

COUNCIL ASSESSMENT REPORT

SNPP No	SNH059
DA Number	LDA 2018/0338
Local Government Area	City of Ryde
Proposed Development	Construction of a single storey mausoleum with 650 crypts and 5 family vaults, a single storey chapel, 2 amenity buildings for the mausoleum and chapel, landscape works and works to facilitate vehicle access.
Street Address	12 Delhi Road, Macquarie Park
Applicant/owner	Northern Metropolitan Cemeteries Trust C/ Crown Projects Services P/L
Date of Lodgement	23 August 2018
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Crown development with a CIV over \$5 million. The development has a capital investment value of \$11,466,312.00
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act, 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • RLEP 2014 • City of Ryde Development Control Plan 2014.
List all documents submitted with this report for the panel's consideration	Attachment 1: Conditions of consent Attachment 2: Plans submitted with the application
Report prepared by	Sandra McCarry Senior Town Planner
Report date	March 2019

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development	

standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
Conditions	Yes – the applicant has agreed to the conditions.
Have draft conditions been provided to the applicant for comment?	

1. **EXECUTIVE SUMMARY**

This application seeks approval for additional building works within the grounds of Macquarie Park Cemetery. The proposal is for demolition of the existing pathways and construction of the following:

- A single-storey mausoleum with 650 crypts and 5 x family vaults (39 spaces)
- A single-storey chapel (100m²) with seating for 110 persons
- An amenity building with tea kitchen for the mausoleum
- An amenity building for the chapel
- 2 accessible parking spaces and
- Associated landscaping works, external works, footpaths and vehicle access

The subject site is used for the purpose of a cemetery and the proposed works will provide additional burial spaces within a vacant area of the cemetery situated towards the north eastern corner of the cemetery.

The application was placed on public notification from 5 September 2018 to 19 September 2018. During this time, no submissions were received.

Clause 7 of SEPP 55 states that Council must not consent to carrying out of any development unless it has considered if the land is contaminated and if so whether it is suitable or can be suitable (after remediation) for the proposed use. The site (around the vicinity of the proposed building) has been the subject of a Stage 1 Preliminary Site Investigation Report prepared by SLR Consulting Australia. The report concluded that the potential for significant, widespread contamination to be present at the site is low and that the site is suitable for the proposed use.

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

Consequently this report concludes that this development proposal is sound in terms of design, function and relationship to surrounding site. This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

2. APPLICATION DETAILS

Applicant: Northern Metropolitan Cemeteries Trust
C/ Crown Projects Services P/L

Owner: Northern Metropolitan Cemeteries Trust

Estimated value of works: \$11,466,312

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3. SITE DESCRIPTION & CONTEXT

The proposed development is situated within the boundaries of the Macquarie Park Cemetery, Macquarie Park, at the corner of Delhi Road and Plassey Road and has a legal description of Lot 141 DP1148835. The site has an approximate area of 59 hectares, which encapsulates the grounds of the cemetery.

The site is used for the purpose of a cemetery and associated activities. The closest property boundary from the development is approximately 25m to the east, with the remaining boundaries approximately between 260m and 580m away.

The land to the east that adjoins the cemetery includes the Lane Cove Tourist Park (National Park) and heavily vegetated bushland. To the south and west of the site is the Macquarie Park business corridor. To the north of the site is the Ryde 'Suez' Resource Recovery Centre, which involves the recycling and processing of waste materials. The M2 Motorway adjoins the western boundary of the site.

The development area is predominantly open lawn with footpaths running through the space. Immediately to the north of the space are existing family vaults which will not be altered as part of the proposed works. The development is located in close proximity to an electrical pylon to the east, as well as graves to the south.



Figure 1: Aerial view of the cemetery outline in red and location of where the proposed works are to be located circled in blue.



Figure 2: Location of the proposed development on the site.



Figure 3: View of the development site looking south.



Figure 4: View of the development site looking east.

4. PROPOSAL

It is proposed to demolish the existing pathways and construct:

- A single storey mausoleum to house 650 crypts and 5 x family vaults and associated amenity building;
- A single storey chapel and associated amenity building; and
- Landscaping and provision of 2 parking spaces.

