

Assessment report to Sydney Central City Planning Panel

Panel reference: 2019CCI007

Development application

DA number	SPP-18-01557	Date of lodgement	21 December 2018
Applicant	Blacktown City Council		
Owner	Blacktown City Council		
Proposed development	Expansion of existing cemetery to disused part of the site, including 1,020 graves, 2 x Columbarium walls, access/service roads with formal parking (42 spaces) and overflow parking (26 spaces), associated landscaping and fill with on-site stormwater detention and drainage works.		
Street address	St Bartholomew's Church and Cemetery, Lot 1 DP325874, Lot 21 DP 135886, Lots 221 & 224 DP 812455, Ponds Road, Prospect		
Notification period	23 January to 20 February 2019	Number of submissions	3

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> A Council related development with a capital investment value (CIV) over \$5 million (DA has CIV of \$6,208,00).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015 Central City District Plan 2018
Report prepared by	Planning Ingenuity, Independent Planner
Report date	11 June 2019
Recommendation	Approve, subject to conditions listed in attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Assessment against planning controls
- 7 Issues raised by the public
- 8 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

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 summarised in the Executive Summary of the Assessment report? Yes

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? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Not applicable

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
 - Heritage and views
 - General design and landscaping
 - Impact on trees and ecology
 - Traffic, Access and Parking
 - Site remediation, fill, drainage and hydrology
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed in Attachment 8.

2 Location

- 2.1 The site is located in the Prospect Precinct, to the south of the Blacktown CBD.
- 2.2 The existing St Bartholomew's Church (deconsecrated in the 1960s) and Cemetery is situated on a piece of land between the major roads of The Great Western Highway (to the north), the Great Western Motorway, or M4 (to the south) and Prospect Highway running to the west. Ponds Road is a minor local road running between the site and The Great Western Highway to the north. The east of the site, separating it from neighbouring land, is St Bartholomew's Place which is a closed local road.
- 2.3 The nearest residential properties are some 300m to the northwest, across a large intersection with the Great Western Highway and Prospect Road, which the dwellings are orientated away from. Other uses surrounding the site are the RE1 zoned land to the east (subject to a current Planning Proposal to rezone to cemetery use), B5 – Business Development zoned land to the north, RU4 – Primary Production zoned land to the south east and unzoned land to the south west of the site.
- 2.4 The location of the site is shown at Attachment 1.

3 Site description

- 3.1 The site consists of multiple lots (Lot 1 DP325874, Lot 21 DP 135886, Lots 221 & 224 DP 812455, Ponds Road, Prospect) however, it is one unified site comprising an historic church and cemetery. The site has an areas of 3.17ha.
- 3.2 The subject site slopes down to the east from a high point where the church is located (on the north-western portion of the site). There is a drop of approximately 20m from the highest to the lowest point.
- 3.3 The proposed location of the cemetery expansion into the north-east/east of the site will take place on land which does not historically appear to have been used for formal burials – likely because it is low lying and soggy at low points, and steep at higher parts.
- 3.4 The site is crossed by high tension power cables supported by two double staunchions which are highly visible from the site and surrounds.
- 3.5 An aerial image of the site and surrounding area is at Attachment 2.

4 Background

- 4.1 The site is zoned SP1 – Cemetery under the Blacktown LEP 2015, is owned by the Council, it is classified as ‘operational land’ and is listed as a heritage item of State significance. The zoning plan for the site and surrounds is at Attachment 3.
- 4.2 In 2016 the NSW Government transferred 6ha of land to the east of St Bartholomew’s Cemetery to Council for additional cemetery use. Another 2ha will be transferred over the next 2-3 years. Rezoning of the land to the east of the site is proceeding, with a Planning Proposal (PP_2018_BLACK_009_00) currently at Pre-Exhibition stage following Gateway determination. A masterplan for this land will be subject to a separate development application. The proposed development, referred to as ‘Stage 1A’ involves works to the north eastern portion of the existing cemetery site.
- 4.3 The NSW Government has developed a strategy for the delivery of cemeteries and crematoria under the ‘*Cemeteries and Crematoria NSW Strategic Plan (2015-2020)*’. A key priority of the strategy is ‘land availability’ to ensure that there is sufficient and suitable land available to meet future demand for interment services. Strategies to achieve this priority include:
- Ensuring that cemeteries and crematoria are considered during land use planning;
 - Facilitating new cemetery proposals that deliver strategic additional capacity; and
 - Working with stakeholders to allocate sufficient cemetery space to meet the needs of local communities
- 4.4 No new interment rights for the cemetery have been sold since 1972, however, Council has been honouring previously granted interment rights at the existing cemetery. This allows family members to be interred in existing graves. The cemetery therefore has relatively few visitors, aside from historical events and ghost tours.

