

Planning Services

Gateway Determination Report

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| LGA | Queanbeyan Palerang |
| RPA | Queanbeyan Palerang Regional Council |
| NAME | Amend Schedule 1 Additional Uses to permit <i>cemetery</i> and <i>crematorium</i> on Lot 2 DP 112382 and Lot 126 DP 754881 Old Cooma Road Queanbeyan (0 homes, 10 jobs) |
| NUMBER | PP_2017_QPREG_004_00 |
| LEP TO BE AMENDED | Queanbeyan LEP 2012 |
| ADDRESS | 1187 and 1241 Old Cooma Road Queanbeyan |
| DESCRIPTION | Lot 2 DP 112382 and Lot 126 DP 754881 |
| RECEIVED | 18 August 2017 |
| FILE NO. | 17/116677 |
| QA NUMBER | qA417361 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required. |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend Schedule 1 Additional Uses in Queanbeyan LEP 2012 to permit a *cemetery* and *crematorium* on Lot 2 DP 112382 and Lot 126 DP 754881 Old Cooma Road, Queanbeyan.

Site Description

The 35-hectare rural site is zoned E4 Environmental Living Zone under Queanbeyan LEP 2012 and is located west of Old Cooma Road and south of the new suburb of Googong.

The undulating site has previously been cleared and has been used for agriculture since the 1800s. Church Creek and several of its tributaries drain the land and elevated areas are located to the north-eastern section of the site.

Surrounding Area

The site is located within a rural and semi-rural landscape. Rural land is located to the north, east and south and is predominately used for agriculture (cattle grazing). Mount Campbell rural residential estate is located to the west and is separated from the site by Old Cooma Road. The minimum lot size in the estate is 6 hectares and is also zoned E4 Environmental Living Zone.

Summary of Recommendation

Proceed with conditions – The planning proposal seeks to permit a *cemetery* and *crematorium* on Council owned rural land that has access to a sealed road and is close to Queanbeyan City. There appears to be enough suitable land within the site to accommodate the proposal.

Council intends preparing a number of additional studies to verify the suitability of the site for the proposed uses. A Gateway determination should therefore be issued subject to conditions that Council prepare the additional studies prior to undertaking community consultation.

PROPOSAL

Objectives or Intended Outcomes

The objectives clearly indicate that Council seeks permit a *cemetery* and *crematorium* on Lot 2 DP 112382 and Lot 126 DP 754881 Old Cooma Road, Queanbeyan.

Explanation of Provisions

The planning proposal clearly indicates that it seeks to amend Schedule 1 Additional Uses in Queanbeyan LEP 2012 to permit a *cemetery* and *crematorium* on Lot 2 DP 112382 and Lot 126 DP 754881 Old Cooma Road, Queanbeyan.

Mapping

Council proposes amending Schedule 1 Additional Permitted Uses to permit a *cemetery* and *crematorium* on Lot 2 DP 112382 and Lot 126 DP 754881 Old Cooma Road, Queanbeyan. No LEP map amendments are required.

NEED FOR THE PLANNING PROPOSAL

The planning proposal indicates that the Queanbeyan Lanyon Drive cemetery is expected to reach capacity in the next five years necessitating the selection of a new site for a *cemetery* and *crematorium* to service Queanbeyan.

Cemeteries and *crematoriums* are currently prohibited in the E4 Environmental Living Zone. An amendment to Schedule 1 Additional Permitted Uses is Council's preferred option to specifically permit a *cemetery* and *crematorium* on Lot 2 DP 112382 and Lot 126 DP 754881 Old Cooma Road, Queanbeyan.

STRATEGIC ASSESSMENT

South East and Tablelands Regional Plan

Direction 21 of the Regional Plan requires that future land use planning should ensure there is sufficient space for *cemeteries* and *crematoria* and Action 21.4 requires local strategies to identify appropriate sites for *cemeteries* and *crematoria*.

There appears to be sufficient space within the 35-hectare rural site for a *cemetery* and *crematoria* and further studies by Council will verify if the site is appropriate for the intended use or identify impacts that can be ameliorated.

Local Strategies

The planning proposal has stated that the proposal is consistent with the *Queanbeyan Residential and Economic Strategy 2031* and the *Community Strategic Plan 2013-2023*. Both plans recognise the need to consider the demand for infrastructure and services in response to population growth.

Section 117(2) Ministerial Directions

The planning proposal is consistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 5.10 Implementation of Regional Plans and 6.3 Site Specific Provisions.

S117 Direction 4.4 Planning for Bushfire Protection applies to the planning proposal because the site is in proximity to bushfire prone land. The Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service prior to community consultation.

