

## **17. URGENT GENERAL BUSINESS**

It was **Moved** Councillor Lake, **Seconded** Councillor Lound that the following item of Urgent General Business be accepted.

The Motion on being Put was **CARRIED**.

### **17.1 Request for Pre-Gateway Review - 166-176 St Andrews Road, Varroville**

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#### **Attachments**

1. Letter from NSW Department of Planning & Environment (contained within this report)
2. Letter to NSW Minister for Planning (contained within this report)

#### **Report**

At its Ordinary meeting on 11 March 2014, Council considered a report on a planning proposal to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to permit the development of a lawn cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 known as 166-176 St Andrews Road, Varroville.

At the meeting it was resolved:

That Council not support the planning proposal request to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065, and Lot 1 DP 218016 St Andrews Road, Varroville.

On 19 March 2014 the applicant for the planning proposal, The Catholic Metropolitan Cemeteries Trust, lodged a pre-gateway review application with the then NSW Department of Planning and Infrastructure. The application was subsequently referred to the Sydney West Joint Regional Planning Panel, which on 28 August 2014 agreed that the application should be put forward for a gateway determination subject to three conditions being satisfied prior to the exhibition of the proposal. A copy of the Panel's recommendation back to the NSW Department of Planning & Environment is included as attachment 1 to this report.

Subsequent to the Panel's recommendation, Council at its meeting on 14 October 2014 resolved:

1. That Council opposes the Joint Regional Planning Panel's decision to approve the proposed cemetery development in the Scenic Hills to proceed to the Gateway Review.
2. That Council write to the Minister for Planning outlining its strong opposition to the proposed cemetery development in the Scenic Hills and call on the Minister to reject this proposed development.

Council's letter to the Minister for Planning is included as attachment 2 to this report.

Council has now received advice from the NSW Department of Planning & Environment via the letter at attachment 1 to this report of its determination that the planning proposal for 166-176 St Andrews Road Varroville should proceed to Gateway determination stage.

Included with the Department's letter, is a request for the Council to advise the Department if it would like to be the Relevant Planning Authority for the planning proposal. If the Council agrees to be the Relevant Planning Authority, the Council would be required to prepare a Planning Proposal and submit it within 28 days of the date of the Department's letter.

However, given that Council has previously resolved not to support the planning proposal and has separately written to the Minister of Planning outlining its strong opposition to the proposal, in the circumstances of the case it is not considered appropriate for Council to be the Relevant Planning Authority for the planning proposal. As such it is recommended that the Council not accept the offer of the NSW Department of Planning and Environment and should advise the Department accordingly.

### **Officer's Recommendation**

That Council advise the NSW Department of Planning & Environment that it does not wish to be the Relevant Planning Authority for the planning proposal for a lawn cemetery at 166-176 St Andrews Road, Varroville.

### **Council Meeting 11 November 2014 (Lake/Lound)**

1. That Council advise the NSW Department of Planning & Environment that it does not wish to be the Relevant Planning Authority for the planning proposal for a lawn cemetery at 166-176 St Andrews Road, Varroville.
2. That Council reinforce its opposition to any development of the Scenic Hills.

### **Council Resolution Minute Number 226**

1. That Council advise the NSW Department of Planning & Environment that it does not wish to be the Relevant Planning Authority for the planning proposal for a lawn cemetery at 166-176 St Andrews Road, Varroville.
2. That Council reinforce its opposition to any development of the Scenic Hills.

A **Division** was called in regard to the Resolution for Item 17.1 - Request for Pre-Gateway Review - 166-176 St Andrews Road, Varroville with those voting for the Motion being Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lake, Lound and Oates.

Voting against the Resolution were Councillors Greiss, Hawker, Matheson, Mead and Rowell.

# ATTACHMENT 1



OCT 29 '14 08:01:37 RCVD

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Ref: qA/324894

Dear Mr Tosi

**Request for pre-Gateway review – 166 -176 St Andrews Road, Varroville (PGR  
\_2014\_CAMPB\_001\_00)**

I refer to the request for a pre-Gateway review for 166-176 St Andrews Road, Varroville (PGR \_2014\_CAMPB\_001\_00), lodged on 19 March 2014 for a proposal to amend either the Campbelltown Local Environmental Plan – District 8 (Central Hills) or the draft Campbelltown Local Environmental Plan 2014 to permit an additional use of a lawn cemetery.

