

# Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-334

## Development application

<b>DA number</b>	SPP-21-00014	<b>Date of lodgement</b>	13 January 2022
<b>Applicant</b>	Blacktown City Council		
<b>Owner</b>	Blacktown City Council		
<b>Proposed development</b>	Concept masterplan for future cemetery expansion in 6 stages, including bulk earthworks, road construction and stormwater works.		
<b>Street address</b>	Great Western Highway and Ponds Road, Prospect.		
<b>Notification period</b>	14 January to 13 February 2022	<b>Number of submissions</b>	0

## Assessment

<b>Panel criteria</b> Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> <li>Council development valued over \$5 million (CIV \$58.9 million).</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Central City District Plan</li> <li>Blacktown Local Strategic Planning Statement 2020</li> <li>Blacktown Local Environmental Plan 2015</li> <li>Blacktown Development Control Plan 2015</li> </ul>
<b>Report prepared by</b>	Planning Ingenuity (independent planning consultant)
<b>Report date</b>	15 November 2022
<b>Recommendation</b>	Approve, subject to conditions listed in attachment 7.

## 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 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**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- Its relationship to and potential impact on State significant heritage items. The subject site contains 2 State significant heritage items including a portion of the Former Great Western Road, Prospect and the former Prospect Post Office and is adjacent to heritage listed St Bartholomew's Church and existing cemetery grounds. The application was referred to the Heritage Council of NSW for its General Terms of Approval, which were provided on 10 October 2022. This is a "concept" application and the heritage impacts of the proposed development are considered satisfactory and appropriate conditions of consent are recommended, commensurate to this stage of the approval process.
  - The subject site is wedged between the M4 Western Motorway, the Great Western Highway and Prospect Highway and has constrained vehicle access. Transport for NSW has provided comments raising concerns on the proposed vehicular access arrangements. These issues have been considered in the assessment of the development application. Conditions of consent are proposed to address the concerns of Transport for NSW
  - A Detailed Site Contamination Investigation and Addendum Report concludes that the site is suitable for the proposed use. Council's Environmental Health Officer has provided recommended conditions of consent to ensure the site is remediated to suit the proposed use.
  - Part of the site lies beneath transmission lines owned by Endeavour Energy and is affected by an electricity easement. Endeavour Energy does not oppose the development. It has requested details of the proposed finished ground level in the vicinity of the easement for each future stage of the project. This will be provided in the assessment of each subsequent detailed development application.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our 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.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed at attachment 7.

## **2 Location**

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- 2.1 The site is located between the Great Western Highway, Ponds Road, Tarlington Place, the M4 Western Motorway and Prospect Highway.
- 2.2 The heritage-listed St Bartholomew's Church and cemetery is located to the north-west of the site. Industrial and commercial development is located to the north of the site. Residential development is located to the north-east of the site.
- 2.3 To the east of the site is a parcel of vacant rural zoned land, and the Prospect Hotel at 3 Great Western Highway, Prospect.
- 2.4 The M4 Western Motorway is located to the south of the site with industrial development and a drainage reserve located beyond.
- 2.5 The location of the site is shown at attachment 1.

### **3 Site description**

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- 3.1 The proposed development will be located over multiple land parcels including Lot 15, DP 801210, Lot 20 DP 744595, Lots 21-27 DP 448744, Lots 1-3 DP 134024, Lot 11 DP 802753, Lots 1-2 DP 456722, Lot 140 DP 1003460 and Part of Tarlington Place with an area of approximately 7.5 hectares.
- 3.2 The site falls approximately 26 m from the west to the east. The parcel to the south of the existing cemetery falls approximately 18 m and the eastern parcel of lots has a gentle slope falling by approximately 5 m from west to east.
- 3.3 The site is affected by several on-ground electricity easements that cater for and protect overhead and underground electricity infrastructure including high voltage transmission lines and a pair of 40 m high steel support towers.
- 3.4 Two heritage items listed on the State Heritage Register are located on the site. Both the Prospect Post Office (former) and the Former Great Western Road are of State and local heritage significance.
- 3.5 An aerial image of the site and surrounding area is at attachment 2.

### **4 Background**

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- 4.1 The Sydney Central Planning Panel approved SPP-18-0157 for the Stage 1A development application in June 2019. This application involved expansion of the cemetery to provide for additional burial sites and columbarium walls to the north of existing grave sites, landscaping, drainage works, a service road and carparking.
- 4.2 Ownership of the majority of the site was transferred to Council in 2015. Ownership of Lots 1 and 2 DP 456722 were transferred to Council in 2020.
- 4.3 The subject site is all currently zoned SP1 - Cemetery under Blacktown Local Environmental Plan 2015. Prior to June 2021, part of the site (between St Bartholomew's Place and Tarlington Place) was zoned RE1 Public Recreation and (east of Tarlington Place) zoned RU4 Primary Production Small Lots. However, a planning proposal was done by Council and so now the whole site is zoned for cemetery use.
- 4.4 A pre-application meeting on the proposal was held with Council on 15 September 2021. Later, a meeting with officers from NSW Heritage was also held on 14 October 2021.
- 4.5 The concept development application was then lodged on 13 January 2022.
- 4.6 Given Council is the applicant for the proposal, the assessment of the application has been carried out by an independent planning consultant (Planning Ingenuity).
- 4.7 The zoning plan for the site and surrounds is at attachment 3.

