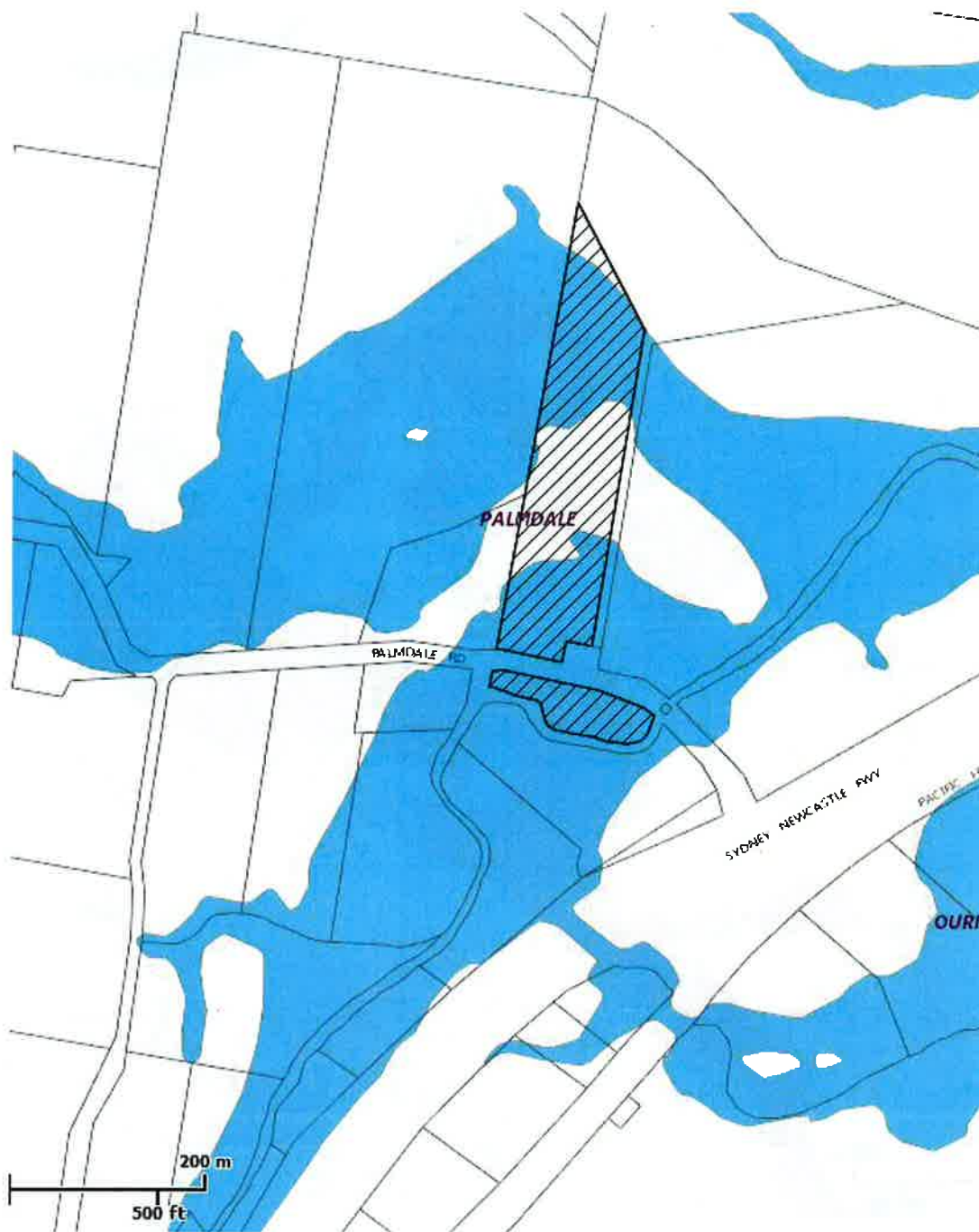
K:\Drawing\GIS\Thematic\Chap 4\Palmdale\Palmdale - Proposed Land Zone Map 2014-11-24.mxd