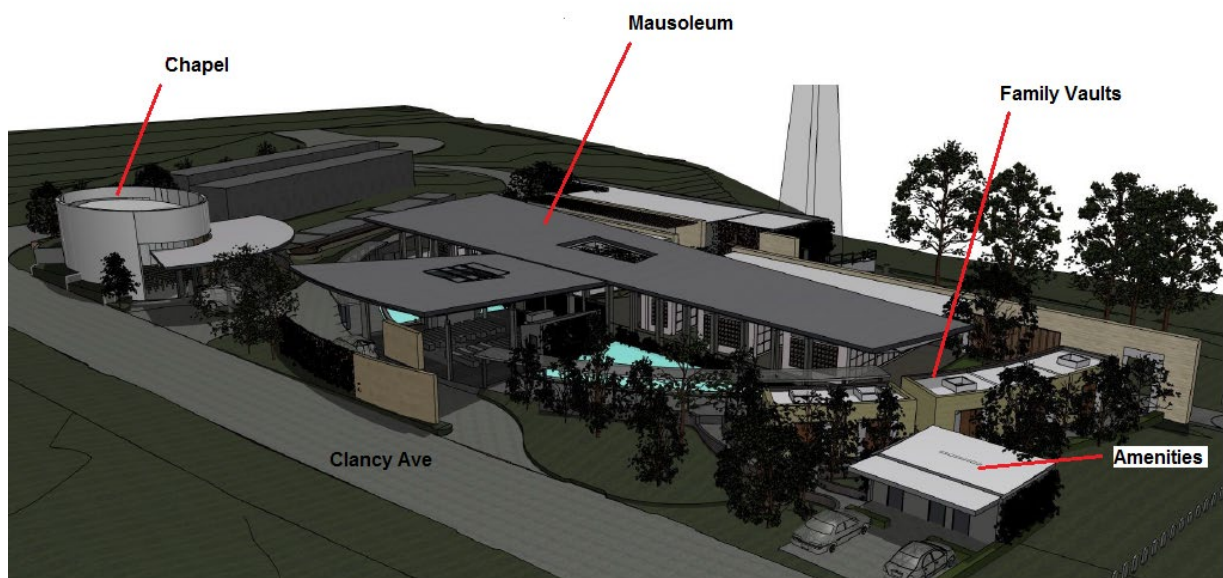


Figure 5: Schematic image of the development from south west.

