

Planning Proposal

**Draft Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)
Amendment No 1 – Macarthur Memorial Park**

March 2014

Campbelltown City Council

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Planning Proposal

Subject: Draft Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) – Macarthur Memorial Park

Introduction

Council has received a planning proposal to amend *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* by including provisions to permit the development of a multi-denominational general land cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016, St Andrews Road, Varroville, which would be operated by the Catholic Metropolitan Cemeteries Trust on behalf of the Crown. It is anticipated that this cemetery would meet the needs of the community until the year 2169, by providing for a total of 136,000 burial places and areas for the interment of ashes. Please see location map and aerial photographic map in Part 4 – Mapping.

The current zoning of the subject site is part Zone No 7(d1) (Environmental Protection (Scenic)) and part Zone No 6(c) (Open Space (Regional)) under the provisions of *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* (CLEP/D8). Cemeteries are not a defined land use within this planning instrument, and thus could be considered as permissible with Council consent. However, due to the fact that cemeteries generally operate as businesses they could fall under the definition of commercial premises which are a prohibited land use within the 7(d1) and 6(c) zones. It is due to this lack of certainty that Council has been requested to prepare this proposal to amend CLEP/D8 to permit the use of cemeteries on the subject site. Please see current zoning map in Part 4 – Mapping.

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable 113 hectares of rural land on St Andrews Road, Varroville (being Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016) to be developed as a multi-denominational general land cemetery, whilst acknowledging the cultural significance of the Scenic Hills and the Varroville estate including its rural setting and vistas. See copy of proposed master plan in Part 4 – Mapping.

Part 2 – Explanation of the Provisions

The proposed outcome of providing for the development of a cemetery on the subject land will be achieved by:

- Amending *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* clause 5 Interpretation to include the following definition:

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

- Amending *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* Part 3 Special Provisions to include the following clause:

26 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 3 may be carried out:
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

- Amending *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* to include the following:

Schedule 3 Additional permitted uses

Development for the purpose of a cemetery

Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016, St Andrews Road, Varroville.

- Amending *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* to include provisions to ensure that development for the purposes of a cemetery on the subject land maintains the visual and cultural significance of the Scenic Hills and the Varroville estate including its rural setting and vistas.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not directly the result of any strategic study or report. However, Urbis have undertaken a Cemetery Demand Assessment to investigate the need for cemetery space in the Macarthur Region. This assessment considered the demographic profile of the catchment area (population growth, age distribution, household incomes, ancestry, religious affiliations, etc) and the location and capacity of existing cemeteries in the catchment area. The catchment area for a cemetery on the subject land was defined having regard to the location and capacity of existing cemeteries in the region (see Figure 1 below), and includes the local government areas of Campbelltown, Liverpool and Camden.