Attachment 3 Endangered Ecological Community River Flat Eucalypt Forest

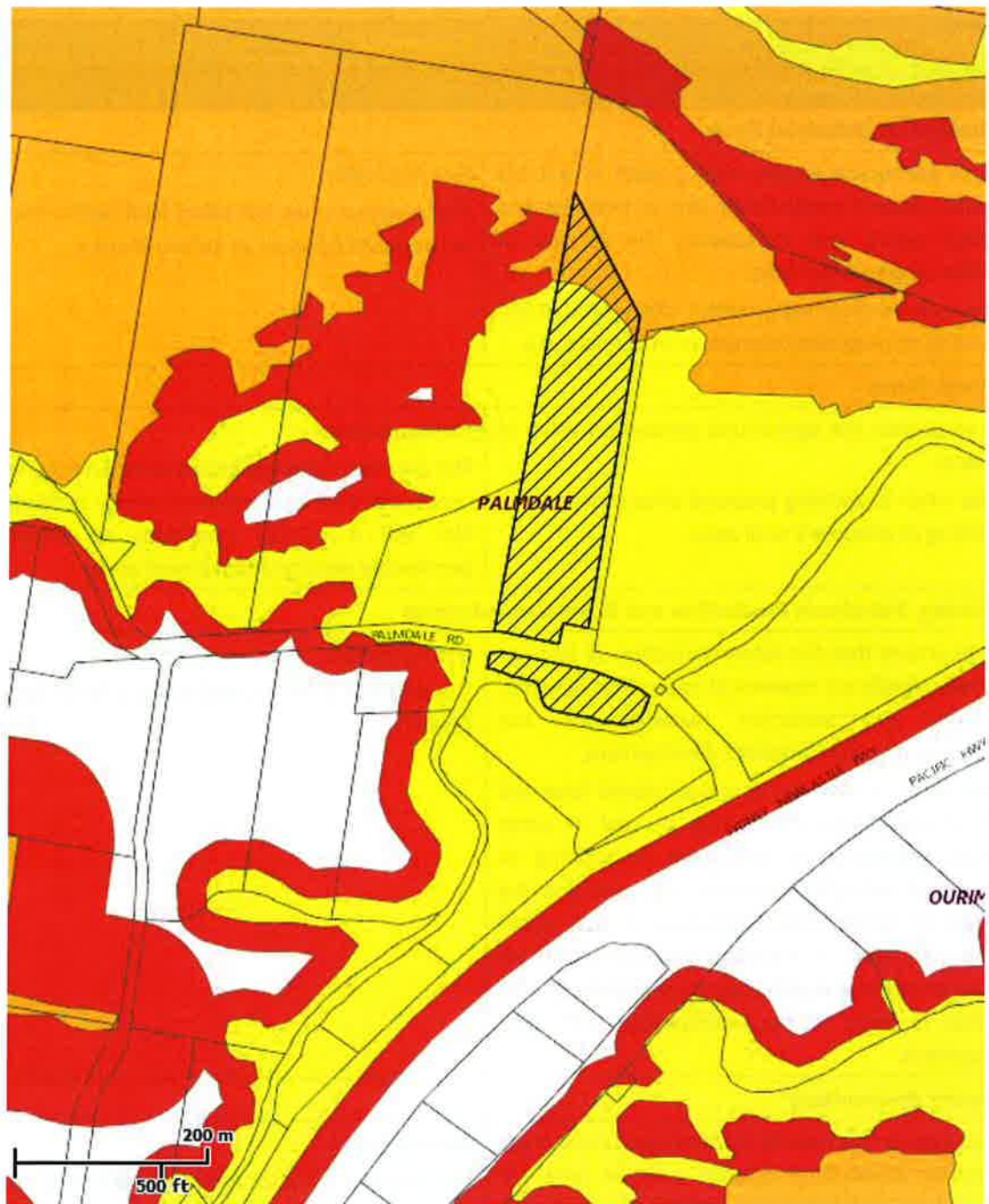




Attachment 4 1% AEP



## Attachment 5 Bushfire Mapping



## Legend

- Vegetation Buffer
- Vegetation Category 1
- Vegetation Category 2

## Section 117 Ministerial Directions

| Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Comment                                                                                                                                                                                                                                |
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| <b>Employment &amp; Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                        |
| <b>1.1 Business &amp; Industrial Zones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                        |
| <p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>                                                                                                                                                                                                                                                                                                                                           | <p>Not Applicable.</p> <p>The proposal does not affect land within an existing or proposed business or industrial zone.</p>                                                                                                            |
| <b>1.2 Rural Zones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                        |
| <p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Not Applicable.</p> <p>The proposal does not intend to rezone the land to a residential, business, industrial, village or tourist zone. Nor will it contain provisions to increase the permissible density within a rural zone.</p> |
| <b>1.3 Mining, Petroleum Production and Extractive Industries</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                        |
| <p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> | <p>Not Applicable.</p> <p>The proposal is not located within a Mine Subsidence District</p>                                                                                                                                            |
| <b>1.4 Oyster Aquaculture</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                        |
| <p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the</p>                                                                                                                                                | <p>Not applicable.</p> <p>The proposal is not located within a Priority Oyster Aquaculture Area.</p>                                                                                                                                   |