The planning proposal is consistent with the Direction because it has acknowledged that Council must consult with the NSW Rural Fire Service.

Recommendation

That Gateway determination includes a condition that the Council must consult with the Commissioner of the NSW Rural Fire Service prior to community consultation in accordance with the requirement of section 117 Direction 4.4 Planning for Bushfire Protection.

State Environmental Planning Policies

The planning proposal is not inconsistent with any state policy, including State Environmental Planning Policy (Rural Lands) 2008.

The planning proposal further states that, in respect to SEPP 55 – Remediation of Land, there are no records of any known contamination on the site and it is not proposed to use the land for any sensitive uses such as residential, educational, health, recreational or child care uses.

SITE SPECIFIC ASSESSMENT

Social

The Mount Campbell rural residential estate to the west is separated from the site by Old Cooma Road and some residents have raised concerns that the proposed *cemetery* and *crematorium* will have adverse social impacts on nearby residents.

In response to these concerns Council will be undertaking additional studies, including preparation of a social impact assessment, visual and noise assessment and traffic impact study. These additional studies seek to clarify the likely impacts from developing the site for use as a *cemetery* and *crematorium*.

The Department will have a further opportunity to consider the likely social impacts of the proposal once Council completes the additional studies and undertakes community consultation.

Environmental

Biodiversity

The site is generally cleared agricultural land and the planning proposal states that the site is considered to have low conservation value. Council will undertake more detailed fauna and flora assessment to confirm the conservation status of the land.

Other Environmental Impacts

Council intends undertaking the following environmental assessments of the site to determine the site's suitability for a *cemetery* and *crematorium*:

- Cultural Heritage study
- Geotechnical study
- Hydrological study
- Visual and Noise impact study.

The Department will have a further opportunity to consider the likely environmental impacts of the proposal once Council completes the additional studies and undertakes community consultation.

Economic

The planning proposal states that a *cemetery* and *crematorium* is needed for Queanbeyan because the existing facilities are nearing capacity.

It is unlikely that the use of the site for a *cemetery* and *crematorium* will have any adverse economic impacts.

Infrastructure

The planning proposal acknowledges that a new access to the site will be required from Old Cooma Road and that Old Cooma Road is being upgraded to accommodate the residential development within the Googong urban release area located to the north of the site.

Council intends preparing a transport and traffic impact study to address and identify constraints on the road network.

CONSULTATION

Community

The planning proposal is not considered minor because of the concerns raised by nearby residents and the intent of Council to prepare additional studies to address these concerns. It is recommended that community consultation be undertaken for a minimum period of 28 days consistent with the recommendation in the planning proposal.

Agencies

Consultation is to be undertaken with the following State agencies:

- NSW Health
- NSW Office of Environment and Heritage
- NSW Rural Fire Service (prior to community consultation – s117 Direction 4.4 Planning for Bushfire Protection).
- NSW Police

TIMEFRAME

Council has indicated that the timeframe for completing the LEP will be 12-18 months. This timeframe takes into account the time required to complete the additional studies, agency consultation and community consultation and the potential for a public hearing, if required.

It is recommended that the Council be given 18 months to complete the LEP.

DELEGATION

Council has resolved not to use its delegation for plan-making on the basis that independent decision making is required for the Council proposal as it is controversial and located on Council owned land.

It is recommended that, consistent with Council's request, Authorisation is not issued to Council to use its delegation for plan-making. This will provide the Department with an opportunity to consider the feedback from state agencies and the community on the planning proposal and the additional studies prepared by Council.

CONCLUSION

The planning proposal, including the preparation of additional studies, should proceed subject to conditions.

The planning proposal has demonstrated the need for a new *cemetery* and *crematorium* for Queanbeyan and there is merit in locating a *cemetery* and *crematorium* on a 35-hectare rural site with access to a sealed distributor road in proximity to Queanbeyan City.

The additional studies and community consultation will verify the suitability of the site for use as a *cemetery* and *crematorium* or determine what issues need to be addressed to enable the proposal to proceed.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - NSW Health
 - Office of Environment and Heritage
 - NSW Police
 - NSW Rural Fire Service
3. Consultation is required with the NSW Rural Fire Service prior to community consultation in accordance with s117 Direction 4.4 Planning for Bushfire Protection.
4. The timeframe for completing the LEP is to be 18 months from the date of the Gateway determination.

5. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan.
6. The planning proposal is to include the following additional studies as part of community consultation:
 - Cultural Heritage Study
 - Flora and Fauna Study
 - Geotechnical Study
 - Hydrological Study
 - Traffic and Transport Impact Assessment
 - Visual and Noise Assessment
 - Social Impact Assessment.
7. Copies of the additional studies are to be provided to the Department prior to community consultation.

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