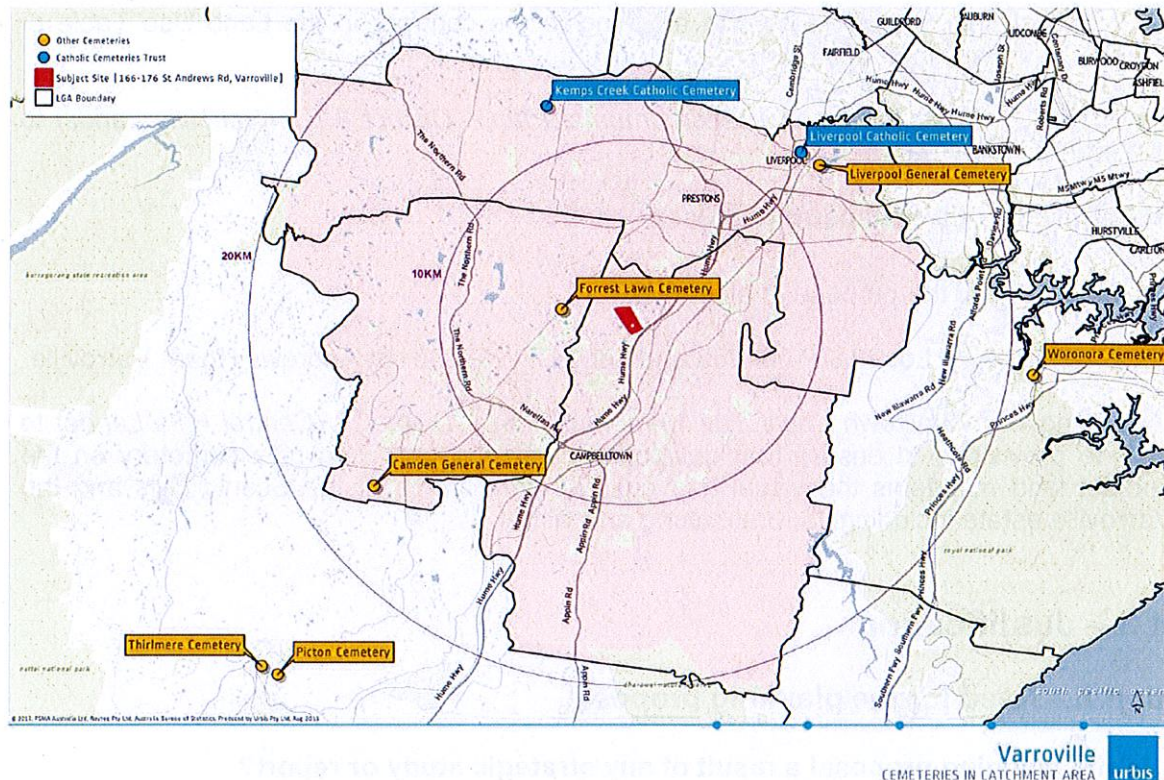
The key findings of the Cemetery Demand Assessment are that there is a very strong need for future cemetery space in the Macarthur Region. It is estimated that if no further burial sites become available capacity will be reached in the next 30 years.

Thus this planning proposal seeks to respond positively to this demand, and aims to enable future applications for burial space (in a staged manner) to be permissible and determined by Council.

Also the NSW Minister for Primary Industries announced significant reforms to cemetery management in NSW in 2013, which resulted in the public exhibition of an Exposure Draft of the *Cemeteries and Crematoria Bill 2013*, and subsequently the *Cemeteries and Crematoria Act 2013*. One of the main outcomes of the Act is to ensure that sufficient land is acquired and/or allocated for cemetery and crematoria services. The Act also provides for the

establishment of the Cemeteries Agency (a NSW Government agency), which will be led by an independent Board with powers to address (amongst other things) “the pressing problem of diminishing cemetery space”.

Figure 1 – Cemeteries in Catchment Area (Source: Urbis)



2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that an amendment to *Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)* to provide for the development of a cemetery on the subject land is the best means of achieving the objectives of this planning proposal.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).

Draft Metropolitan Strategy for Sydney to 2031 (2013)

Objective 8 of the draft Strategy notes that Sydney will continue to require land for cemeteries and includes an action (8.6) to “plan for adequate burial lands to meet the needs of Sydney’s diverse community.....”

Draft South West Sub Regional Strategy (2007)

The *Draft South West Sub Regional Strategy* notes that the availability of burial space varies widely across the Sydney Region and is nearing exhaustion. Thus there is a need to ensure that adequate burial space is available to meet long term needs.

It is therefore considered that this planning proposal is not inconsistent with the objectives and actions contained within both the *Draft Metropolitan Strategy for Sydney to 2031* and the *Draft South West Sub Regional Strategy*.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Campbelltown 2025 Looking Forward

It is considered that this planning proposal is not inconsistent with those strategic directions of *Campbelltown 2025 Looking Forward* which relate to protecting and enhancing the City's key environmental assets, and creating employment opportunities.

Campbelltown Community Strategic Plan 2012 – 2022

The development of a cemetery on the subject land is not considered to be inconsistent with the overarching objectives of the *Campbelltown Community Strategic Plan 2012 – 2022*, which aims to achieve a sustainable environment and a strong local economy that provides a safe, healthy and connected community.

Draft Campbelltown Local Planning Strategy

The draft Strategy aims to facilitate achievement of the *Campbelltown 2025 Looking Forward* vision, and in doing so realise the objectives of the *Campbelltown Community Strategic Plan 2012 – 2022*. The key directions/strategies of the draft Strategy include aims to minimise the impact of any development upon significant vistas towards the Scenic Hills, and foster community access to the Scenic Hills to facilitate a broader appreciation of the hills visual/scenic significance. Thus it is considered that this planning proposal is not inconsistent with the draft Strategy.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

It is considered that the planning proposal is not inconsistent with the following State Environmental Planning Policies.