| Direction                                                                                                                                                                                                                                                                                                                                                                                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>1.5 Rural Lands</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p> | <p>Not applicable.</p> <p>SEPP (Rural Lands) 2008 does not apply within the Wyong LGA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Environment &amp; Heritage</b>                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>2.1 Environmental Protection Zones</b>                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>                                                                                                                                                                                                                                                              | <p>Applicable.</p> <p>The proposed E2 zone will provide protection for the EEC Riverflat Eucalypt Forest occurring on the site.</p> <p>A 7 Part test has been carried out on the site which concluded that the proposal will provide a positive environmental outcome provided that Noxious and other weeds are controlled and appropriate fencing is erected to ensure sediment or nutrient runoff from fertilised areas does not enter Canada Drop Down Creek.</p> <p>No clearing of EEC is proposed to occur as a result of this planning proposal and the proponent has advised that weed removal will be carried out to further enhance the condition of the EEC.</p> <p>It is therefore considered that this proposal is consistent with this Direction.</p> |
| <b>2.2 Coastal Protection</b>                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>                                                                                                                                                                                                                | <p>Not applicable.</p> <p>The site of the proposal is not within the Coastal Zone.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



| Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Comment                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2.3 Heritage Conservation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                     |
| <p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>                                                                                                                                                                                                                                                                                                                                                          | <p>Not Applicable.</p> <p>The site does not contain any known items of environmental heritage significance.</p>                                                                                                                                                     |
| <b>2.4 Recreational Vehicle Areas</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                     |
| <p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>                                                                                                                                                                                                                                                                                                                                                            | <p>Applicable.</p> <p>The proposal does not seek to develop land for recreational vehicle usage.</p> <p>The proposal is consistent with this Direction.</p>                                                                                                         |
| <b>Housing, Infrastructure and Urban Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                     |
| <b>3.1 Residential Zones</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                     |
| <p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p> | <p>Not Applicable.</p> <p>The proposal does not seek to rezone the land for residential purposes. Nor does it propose to rezone existing or proposed residential zones.</p>                                                                                         |
| <b>3.2 Caravan Parks and Manufactured Home Estates</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |
| <p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>                                                                                                                                                                                                                                                                                                                                                               | <p>Applicable.</p> <p>The proposal does not seek to specifically enable caravan parks or manufactured homes, however it does not seek to exclude or remove existing provisions relating to this purpose.</p> <p>The proposal is consistent with this Direction.</p> |
| <b>3.3 Home Occupations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                     |
| <p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Not Applicable.</p> <p>The proposed SP2 and E2 zones do not permit dwelling houses.</p>                                                                                                                                                                          |



| Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Comment                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The proposal is consistent with this Direction.                                                                                                                                                                |
| <b>3.4 Integrating Land Use &amp; Transport</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                |
| <p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> | <p>Not Applicable.</p> <p>The proposal will not create, alter or move a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> |
| <b>3.5 Development Near Licensed Aerodromes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                |
| <p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>                                                       | <p>Not Applicable.</p> <p>The proposal will not create, alter or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>                                                     |
| <b>3.6 Shooting Ranges</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                |
| <p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>                                                         | <p>Not applicable.</p> <p>The proposal does not seek to affect, create, alter or remove a zone or provision relating to shooting ranges.</p>                                                                   |

| Direction                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Hazard &amp; Risk</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>4.1 Acid Sulfate Soils</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>                                                                                                                                                                           | <p>Applicable.</p> <p>The subject site contains Class 5 acid sulfate soils.</p> <p>The site identified as being located within 500 metres of adjacent Class 1, 2, 3 or 4 as indicated on the Acid Sulphate Soils map. As such an acid sulphate soils management plan report may be required when an application for development is submitted.</p> <p>The proposal is consistent with this Direction..</p>                                                                                                                                                                                                                                                                                                                                                    |
| <b>4.2 Mine Subsidence &amp; Unstable Land</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>                   | <p>Not Applicable.</p> <p>The subject site is not located within the Wyong Mine Subsidence District.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>4.3 Flood Prone Land</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p> | <p>Applicable.</p> <p>The proposal conflicts with the objectives of this Direction by proposing to rezone land within a rural zone to a special use zone in a flood planning area.</p> <p>The proposal includes the extension of an existing cemetery including plots and memorial gardens but excluding any filling of the floodplain or the erection of structures.</p> <p>The flood impact assessment prepared by the proponent's consultant, in support of the application, concludes that the rezoning of the land including future development is not considered to increase risk to property or life from flooding.</p> <p>Emergency evacuation provisions have been provided in the</p> <p>It is therefore considered the proposal is consistent</p> |