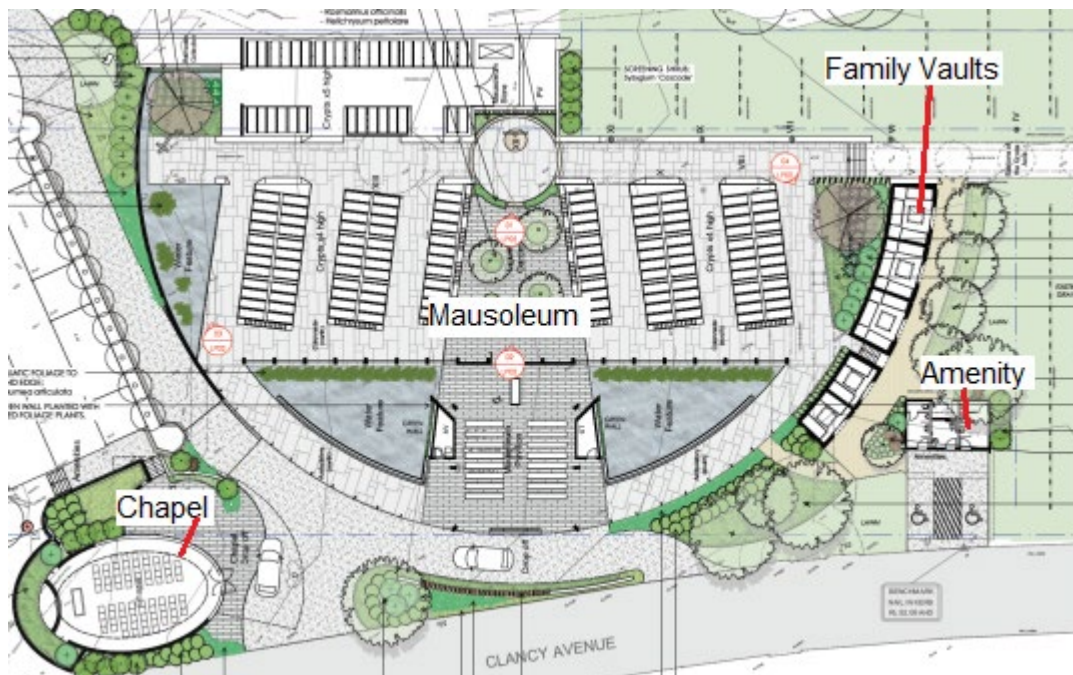


Figure 6: Plan view of the proposed development.

5. APPLICABLE PLANNING CONTROLS

The following planning policies and controls are of relevance to the development:

- Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007; and
- City of Ryde Development Control Plan 2014.

6. PLANNING ASSESSMENT

6.1 Environmental Planning and Assessment Act 1979

All relevant matters for consideration under Section 4.15 have been addressed in the assessment of this application.

6.2 State Environmental Planning Policy (State and Regional Development) 2011

A Crown Development is classified as Regional Development if it has a capital investment value of \$5 million or more. The proposed development has a capital investment value of \$11,466,312 as such is to be determined by the Sydney North Planning Panel.

6.3 State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The applicant has submitted a Stage 1 Preliminary Site Investigation prepared by SLR Consulting Australia.

SLR Consulting has provided the following comments:

“Based on a review of the available site history data and observations made during the site walkover, SLR concludes the following:

- the potential for significant, widespread contamination to be present at the site is considered to be low;*
- The site is considered suitable for the proposed commercial land use as a mausoleum, provided that the soil is not proposed to be significantly disturbed as part of ongoing operation of the mausoleum (i.e. burial activities);*
- If the site is proposed to be subjected to significant soil disturbance during ongoing operations (i.e. excluding the construction phase), SLR recommends that an intrusive soil contamination assessment be conducted to ascertain the contamination status of soils that may be disturbed during the proposed operation of the mausoleum; and*
- In any case, SLR considers that the site can be made suitable for the proposed mausoleum development in accordance with SEPP55, subject to the appropriate assessment and remediation (if required) of any contaminated fill material that may be present at the site.”*

Council’s Environmental Health Officer has reviewed the proposal and supporting documentations and has raised no objections to the proposed works subject to a condition. (See **Condition 34**).

6.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and this plan applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a health and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site (the site is not located on the foreshore or adjacent to the waterway) therefore, with the exception of the objective of improved water quality, there are no specific controls that directly apply to this proposal.

6.5 State Environmental Planning Policy (Infrastructure) 2007

Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 relates to the determination of development applications likely to affect an electricity transmission or distribution network.

The proposed development is located immediately adjacent to an easement for electricity purposes and the application was referred to Ausgrid.

Ausgrid has advised via email dated 2nd January 2019 that they have no objections to the proposed works.

6.6 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014 (RLEP 2014).

Clause 2.3 Zone Objectives and Land Use Table

The zoning of the site is 'SP1 – Cemetery' pursuant to the RLEP 2014. The SP1 zone permits Cemeteries and any development that is ordinarily incidental or ancillary to the cemetery use, with consent.

The proposal is for the construction of a mausoleum and chapel on part of the site, which is a cemetery use. The proposal is permissible under the RLEP.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives are as follows:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

The proposed development is consistent with the above objectives. The proposal provides development that is in keeping with the zoning and provides a building form, type and scale that is in keeping with the character of the site and its intended purpose. The proposal will not have any adverse impacts on surrounding land.

Clauses 4.3 & 4.4 - Height of Buildings & Floor Space Ratio

No height or FSR controls are applicable to the site. Accordingly height or FSR is not a consideration.

Clause 5.10 Heritage conservation.

The subject site is identified as a heritage item on the Heritage Map and Schedule 5 of the RLEP.