SEPP	Comment
State Environmental Planning Policy No 44 – Koala Habitat Protection	Not inconsistent
State Environmental Planning Policy No 55 – Remediation of Land	Not inconsistent As part of the final planning proposal a Phase 1 Assessment will be undertaken to address any contamination issues.
State Environmental Planning Policy (Infrastructure) 2007	Not inconsistent. Future development applications will be referred to the relevant traffic authorities where necessary.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not inconsistent
Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River (No 2 - 1997)	Not inconsistent The planning proposal aims to maximise the protection of waterways, riparian

	corridors, remnant vegetation etc, and manage stormwater appropriately to ensure consistency with this SREP.
Sydney Regional Environmental Plan No. 9 (No.2) (Extractive Industries)	Not inconsistent

6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

It is considered that the planning proposal is either consistent or justifiably inconsistent with the following applicable s117 directions.

117 Direction	Comment
1.3 Mining, Petroleum Production and Extractive Industries	Not inconsistent as this planning proposal does not intend to prohibit mining, petroleum production and extractive industries.
2.1 Environment Protection Zones	Not inconsistent as this planning proposal does not intend to reduce the environmental protection standards that apply to the subject land, and aims to retain and enhance the environmentally sensitive areas.
2.3 Heritage Conservation	Not inconsistent as this planning proposal aims to protect and conserve all non-indigenous and Aboriginal heritage.
4.3 Flood Prone Land	Not inconsistent.
4.4 Planning for Bushfire Protection	Not inconsistent as Council will comply with the provisions of clauses (4), (5) and (6) in the preparation of the draft LEP particularly with regard to the locations of APZs.
6.1 Approval and Referral Requirements	Not inconsistent.
6.2 Reserving land for Public Purposes	Not inconsistent.
6.3 Site Specific Provisions	It is considered that this planning proposal is justifiably inconsistent with this direction. This is because it is recognised that there is a specific need in the Macarthur Region for a multi nondenominational general land cemetery. The subject land, if development for the purposes of a cemetery, would accommodate local and subregional demand for many years, thereby removing the need for opportunities for additional cemeteries in the Scenic Hills.
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not inconsistent.

Section C – Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is noted that the subject site contains some endangered ecological communities, however initial investigations propose the retention and enhancement of most of these communities. Nonetheless, it will be necessary for assessments in accordance with section 5A of the *Environmental Planning and Assessment Act* and the Office of Environment and Heritage's *Threatened Species Assessment Guidelines*, to be undertaken prior to the final planning proposal, and also consultation to be undertaken with relevant government agencies.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Other likely environmental effects include:

Bushfire Hazard

A bushfire protection assessment has been prepared for the subject land which acknowledges the need for compliance with the Rural Fire Service's document *Planning for Bush Fire Protection 2006*, and makes a number of recommendations. A copy of the assessment will be referred to the Rural Fire Service for comment prior to the completion of the final planning proposal.

Water Management

The subject site is affected by a number of water courses and water bodies, and a watercourse assessment has been prepared which identifies the waterfront land and nominates appropriate riparian protection in accordance with the *NSW Office of Water Controlled Activities on Waterfront Land – Guidelines for Riparian Corridors on Waterfront Land* (July 2012). The assessment also recognises that the preparation of vegetation management plans will be required for all retained watercourses.

9. How has the planning proposal adequately addressed any social and economic effects?

European Heritage

The subject site was originally part of the larger rural property of Varroville, which included a homestead and a number of outbuildings. In 1973 the property was subdivided and 3.16 hectares of land, on which the Varroville homestead stands, was excised from the rest of the rural property. This has resulted in the Varroville homestead being separated from its original outbuildings, and surrounded by the land subject of this planning proposal.

The significance of the State heritage listed Varroville homestead and the importance of its relationship with the subject land is recognised. A heritage assessment has been prepared which includes the following recommendations:

- The preparation of a conservation management plan and historic archaeological assessment for the Varroville estate.
- The historic setting of Varroville should be retained and conserved and remain able to be interpreted as part of the cultural landscape.
- Significant views and vistas to and from Varroville and the estate (including those to and from Bunbury Curran Hill, views to and from St Andrews Road and views to other historic properties including Macquarie Fields House and Robin Hood Farm) should be retained and conserved.