| Direction                                                                                                                                                                                                                                                                                                                                                                                                                            | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                      | with this direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>4.4 Planning for Bushfire Protection</b>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>                                                                                                                                                                                   | <p>Applicable.</p> <p>The site has Category 1 vegetation located to the north and the remainder of the site is Category 2 vegetation. The use of the site as a crematorium and burial ground will not carry any specific bushfire management requirements</p> <p>Council will consult with the Commissioner of the NSW Rural Fire Service following receipt of a positive gateway determination.</p> <p>It is therefore considered the proposal is consistent with this Direction.</p> |
| <b>Regional Planning</b>                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>5.1 Implementation of Regional Strategies</b>                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy &amp; South Coast Regional Strategy.</p> | <p>Applicable.</p> <p>The site is subject to the provisions of the Central Coast Regional Strategy (CCRS).</p> <p>The CCRS recognises the need for social infrastructure which is amenable to such changes; the proposed extension of the cemetery compliments the objectives and requirements of the CCRS in that it will provide infrastructure to meet local needs.</p> <p>It is therefore considered the proposal is consistent with this direction.</p>                           |
| <b>5.2 Sydney Drinking Water Catchments</b>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>                                                                                                                                                                                                                                  | <p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-</p>                                                                                                | <p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>                                                                                                                                                                                                                                                                                                                                                                                           |

| Direction                                                                                                                                                                                                                                                                                                                   | Comment                                                                                                                                                                                         |
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| <p>agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>                                                                                                                  |                                                                                                                                                                                                 |
| <b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>                                                                                                                                                                                                                                         |                                                                                                                                                                                                 |
| <p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>                                                                                                                             | <p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>                                                                                       |
| <b>5.8 Second Sydney Airport: Badgerys Creek</b>                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                 |
| <p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>                                                          | <p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>                                                    |
| <b>Local Plan Making</b>                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                 |
| <b>6.1 Approval and Referral Requirements</b>                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                 |
| <p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>                                                                                                                              | <p>Applicable.</p> <p>The planning proposal does not seek to include provisions which require concurrence from other agencies.</p> <p>The proposal is consistent with this Direction.</p>       |
| <b>6.2 Reserving Land for Public Purposes</b>                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                 |
| <p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p> | <p>Applicable.</p> <p>The proposal does not seek to create, alter or reduce existing zonings or reservations for public purposes.</p> <p>The proposal is consistent with this Direction.</p>    |
| <b>6.3 Site Specific Provisions</b>                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                 |
| <p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>                                                                                                    | <p>Applicable.</p> <p>The proposal does not seek to enable specific uses on the site which are not permissible under existing zones.</p> <p>The proposal is consistent with this Direction.</p> |

| Direction                                                                                                                                                                                                                                                      | Comment                                                                   |
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| <b>Metropolitan Planning</b>                                                                                                                                                                                                                                   |                                                                           |
| <b>7.1 Implementation of A Plan for Growing Sydney</b>                                                                                                                                                                                                         |                                                                           |
| <p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in A Plan for Growing Sydney.</p> <p>Applies when the planning authority within a Metropolitan Local Government Area prepares a planning proposal.</p> | <p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p> |

| SEPP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Comment                                                                                                                                                                                                                                                                                               |
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| SEPP No. 44 – Koala Habitat                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                       |
| <p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <ul style="list-style-type: none"> <li>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</li> <li>(b) by encouraging the identification of areas of core koala habitat, and</li> <li>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones</li> </ul> | <p>As the area subject to the proposal is greater than 1 hectare, the provisions of State Environmental Planning Policy 44 – Koala Habitat are triggered.</p> <p>Should the proposal be supported by the Gateway, an assessment under SEPP 44 will be required to be undertaken by the proponent.</p> |