In making my decision I have considered the request for a pre-Gateway review together with the recommendation of the Sydney West Joint Regional Planning Panel and advice provided by Council.

I have now determined that the proposal should proceed to Gateway determination stage. The Panel also recommended a number of conditions requiring further investigation on geological conditions, road capacity and local area provisions. These conditions will be addressed at Gateway determination.

Consequently, Council is asked to advise if it would like to be the Relevant Planning Authority (RPA) for this proposal. Should Council agree to be the Authority, it will need to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, and submit it for a Gateway determination within 28 days of the date of this letter.

If Council does not wish to progress this matter, an alternate Relevant Planning Authority may be appointed to prepare the planning proposal. Should Council not wish to be the Authority for this proposal, please contact the Department of Planning and Environment to discuss this matter further. You can check the progress of the pre-Gateway review on the Tracking System at <http://pgrtracking.planning.nsw.gov.au/>

Please find attached a copy of the Panel's decision and report to view for your convenience.

Should you have any further enquiries about this matter, I have arranged for Ms Rachel Cumming of the Department of Planning and Environment to assist you. Ms Cumming can be contacted on 02 9860 1556.

Yours sincerely

**Marcus Ray**  
**Acting Deputy Secretary**  
**Planning Services**

Encl: Sydney West Joint Regional Planning Panel's report.

27/10/14

Department of Planning & Environment

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## Joint Regional Planning Panels

2 September 2014

Ms Rachel Cumming  
Director, Metropolitan Delivery  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Ms Cumming

**Subject: Request for Pre-Gateway Review – 2014SYW086 – Campbelltown Local Government Area – PGR\_2014\_CAMPB\_001\_00 - Rezoning site to permit a lawn cemetery at 166-176 St Andrews Rd, Varroville**

As per the request in your letter dated 8 July 2014, please find attached the advice of the Sydney West Joint Regional Planning Panel in regards to the above request for Pre-Gateway Review.

Should you require any further information on this matter please contact Lisa Foley on telephone number 02 9228 2067 or [lisa.foley@planning.nsw.gov.au](mailto:lisa.foley@planning.nsw.gov.au)

Yours sincerely

Stuart Withington  
**Manager**  
**Regional Panels Secretariat**

**Regional Panels Secretariat**

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**Joint Regional Planning Panel  
Pre-Gateway Review**

The Sydney West Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument as detailed below.

**The Pre-Gateway Review:**

<b>Date of Review:</b>	<b>28 August 2014</b>
<b>Dept. Ref. No:</b>	PGR_2014_CAMPB_001_00
<b>LGA:</b>	Campbelltown
<b>LEP to be Amended:</b>	Planning proposal to amend the Campbelltown Local Environmental Plan – District 8 (Central Hills) to permit a lawn cemetery
<b>Address / Location:</b>	at 166-176 St Andrews Road, Varroville
<b>Summary of Proposal:</b>	Site specific rezoning to permit a lawn cemetery as an additional permitted use on the site.
<b>Panel Chair:</b>	Mary-Lynne Taylor
<b>Panel Members:</b>	Paul Mitchell, Bruce McDonald, Paul Lake and Paul Hawker

<b>Reason for review:</b>	<input checked="" type="checkbox"/>	The council has notified the proponent that the request to prepare a planning proposal has not been supported
	<input type="checkbox"/>	The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the Department and the relevant local government authority. Based on this review the JRPP recommends the following:

<b>JRPP RECOMMENDATION:</b>	X	The proposed planning proposal <b>should</b> be submitted for a Gateway determination
		The proposed instrument <b>should not</b> be submitted for a Gateway determination at this time. The Panel considers that before a decision to submit or not to submit for a Gateway determination is made the following matters nominated below need to be addressed.
<b>Composition of Recommendation:</b>	Unanimous	

**JRPP Advice and Justification for Recommendation:**

The panel has unanimously agreed that this application should be put forward for a gateway determination. The panel requires that, prior to exhibition:

1. The geological conditions of the site are investigated and it is confirmed that ground water protection can be achieved by reference to compliance with accepted standards for burial plots, such as those of the World Health Organisation.