### **5 The proposal**

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- 5.1 The concept development application was lodged by Blacktown City Council.
- 5.2 The applicant proposes the future expansion of St Bartholomew's Cemetery onto land to the south and east of the existing cemetery. Future detailed development applications will provide further detail of burial areas, columbarium walls and physical works including earthworks, landscaping and utility services.
- 5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

## **6 Assessment against planning controls**

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- 6.1 A full assessment of the development application against relevant planning controls is at attachment 6, including:
- Environmental Planning and Assessment Act 1979
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021
  - Blacktown Local Environmental Plan 2015
  - Blacktown Local Strategic Planning Statement 2020
  - Central City District Plan 2018
  - Blacktown Development Control Plan 2015

## **7 Issues raised by the public**

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- 7.1 The proposed development was notified to property owners and occupiers in the locality between 14 January and 13 February 2022. The development application was also advertised in the local newspapers and a sign was erected on the site.
- 7.2 No public submissions were received.

## **8 Key issues**

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### **8.1 The development is Integrated Development and requires General Terms of Approval from the Heritage Council of NSW.**

- 8.1.1 Works are proposed to two items listed on the State Heritage Register, being the Former Great Western Road and Prospect Post Office (former) and require approval from Heritage Council of NSW under the Heritage Act 1977.
- 8.1.2 On 10 October 2022, Heritage NSW as a delegate of the Heritage Council of NSW provided Council with its General Terms of Approval.
- 8.1.3 The General Terms of Approval have been included in the recommended conditions of consent.

### **8.2 Transport for NSW's concerns have been addressed by way of conditions.'**

- 8.2.1 In the case of this application Transport for NSW is only a referral body not a concurrence body. The development application was referred to Transport for NSW and they responded by indicating that they do not support vehicular access from the location shown on the plans as "Access 3".
- 8.2.2 The traffic report indicates there are currently 4 access points to the broader site being; Access 1 - Ponds Road (west), Access 2- Ponds Road (central), Access 3 - Ponds Road (at St Bartholomew's Place) and Access 4 - Tarlington Place. Vehicle access to Stage 2 would be provided via Ponds Road (central) and Tarlington Place.
- 8.2.3 The application indicates that St Bartholomew's Place will be gated at Ponds Road and will only be used by service vehicles accessing the site.

- 8.2.4 Access 3 is an existing access point to the site with a driveway crossover and gate that serves the existing St Bartholomew's Place which is an internal gravel road. This access point has been in existence for many years.
- 8.2.5 The proposal does not involve any change to the use of this vehicular access point.
- 8.2.6 Transport for NSW were consulted about Access 3 in a prior development application (SPP-18-01557) where no concerns were raised to retention of Access 3.
- 8.2.7 Based on:
- Access 3 already being an approved access point into and from the site
  - there being no changes made to it by this development application.
- the concerns raised by Transport for NSW are not warranted and do not require any changes to the current development application.

### **8.3 The site is potentially affected by soil contamination but the site can be made suitable for this use in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021**

- 8.3.1 The State Environmental Planning Policy (Resilience and Hazards) 2021's Chapter 4 Clause 4.6 states:
- (1) A consent authority must not consent to the carrying out of any development on land unless—
- a it has considered whether the land is contaminated, and
  - b if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - c if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- 8.3.2 The Detailed Site Contamination Investigation and Addendum Report were provided with the application identifying the condition of the site and its suitability for the proposed use. In this case, the detailed investigation confirms that the site can be made suitable for the proposed use subject to additional investigation around the underground storage tank and in the Roads and Maritime Services (RMS) land to assess the presence of contamination in these areas. These investigations will be required to be carried out prior to approval of subsequent stages of the development relevant to those areas.
- 8.3.3 Council's Environmental Health Officer has also advised that the application is satisfactory subject to conditions of consent ensuring the site is remediated and validated in accordance with the requirements of the State Environmental Planning Policy (Resilience and Hazards) 2021 and the National Environment Protection Measures 2013 Guidelines, in line with relevant NSW Government guidelines.

## **9 External referrals**

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

Authority	Comments
Heritage Council of NSW	Heritage NSW provided General Terms of Approval on behalf of the Heritage Council of NSW for the application on 10 October 2022. The General Terms of Approval have been included as conditions of consent.
Transport for NSW	Transport for NSW provided its written comments on the development to Council on 16 February. It indicated concern with one of the proposed vehicle access locations (Access 3) on Ponds Road. Other comments provided have been included as conditions of consent. Evidence was provided to Transport for NSW of their prior approval of Access 3 under SPP-18-01557 and no further comment from TfNSW has been received since and its been well over 40 days.
Endeavour Energy	Endeavour Energy indicated it was concerned that the potential impacts of the proposal on the electricity infrastructure and easements on the land and the impact of future electricity demand from the proposal. These matters will need to be resolved with future development applications on the site. The requirements of Endeavour Energy have been included as conditions of consent.

## 10 Internal referrals

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

Section	Comments
Heritage	Acceptable
Traffic	Acceptable
Engineering	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions

## 11 Conclusion

11.1 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 been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

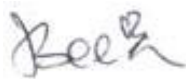
## 12 Recommendation

- 2 Approve Development Application SPP-21-00014 for the reasons listed below, and subject to the conditions listed in attachment 7.
  - a The proposed development will not create an adverse environmental impact on existing or future potential adjoining development with regard to traffic, heritage, visual bulk or amenity impacts. [Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979]



- b The proposal is an appropriate form and scale of development for the site and complies with the relevant provisions of the applicable planning controls. [Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979]
- 3 Council officers notify the applicant of the Panel's decision.

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