Clause 5.10 (1) states the objective of the clause as follows:

- (a) to conserve the environmental heritage of Ryde,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The development was referred to Council's Heritage Officer who made the following comments:

"The Conservation Management Plan and Heritage Impact Statement (NBRS, July 2018) both confirm that the subject site is situated within an area of the cemetery that was expanded in the late 20th century and developed c2000. Consequently, the works are situated within an area of low heritage significance.

The proposal involves construction of a Mausoleum containing 650 crypts, with an associated chapel. This will be situated adjacent to existing family crypts and the Stations of the Cross installation southeast of the intersection of Governors Boulevard and Clancy Avenue.

While the proposed works will involve the removal of the Stations of the Cross installation, which has been graded by the CMP as an element of moderate heritage significance, this installation will be re-interpreted and enhanced through its inclusion in the new development, having an acceptable heritage impact accordingly.

Overall, the proposed development is situated in an area of low significance, and the new structure is of a scale and form that will not detract from the landscaped character and setting of the cemetery, having a low and acceptable heritage impact accordingly.

The proposal is supported on heritage grounds, subject to conditions."

Condition 15 has been imposed in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works to cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) to be notified of the discovery.

Clause 6.2 Earthworks

The proposed will not involve any significant excavation or filling. A Geotechnical Investigation Report by Asset Geo has been submitted with the application which states the earthworks are limited to excavation for footings, ground slabs and pile

caps which are minor earthworks. These earthworks will not result in any adverse impacts on the site or surrounding land.

6.7 Any proposed instrument (Draft LEP, Planning Proposal).

None applicable.

6.8 City of Ryde Development Control Plan 2014

Part 9.2 – Access for People with Disabilities

The DCP requires that the buildings must comply with all applicable provisions of the BCA. The applicant has provided a BCA Capability Statement prepared by MBC Certifiers. The report states:

“The design would generally comply with the prescriptive provisions of the BCA with additional ongoing review being undertaken as to door widths, circulation, etc. Further details are to be provided or access to these areas is to be assessed by an access consultant.”

A condition has been imposed requiring access for people with disabilities to be provided to and within the building in accordance with the requirements of Clause D3.2, D3.3 and D3.4 of the BCA 2016. Parts of the building required to be accessible shall comply with the requirements of AS1428.1- 2009. (See **Condition 16**).

Part 9.3 - Parking Controls

The DCP stipulates car parking to be provided at the following rates:

- Non-Residential Land Uses - Places of Public Worship / Assembly, Funeral Chapel:
 - 1 space/10 seats; or
 - 1 space/10m² GFA, whichever is greater.

The proposed Chapel will have a GFA of 100m² with seating for 110 people.

Based on the above, the proposal would require a total of 11 additional car parking spaces to be provided.

The proposed development will provide two (2) additional accessible parking spaces located adjacent to the Mausoleum amenities building. Accordingly the proposal is deficient by nine (9) spaces.

A Traffic and Parking Report prepared by Transport and Traffic Planning Associates (TTPA) has been submitted with the development. The report considered the appropriateness of the proposed number of car parking spaces and the traffic generation of the development.

The report states:

“Recent development works have increased the general car parking area within the site to 260 car spaces, while there will continue to be a substantial overflow parking provision along a number of internal roads of the cemetery site.

It is envisaged that visitors to the proposed Mausoleum will park along the access roads within the vicinity, while additional car parking capacity will be provided within the general parking area as noted above. The proposal will not generate demands for on-street parking outside the cemetery site. Therefore, TTPA concludes that the proposed development will not result in any adverse parking implications”.

Council’s Senior Development Engineer has reviewed the TTPA report and has made the following comments with regards to the provision of car parking:

“The traffic report has been reviewed. As stated in the report, the proposal does increase the parking demand, however it is envisioned that visitors will park along the private access roads within the vicinity of the area. This statement is supported, and thus no objection is raised.”

Visitors to the proposed Mausoleum and Chapel will park along the internal access roads within the site and this will not impact on the surrounding roads. The proposed development is not considered to result in any adverse parking implications, as such the proposed variation can be supported by Council.