2. Local area provisions be developed to secure the concept outlined in the master plan as well as providing particular measures to ensure preservation of the rural character of the east facing slope of the site, when viewed from the Campbelltown urban area.
3. ~~There is requirement~~ for an assessment of the capacity of the local roads and the need for any upgrading must be undertaken, having regard to the traffic generation patterns of a cemetery

**Date of Recommendation:** 28 August 2014

  
**Mary-Lynne Taylor**  
**Chair**  
**Sydney West Joint Regional Planning Panel**

## ATTACHMENT 2



23 October 2014

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The Hon. Pru Goward, MP  
Minister for Planning  
52 Martin Place  
SYDNEY NSW 2000

*posted 23/10/14*

Dear Minister

**Planning Proposal Request for a Cemetery at Nos. 166 – 176 St Andrews Road  
Varroville**

At its meeting on 14 October 2014, Council resolved to write to you advise of its strong opposition to the proposed cemetery development in the Scenic Hills and request that the Minister rejects the planning proposal request.

You may be aware that Council received a planning proposal request from the Catholic Metropolitan Cemeteries Trust which sought to rezone certain land at Varroville, within the iconic Scenic Hills landscape, to permit the development of a cemetery.

At its meeting on 11 March 2014, Council decided not to support the planning proposal. Council's position was explained in correspondence to NSW Planning and Environment dated 9 April 2014. Council's decision was reflective of a number of concerns including:

1. The development of the land for the purposes of a cemetery and related uses are considered to be incompatible with the existing and desired future rural landscape character of the locality and the Scenic Hills generally.
2. The development of the land for the purposes of a cemetery and related uses is considered to be inconsistent with the following objectives of the existing Environmental Protection (Scenic) 7d1 Zone (LEP D8):
  - (a) to set aside certain land as a protected scenic environment
  - (b) to ensure that land will remain a rural environment providing a visual contrast to the urban areas of Camden, Camden and Liverpool
  - (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to a rural environment
  - (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
  - (e) to preserve existing farming and agricultural research facilities

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3. That the preservation of the environmental character and scenic qualities of the Scenic Hills for the benefit of the Campbelltown and wider Macarthur community far outweighs the regional benefits that would be provided by a cemetery at the nominated location.
4. Council cannot be satisfied that a cemetery of the scale envisaged by the planning proposal request would not generate traffic at a scale and of a nature that would impact on the existing and desired future passive rural ambience and character of the locality.
5. Council cannot be satisfied that an amendment to the environmental planning instrument that would permit the development of the land for the purposes of a cemetery and other related uses would not set an unwelcome precedent for proposals regarding other inappropriate development in the locality.
6. Council cannot be satisfied that the development of the land for the purposes of a cemetery and related uses would not have a deleterious effect on the heritage significance of Varroville House, its curtilage and landscape setting as well as the wider cultural rural landscape.
7. Council cannot be satisfied that the development of the land for a cemetery would not have a significant and adverse negative impact on the amenity of existing and future desired surrounding land uses.

You may also be aware that the proponent lodged a request for Pre-Gateway Review with NSW planning and Environment which was subsequently permitted to proceed. The Sydney West Joint Regional Planning Panel considered the matter and decided on 28 August that the proposed planning proposal should be submitted to the Gateway for determination.

Council understands that this recommendation has been made to the Minister for consideration.

Accordingly, Council seeks the Minister's support to reject the recommendation of the Sydney West Regional Planning Panel on the matter of the planning proposal request to permit a cemetery on the subject land, and thereby continue to protect the landscape integrity of this important part of the Scenic Hills.

Should you or your office require any further information, I can be contacted by telephoning (02) 46 454 659.

Yours sincerely

Paul Tosi  
General Manager