5 The proposal

- 5.1 The development application has been lodged by Blacktown City Council.
- 5.2 The subject development application, referred to as ‘Stage 1A’ involves the following works to the north eastern portion of the existing cemetery site:
- A total of 1,020 lawn style grave sites, with some of the grave sites being terraced due to the existing topography and to be consistent with the existing grave sites to the south;
 - 2 columbarium walls (2.1m high x 80m long & 1.2m high x 65m long), adjacent to the proposed internal service road, to accommodate 1,927 niches for interment of ashes with each niche able to accommodate either single or double ashes interment;
 - Access / service road to the site will remain in the same location as the current access points from Ponds Road. An internal service road will be constructed to lead from the current access driveway (adjacent to the church) to St Bartholomew’s Place. St Bartholomew’s Place will be the only access point for construction traffic;
 - Formalised car parking in the form of parallel parking located along the internal service road (42 spaces);
 - Overflow car parking (26 spaces) within the upgraded St Bartholomew’s Place, which will also contain a new turning head;
 - Imported soils (approximately 26,400m³) are required to ensure the proposed grave sites are suitably level for their purpose; and
 - On-site detention works that distribute stormwater through the existing pipework to adjoining system (partly located on Lot 21 DP 135886). This will involve creation of an

OSD basin on an adjoining piece of land in order to accommodate the necessary volume in accordance with the Upper Parramatta River Catchment Trust (UPRCT).

- 5.3 Other details about the proposal are at Attachment 4 and a copy of the development plans are at Attachment 5.

6 Revisions

- 6.1 On 19 March 2019 amended plans were received by Council, the plans included the following revisions:
- Reduction in fill to the north eastern corner of the development:
 - o To improve sightlines from Ponds Road to St Bartholomew's Church.
 - o To meet clearance requirements for Endeavour Energy (overhead High Voltage Lines).
 - o To provide more undulating landform which is more responsive to the existing shape of the land following discussions with OEH.
 - Removal of the gabion wall to the north eastern corner of the development (adjacent to Ponds Road and St Bartholomew's Place):
 - o To reduce the visual impact of the proposed works in relation to the views from Ponds Road towards St Bartholomew's Church the gabion wall has been replaced with an extension to the planted embankment.
 - o To improve sightlines between Ponds Road and St Bartholomew's Church.
 - Adjustments to terracing configuration
 - o To provide a more easily accessible route for pedestrian and casket movement to the terraces.
 - o To reduce the visual impact of the proposal when viewed from Ponds Road and the new access road entry, by reducing visual clutter of handrails and balustrades associated with the ramps and walkways.

7 Assessment against planning controls

- 7.1 A full assessment of the development application against relevant planning controls is provided at Attachment 6.

8 Key issues

8.1 Heritage and views

- 8.1.1 Heritage issues have been discussed in Attachment 4. The main considerations are the impact the cemetery expansion will have on the heritage significance of the place (being the existing church and cemetery), impact on views, and archaeological constraints.
- 8.1.2 The development is accompanied by a Conservation Management Plan (CMP) and Heritage Impact Statement (HIS). Although the CMP is dated from 2010 it is considered relevant as it was not produced with particular intent in mind and the values of the place, reasons for its listing and what degree of change might be acceptable have not changed. The HIS addresses the impact of the development against the criteria established within the CMP and against current legislative requirements.
- 8.1.3 Whilst it is acknowledged that there may be some loss of views onto the site from the north and north-west, it is considered that the moderate loss of views into the site will not have a detrimental impact on the significance of the place and will not impact detrimentally on the vistas out from the Church. Any moderate loss of views arising from the works, is

well offset by the benefits to the management and enhancement to the cultural significance of the place through the extensions to the Cemetery. In any case, the predominant view loss will be for vehicle occupants travelling along Ponds Road. It is not considered that glimpsed views from moving vehicles should be given the same weight as static views on and around the site. The heritage impact statement notes that the reactivation of St Bartholomew's Place will be provided with a stationary vista of the historic church and cemetery which is not presently available.