Part 7.2 – Waste Minimisation and Management

A concept Waste Management Plan has been submitted with the development application. The information generally satisfies the requirements of this part of the DCP.

Part 8.1 – Construction Activities

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, construction noise, dust and the like.

These matters have been addressed by way of appropriate conditions of consent. (See **Conditions 24 to 29, 38 & 39**).

Section 7.11 Development Contributions Plan 2007 (Amendment 2010)

Council’s Section 7.11 Development Contribution Plan requires monetary contribution on developments that will contribute to increased demand for services as a result of increased development density/ floor area.

The proposal is for the construction of a mausoleum and chapel on part of the cemetery site. This development type is not listed under Part A (h) – Summary of

Development Types for S7.11 contribution. Accordingly S7.11 contribution is not applicable.

7. LIKELY IMPACTS OF THE DEVELOPMENT

Natural Environment

The development site comprises predominantly open lawn and is not considered to have any adverse impacts to the surrounding flora and fauna.

A Landscape Plan has been submitted with the application. The landscaping proposed will enhance the surrounding setting of the development and improve the visual amenity for visitors. Council's Landscape Architect has raised no objections to the proposal.

Built Environment

There are no specific controls/provisions relating to this type of development however the proposal is not considered to result in any adverse impacts to the site or to adjoining properties.

The proposal comprises of three different structures - the mausoleum, chapel and amenities building. The mausoleum is approximately 6.3m high and the chapel building approximately 7.7m high. The overall height, bulk, and scale of the proposal is considered appropriate for the site and compatible with the existing buildings within the cemetery site.

The proposal is not highly visible from any adjoining properties due to its location on the site, and the significant setbacks from any boundary.

In addition, due to its setback from the closest boundary and significant vegetation between the development and adjoining site, the proposal will not result in any visual privacy or noise impacts to adjoining properties.

Social & Economic

There are no adverse social or economic impacts that will arise from the works. The additional chapel, mausoleum and amenity buildings will enhance the existing facilities on site.

8. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is considered suitable for the proposed development. This conclusion has been reached given that the site is already used as a cemetery and contains similar buildings (mausoleums, function rooms, cafe and chapel).

9. REFERRALS

Senior Co-ordinator Development Engineering Services:

No objections subject to the imposition of appropriate conditions. (See **Conditions 18, 33, 36, 37, 40 to 42**).

Environmental Health Officer:

Council's Environmental Health Officer has reviewed the development and has made the following comments:

"A preliminary site investigation report has been prepared for the development by SLR Consulting Australia Pty Ltd (Report No. 610.17600-R01 dated 17 October 2017). According to the SLR report, based on the site history review and site walkover, the potential for significant contamination is considered to be low and the site is considered suitable for the proposed use.

The site is not able to connect to the sewerage system by gravity flow and it is understood that a pumping system will be installed to pump sewage from the development to the Cemetery's sewer connection point, near the main entrance in Plassey Road.

It is also understood that the proposed tea kitchen will be for the use of employees only.

The proposed mausoleum must be constructed in accordance with Australian Standard AS4425-1996 Above ground burial structures. Also, all bodies buried in crypts or vaults must be embalmed and hermetically enclosed with material approved by the Secretary of the Ministry of Health in accordance with clause 67 of the Public Health Regulation 2012.

A separate approval is required under Section 68 of the Local Government Act 1993 to install and operate the proposed sewage pumping system".

No objections subject to the imposition of appropriate conditions. (See **Conditions 17, 34, 43 to 50**).

Landscape Architect:

Council's Landscape Architect has no objections to the submitted Landscaping Plan.

Consultant Heritage Officer:

The application has been referred for to Council's Consultant Heritage Officer as the subject site is an item of heritage significance (Macquarie Park Cemetery and Crematorium), listed on Schedule 5 of *Ryde LEP 2014*.

Council's Consultant Heritage Officer has made the following comments:

"The proposed works are situated towards the north eastern rear corner of the site and using the CMP precincts diagram, the works are situated within Precinct 6: North East.

