

<b>20xxx01</b>	Ryhope – 405 Cessnock Road – Planning Proposal - Rezoning of Lake Macquarie Memorial Park
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<b>Key focus area</b>	Unique landscape Lifestyle and wellbeing
<b>Objective</b>	<i>Unique landscape</i> Natural environments are protected and enhanced <i>Lifestyle and wellbeing</i> Our community has access to adaptable and inclusive community and health services
<b>File</b>	RZ/6/2019
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### ***Executive summary***

Council has received a request by Invocare Pty Ltd to rezone part of 405 Cessnock Road Ryhope, known as the Lake Macquarie Memorial Park, from E3 Environmental Management zone to RU2 Rural Landscape zone. The rezoning will allow cemetery uses which will enable future expansion of the Lake Macquarie Memorial Park ensuring long-term land supply for cemetery purposes.

### ***Recommendation***

Council:

- A. requests a Gateway determination from the Department of Planning, Industry and Environment, pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, in relation to the Planning Proposal in Attachment 1;
- B. requests the use of delegations in respect of the Minister for Planning's plan making function under section 3.36 of the *EP&A Act 1979* for the Planning Proposal.
- C. undertakes consultation with State Government agencies and service authorities and undertakes studies in accordance with the Gateway Determination;
- D. places the Planning Proposal on exhibition, subject to the outcome of the Gateway determination;
- E. notifies stakeholders and affected landowners of the public exhibition as determined by the Gateway determination; and
- F. makes the Plan, provided no objections are received during the public exhibition period.

## Discussion

In May 2019, Council was approached by Invocare Pty Ltd seeking to rezone part of 405 Cessnock Road, Ryhope known as the Lake Macquarie Memorial Park (Memorial Park). The proposal is to rezone part of the eastern portion of the property from E3 Environmental Management to RU2 Rural Landscape. This would permit, with consent, cemetery uses, which are prohibited under the E3 Environmental Management zone. It is anticipated that the rezoning would provide a 100-year supply of land for cemetery use and continued operations of the Memorial Park.



Figure 1 – map showing proposed RU2 zone.

## Assessment of options

Council has the following options available:

1. Request Gateway determination and proceed with the Planning Proposal. This is the recommended option.
2. Amend the Planning Proposal before requesting Gateway determination. This is not recommended because the proposal reflects the characteristics of the site and advice from specialist staff.
3. Resolve not to proceed with the Planning Proposal. This is not recommended because not amending *LMLEP 2014* will limit the ability for the Lake Macquarie Memorial Park to expand and limit the supply of land for cemetery uses in this location.

Overall, the Planning Proposal is recommended as it would allow for a logical extension of the Memorial Park, while protecting significant vegetation on the site and also reflecting the existing rural landscape character of the area.

### ***Community engagement and internal consultation***

Internal consultation has occurred as part of Council's Rezoning Advisory Panel (RAP) meeting in November 2019 which included members from Integrated Planning, Community Partnerships, Asset Management, Environmental Systems, and Property and Business Development departments. The RAP agreed that the rezoning request had merit, recommending retention of the E3 Environmental Management zone over the remnant native vegetation on the subject property to ensure ongoing conservation.

Community consultation has not yet occurred however, it is expected to occur following Gateway determination.

### ***Key considerations***

<b>Economic impact</b>	<p>Ensure long-term supply of land for cemetery uses and continued operation for the Memorial Park into the future;</p> <p>Generate short and long-term local jobs during the construction and operational stages of future development of the Memorial Park.</p>
<b>Environment</b>	<p>Retaining the E3 Environmental Management zone on areas of native remnant vegetation provides habitat for a number of threatened fauna species;</p> <p>The rezoning to a RU2 Rural Landscape zone will be more reflective of the existing rural amenity of the property;</p> <p>The property is impacted by bushfire prone land. However, mitigation can be achieved through Asset Protection Zones, which have been incorporated into the location of the E3 Environmental Management zone to be retained;</p> <p>Impacts to groundwater from any future development is considered minor as existing stormwater and drainage infrastructure can be expanded. Additionally, future development applications would be required to address the environmental controls within Lake Macquarie Development Control Plan 2014.</p> <p>The Planning Proposal identifies some areas with moderate Aboriginal archaeological significance which will be protected during any future development of the Memorial Park.</p>
<b>Community</b>	<p>It is anticipated that the Planning Proposal will provide an adequate supply of land for cemetery purposes for up to 100-years which will cater for the needs of a growing, ageing and diversifying population; and</p>
<b>Civic leadership</b>	<p>The Planning Proposal helps deliver State strategic initiatives as per the actions within the NSW Cemeteries and Crematoria Plan 2015-2020 and Hunter Regional Plan 2036.</p>

<b>Financial</b>	There are no financial implications associated with the proposed changes to the LMLEP 2014, apart from Council staff time undertaking the LEP amendment. The proponent has paid the relevant LEP amendment fee.
<b>Infrastructure</b>	The Planning Proposal will not require new public infrastructure, any future expansion would use existing infrastructure and utilities.
<b>Risk and insurance</b>	The risks associated with preparing a Planning Proposal are minimised by following the process outlined in the EP&A Act 1979, the Environmental Planning & Assessment Regulation 2000, and Council's LEP Amendment Procedure.

### ***Legislative and policy considerations***

Environmental Planning and Assessment Act 1979;  
 Environmental Planning & Assessment Regulation 2000  
 Lake Macquarie Local Environmental Plan 2014  
 Draft Lake Macquarie Local Strategic Planning Statement  
 Imagine Lake Mac Strategy

### ***Attachments***

1. Draft Planning Proposal - Rezoning of Lake Macquarie Memorial Park, 405 Cessnock Road Ryhope – Under separate cover D09604907