- 8.1.4 The identified archaeological anomalies, which are likely to be burials, will be marked and sensitively identified with sandstone block outlines and brass plaques. NSW Heritage branch was informed of the placement of fill on these locations in a meeting held on 4 October 2018, no objections were raised.
- 8.1.5 Overall it is considered that the proposed works will not detrimentally impact the heritage significance of St Bartholomew's Church and Cemetery. The proposed works will enhance the significance of the place. The Stage 1A works are consistent with the policies of the Conservation Management Plan for St Bartholomew's Cemetery.

8.2 General Design and Landscaping

- 8.2.1 The general design and landscaping proposed has been discussed in Attachment 4. The proposal is considered to be respectful of the heritage setting and provides for a clear visual distinction between the old and new sections of the cemetery (as identified within the heritage impact statement).
- 8.2.2 A restricted palate of headstone, plaque materials and design will be used. This is to ensure impacts of these built elements are complimentary to the heritage graves, yet it allows for a range of choices for individuals and provides an element of individuality and variation.
- 8.2.3 The proposed landscaping introduces native species and helps to re-establish Cumberland Plain Woodland on the site. Low level planting helps to soften the appearance of the site, separate old and new, and assist with wayfinding to various paths, roads and ramps.

8.3 Impact on trees and Ecology

- 8.3.1 Impact on trees and ecology has been discussed in Attachment 4. No substantial trees are proposed to be removed for the project. The submitted Arborist Report identifies that the site contains a small portion of Cumberland Plain Woodland and that there are 2 trees of high retention value either on, or adjacent, to the site. These trees are proposed to be retained.
- 8.3.2 The Arborist Report confirms that the works do not trigger the threshold for the CPW Biodiversity Offset Scheme or the Biodiversity Assessment Methodology.
- 8.3.3 Overall, it is considered that the proposed works are unlikely to impact on any threatened tree species or on the biodiversity values present within the study area.
- 8.3.4 The development has been reviewed by Council's Natural Areas (Ecology) Section who raise no concern with the development subject to conditions of consent

8.4 Traffic, Access and Parking

- 8.4.1 Traffic, Access and Parking issues have been discussed in Attachment 4. The Traffic Impact Assessment submitted with the application identifies a maximum of 13 vehicle trips per hour during any peak cemetery period. It is important to note that peak cemetery periods will likely differ to standard peak travel periods, given the nature of the use.
- 8.4.2 The existing road network is considered to be easily capable of handling any resultant minor traffic increase as a result of the development.

8.4.3 Parking is to be wholly provided on site via 42 x formal parking spaces and 26 x overflow spaces. Space for a hearse is also factored in to the proposed parking levels. The rates proposed are considered to be satisfactory for the proposed use and traffic generation proposed.

8.4.4 During construction there will be approximately 44 truck movements per day (5-10 trucks per hour during peak construction times) to import the proposed fill. Trucks will enter the site from St Bartholomew's Road, off Ponds Road, from the Great Western Highway. Local roads will not be required for truck movements and are therefore unlikely to be affected.

8.5 Site remediation, fill, drainage and hydrology

Remediation

8.5.1 Site remediation, fill and drainage issues have been discussed in Attachment 4. A Preliminary Site Investigation report (PSI), Detailed Site Investigation (DSI) report and Soil Management Plan have been submitted with the application.

8.5.2 Whilst the PSI and DSI have identified low levels of contamination and asbestos deposits it is not considered that they preclude the site use or the proposed development, subject to an Asbestos Management Plan with unexpected finds protocol (which will be subject to condition of consent).

Fill

8.5.3 Approximately 26,400m³ of fill will be imported from another Council development in Warrick Lane, within the Blacktown CBD. As per the submitted Soil Management Plan all imported soil will be classified as virgin excavated natural material (VENM) or excavated natural material (ENM), and verified at the source and upon importation by a suitably qualified environmental consultant. The proposed importation of fill is not considered to introduce any adverse impacts and is acceptable.