Precinct 6: North East is described in the CMP as follows:

'The majority of this precinct is established grass lawn with partial establishment of graves across the site. There are some established graves on the periphery of Main Avenue and a crypt area in the eastern portion. The area has a number of sculptural elements that create a distinctive contemporary quality to this section. The landscape is open in character with immature tree planting that in time will provide more of a definition to the vehicular access routes through this precinct'.

The CMP and Heritage Impact Statement (NBRS, July 2018) both confirm that the subject site is situated within an area of the cemetery that was expanded in the late 20th century and developed c2000. Consequently, the works are situated within an area of low heritage significance.

The proposal involves construction of a Mausoleum containing 640 crypts, with an associated chapel. This will be situated adjacent to existing family crypts and the Stations of the Cross installation southeast of the intersection of Governors Boulevard and Clancy Avenue.

While the proposed works will involve the removal of the Stations of the Cross installation, which has been graded by the CMP as an element of moderate heritage significance, this installation will be re-interpreted and enhanced through its inclusion in the new development, having an acceptable heritage impact accordingly.

Overall, the proposed development is situated in an area of low significance, and the new structure is of a scale and form that will not detract from the landscaped character and setting of the cemetery, having a low and acceptable heritage impact accordingly.

The proposal is supported on heritage grounds, subject to conditions". (See Condition 15).

Traffic Engineer:

Council's Traffic Engineer has advised that:

"The proposed development is for the extension of the existing Mausoleum at the Macquarie Park Cemetery and Crematorium on Delhi Road at Macquarie Park (MPCC). The proposal comprises a Chapel (100m²) with seating for 110 persons, 650 crypt spaces, 5 x family vaults, vehicles access path, 2 accessible parking spaces and other associated amenity facilities.

Traffic generation rate for such a development is neither identified in the RTA Guide to Traffic Generating Developments nor the associated Technical Direction (TDT2013/04a). The TIA also provides and analyses the “car log” of vehicles ingressing MPCC in the period of May – July 2011 and the automated tube counts conducted in October 2011. It concludes that the average number of 50 cars (max 100) was generated per ceremony or the average peak of 150 vehicles/hour was generated during midday.

The TIA states that the proposed Mausoleum would generate some 28 to 40 cars for a peak occasion with the assumptions of the 100 seat Chapel being fully occupied and the average car occupancy of 2.5 to 3.5 persons per vehicle. The additional traffic movements generated by the proposed Mausoleum would largely occur as “infill” to the existing “bands” of attendances. Therefore it is expected that the proposed development would have a negligible impact on the surrounding road network, in particularly during the AM and PM peak periods.

Traffic Department has no objection to the approval of this application”.

Drainage Engineer:

No objections subject to the conditions imposed by the Senior Co-ordinator – Development Engineering Services.

NSW Rural Fire Services:

The proposal was referred to NSW Rural Fire Services and who raised no objections to the proposal subject to conditions. (See **Conditions 9 to 14**).

10. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The period of exhibition was between 5 September 2018 to 19 September 2018.

During this time, no submissions were received.

11. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the use and objectives of the zone and will enhance the existing facilities at the site.

12. CONCLUSION

This report considers an application for the construction of a Mausoleum, chapel and associated structures at Macquarie Park Cemetery, Macquarie Park.

In summary the proposal is considered to:

- be permissible within the nominated zone;
- be an appropriate response to the context, setting, planning instruments and assessment as required under the heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*;
- allow for buildings on the site that are compatible with the existing buildings, adjacent properties, and heritage item; and
- have no adverse impacts on the environment or on the amenity of adjoining properties.

As the development is a Crown development, the applicant has agreed to the attached conditions of consent.

It is recommended that the application be approved subject to conditions.

13. RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 the following is recommended:

1. That the Sydney North Planning Panel grant consent to development application LDA2018/338 for the construction of a single-storey mausoleum, a single-storey chapel and associated amenity buildings for the chapel and mausoleum at 12 Delhi Road, Macquarie Park subject to the Conditions of Consent in Attachment 1 of this report.

Report prepared by:

Sandra McCarry
Senior Town Planner

Report approved by:

Tony Collier
Senior Co-ordinator - Major Development

Sandra Bailey
Manager Development Assessment

Liz Coad
Director - City Planning and Environment