- Significant landscape features including the dams, the former carriageway and remnant vineyard terracing should be retained and conserved.
- Significant outbuildings should be retained and conserved.

Aboriginal Heritage

An Aboriginal Heritage Due Diligence Assessment has been prepared which identifies the recording of 8 Aboriginal sites within the subject land, and also identifies areas where Aboriginal objects are likely to occur. However, it is noted that further assessment will be required in accordance with the Office of Environment and Heritage guidelines to ensure the preservation of any identified Aboriginal items is addressed in the preparation of the final planning proposal.

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The following infrastructure is currently available within or in proximity to the subject site:

- Electricity: Aerial power lines run inside the site alongside the western boundary, exiting the property near the Varroville House entry gate.
- Water: Sydney Water mains traverse the property south of Varroville House, in an easement which is host to a 600mm diameter main and a 375mm diameter main.
- Telecommunications: An underground telephone line runs alongside St Andrews Road as far as the Mount Carmel Retreat Centre.
- Sewer: The closest sewer is located adjacent to the Hume Freeway.
- Road access: Whilst the site is served by St Andrews Road, further information will be required to assess the adequacy of the road and need for any upgrading.

However, the relevant technical studies required for the final planning proposal will address availability of adequate public infrastructure to service the proposed future development of this site.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

It is suggested that the following public authorities should be consulted with regard to this planning proposal, however, Council will be guided by the outcome of the Gateway determination:

- NSW Rural Fire Service
- NSW Office of Water
- NSW Office of Environment and Heritage (Heritage Branch)
- NSW Office of Environment and Heritage (Environmental Branch)
- Transport for NSW – Roads and Maritime Services
- NSW Transport and Infrastructure
- Sydney Water
- Tharawal Local Aboriginal Land Council
- Cubbitch Barta Native Title Claimants
- Local Aboriginal Councils
- Integral Energy
- Telstra
- Dams Safety Committee

Please note that the Office of Environment and Heritage (Heritage Council) requested Council to provide it with a copy of the planning proposal request. As a result the Heritage Council advised Council as follows:

1. It has resolved to investigate expansion of the State Heritage Register curtilage around Varroville to include the outbuildings.
2. It has resolved to request Council to consider the status of the outbuildings in relation to the Local Environmental Plan (LEP).
3. It does not believe that the proposed cemetery usage is compatible with the open space rural character of the Scenic Hills, and such usage contradicts the aims and objectives of the existing LEP and zoning of the land.
4. Considers that the cemetery use constitutes "commercial premises" which are contrary to the objectives of the LEP and zoning of the land.
5. Considers that the best conservation outcome for the landscape is the ongoing rural use of the site, and that the proposed concept design for a cemetery is incompatible with the predominantly rural character of the Scenic Hills and the subject land.
6. Considers that "a statement of significance should be prepared for the Varroville Estate in its entirety to assist understanding and appropriate management of the place".
7. Considers that a number of documents should be prepared to inform decision making including a conservation management plan, historical archaeological assessment, structural assessment of the outbuildings, and identification of all significant views.
8. On the basis of the above issues the Heritage Council does not support the planning proposal request.

Part 4 – Mapping

The following maps are attached to this planning proposal:

1. Land subject to the planning proposal
2. Current land use zone applying to the land
3. Proposed master plan
4. Aerial photographic map

Part 5 – Community Consultation

It is proposed that this planning proposal be publicly exhibited for a period of a minimum of 28 days, and the notice of the exhibition period would be given in accordance with the provisions included in *A Guide to Preparing Local Environmental Plans*.

Part 6 – Project Timeline

It is estimated that the timeframe for completion of the planning proposal from the issue of a Gateway determination will be approximately 12 months.

Date	Action
April 2014	Receive Gateway determination
July 2014	Completion of reports/studies

August 2014	Consultation with public agencies
October 2014	Report to Council re endorsement of planning proposal for exhibition purposes
November 2014	Public exhibition
December 2014	Review of submissions
February 2015	Report to Council
March 2015	Referral to Department of Planning and Infrastructure for finalisation