Drainage

8.5.4 Stormwater runoff from the site currently discharges into a piece of land between Ponds Road and the Great Western Highway before discharging into Council owned in-ground stormwater network.

8.5.5 It is proposed to construct an OSD basin on the adjoining land in a localised depression to contain increased flows from the site caused by reduced flood storage space on the cemetery land as a result of the development.

8.5.6 Water quality targets will be met through the use of raingardens (bio retention basin/swales) adjacent to the access roadway, prior to water discharging into the site wide drainage swales.

8.5.7 An erosion and sediment control plan has been submitted with the application which appropriately manages erosion and sediment from the site.

8.5.8 Water Sensitive Urban Design (WSUD) reduction targets will be met through the use of raingardens (bio-retention basin/swales) adjacent to the access roadway, prior to water discharging into the site wide drainage swales

Hydrology

8.5.9 Hydrological Report and Geological Reports have been submitted which assess the site conditions and potential impact on stability and ground water. They conclude that the site conditions are appropriate for the proposed cemetery extension.

8.5.10 Groundwater is significantly below the burial depth and the nature of the soil is one of an aquitard rather than an aquifer, therefore it will not act as a store for potential contaminants. The hydrology report also identifies that there are no foreseen risks to any

potential water source users identified or the groundwater environment as a result of the redevelopment.

- 8.5.11 The site is not within the Sydney Drinking Water Catchment area under the applicable SEPP and it drains away from the Prospect Reservoir.
- 8.5.12 An assessment has been carried out by ARUP against the World Health Organisation's (WHO) burial site recommendations (Attachment 4). The assessment identifies general compliance with the recommendations other than the proximity of some existing and proposed graves to a drainage swale and the depth to bedrock of proposed graves at the terraced area.
- 8.5.13 These are not considered to have an adverse impact on the hydrology or geology of the site. The graves adjacent to the drainage swale will be separated by unbroken retaining walls which will reduce the flow of groundwater toward the swale. In addition, the majority of graves closest to the swale are existing graves. The proposed surface flow from the proposed graves will be toward the roadway rather than the swale, further limiting water flows from graves.
- 8.5.14 The depth of the bedrock from the base of the grave is likely to be less than the 1m WHO recommendation at the terrace sites as the bedrock is shallow in this location. Nonetheless, the wider suite of information provided in the form of the hydrological and geological report, which are specific to this site, do not identify any concerns with the proposed cemetery expansion and its impact on the groundwater flow or aquifer.
- 8.5.15 The WHO recommendations are not intended to replace or override site specific detailed reports, rather they provide generalised advice in a global context.
- 8.5.16 Where any graves are required to be less than the NSW Health Department's burial depth requirements (being generally no less than 900mm between the top of the coffin and the natural ground level) shallow graves are permitted.
- 8.5.17 Policy Direction (PD2013_045) allows for shallow burials where the distance from the top of the grave liner to the natural ground surface to be reduced to no less than 400mm.
- 8.5.18 Approval for this must be sought from the Director General or their delegate.
- 8.5.19 All necessary approvals will be obtained prior to any shallow burials taking place. A condition of consent will be added to this effect.

9 Issues raised by the public

- 9.1 The proposed development was notified to property owners and occupiers in the locality between 23 January to 20 February 2019. The development application was also advertised in the local newspapers and a sign was erected on the site.
- 9.2 As a result of notification three (3) submissions were received by Council.
- 9.3 The issues raised by the residents relate to access for general maintenance and lawn care for an existing group of graves on the old cemetery and potential crime and anti-social behaviour on the re-opened St Bartholomew's Place. A summary of each issue and our response is in attachment 7.
- 9.4 The objections have been sufficiently addressed and are considered to not warrant refusal of the development application.

10 External referrals

- 10.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Office of Environment and Heritage (OEH)	Acceptable subject to conditions. General Terms of Approval have been provided, dated 9 May 2019.
Roads and Maritime Service (RMS)	No comment, as advised by the RMS.
Transgrid	No comment, advised that Endeavour Energy may wish to comment.
Endeavour Energy	No objection and no conditions provided.
National Trust	No comments received.

11 Internal referrals

- 11.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Access and Traffic Management	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Development Services Engineering	Acceptable subject to conditions
Drainage Engineering	Acceptable subject to conditions
Open Space and Natural Areas	Acceptable subject to conditions
Waste	No comment required
Natural Area (Ecology) team	Acceptable subject to conditions
Consultant Heritage Officer	Issues raised (see discussion below).

Council Consultant Heritage officer comments

- 11.2 Council's Consultant Heritage Officer is a qualified architect and has provided commentary on the heritage impact of the proposal. The Heritage Officer's initial comments identified specific issues relating to the design of the terracing, suggesting that the terraced grave sites on the slope should be reconsidered as the terraced area has the potential to impact on the setting and views, particularly at the point of arrival on the site. It was considered that the proposed geometry of the new grave sites do not sit comfortably with the existing cemetery layout and that the original cemetery layout and other design elements of the existing cemetery should be respected.
- 11.3 The cemetery expansion design was produced by Spackman Mossop Michaels, the Landscape Architects employed by Council to prepare a design to work within the constraints of this site. Spackman Mossop Michaels is an award winning international landscape architectural firm that was engaged specifically to create a design that would

work at this location. Importantly, the proposed terraced area is justified in that it allows Council to utilise as much space on the existing cemetery grounds as possible.

- 11.4 Modifications to the design have now been submitted which reduce the slope of the ramps in the terraced area to a gradual 1:33 access route to address the historical societies' concerns about accessibility. Retaining walls have also been reduced in height so as to avoid the need for intrusive balustrades,
- 11.5 Council's Heritage Officer supports the intended reactivation of the Cemetery which is positive and consistent with the CMP, however considers that there is scope for further improvement to the detailed design of the terraced area. For example, relocating the steps to the northern end of the terracing. However, the centralised steps will serve a functional use by providing a quick and easy connection to a plaza space next to the new road access/drop off area with the terraced ash gardens/graves. The steps also provide a direct vista to the church.
- 11.6 As OEH has given its General Terms of Approval (GTA's) for the application, and it is the dominant heritage authority on this project, it is considered that Council's Heritage Officer's comments should be noted only.
- 11.7 Council's internal Design Review Panel considered the Heritage Officer's comments at its meeting held on 21 May 2019. The Panel noted that the design team for the DA has tested various options for positioning the stairs, including locating the stairs at the periphery. When considering the site's topography, desire sight lines, heritage impact, access to grave sites and accessibility, the central stair option was determined as the optimum outcome and the design had progressed accordingly. It was noted that, throughout the design development of the terraced areas, the design team worked through various options which considered maintenance requirements (maximum gradient of planted areas), fall risks (wall heights), accessibility (walkway gradients), access for coffins, materials (durability, aesthetics) and the like.
- 11.8 The final design endorsed by the OEH, and now recommended for approval by the Panel, balances the heritage values of the site with other competing issues for Council, including cost, maintenance and functionality.

12 Conclusion

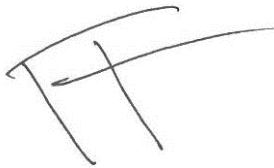
- 12.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have not been satisfactorily addressed and the site is considered suitable for the proposed development subject to conditions.
- 12.2 The proposal is in the public interest in that it provides for an identified need of graves and interment spaces for both the local community and regionally. The proposed works are within an existing historic cemetery which will become reactivated. The proposal has no adverse impact on views or the setting of the heritage listed church. Nor will there be any adverse effects on the amenity of adjoining residents, groundwater or on the transport network. In addition the proposed development is a permissible use within the zone and is consistent with all applicable objectives within the LEP and DCP. The proposal forms the first stage of a much larger future expansion of the cemetery and sets a high quality precedence for further stages to follow.

13 Recommendation

- 1 Approve development application SPP-18-01557 for the reasons listed below, and subject to the conditions listed in Attachment 8.
 - a The proposal is permissible in the SP1 – Cemetery zone;

- b The development is satisfactory under the Environmental Planning and Assessment Act 1979 and under relevant statutory controls;
- c The likely impacts of the development can be satisfactorily addressed by conditions; and,
- d The proposal is considered to be in the public interest.

2 Council officers to notify the applicant and submitters of the Panel's decision.



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