

13. QUESTIONS WITH NOTICE

13.1 Questions With Notice

Councillor Dobson - Answers to Questions With Notice of 9/6/15 re Cemetery planning proposal for 166-176 St Andrews Road Varroville (Varroville cemetery proposal)

1. Who answered these questions (i.e. who is 'I' in the response)?
2. Is it normal or proper council procedure that relevant errors and omissions identified in Council reports by the public or by sources other than councillors, only get corrected if the identification of these errors and omissions is endorsed by a majority of councillors at a council meeting or at the prior committee meeting?
3. If no to Qu. 2 above, can Council re-state why, in its formal submission to the JRPP Pre Gateway Review (with and including the report from Ian Reynolds Pty Ltd of 22nd August 2014), *and* in its subsequent discussions with officers of the NSW Department of Planning, Council did not seek to correct errors and omissions in its original report on the Varroville cemetery planning proposal (Item 2.6 of the Planning & environment Committee Meeting Agenda of the 4th March 2014) raised by the owners of Varro Ville Homestead in their presentation to that committee?
4. Is it normal or proper council procedure that the deadline for the inclusion of items on the Planning & Environment Committee Agenda is two Fridays before the Tuesday committee meeting, no exceptions?
5. If no to Question 4 above, please explain the answers given on 9/6/15 to questions 2 & 3?
6. Why was the letter of 6th March 2015 (Varroville cemetery planning proposal) from the NSW Minister for Planning *not* treated in a similar manner to the letter of 27th October 2014 from the same Minister by going straight to the March 2015 Council Meeting as Urgent General Business?
7. With reference to the answer to Question 8 of 9/6/15 regarding meetings between officers of Campbelltown City Council and officers of the NSW Department of Planning & Environment in which council officers said they still supported the cemetery proposal and stood by their original report to council: On what dates did these meetings take place, and who was present at those meetings?
8. With reference to the answer to Question 8 of 9/6/15 regarding Campbelltown council officers' stated support for the content of the report on the Varroville cemetery planning proposal (Item 2.6 of the Planning & environment Committee Meeting Agenda of the 4th March 2014): Do the reporting officer and the Director of Environment and Planning continue to believe the following claims and conclusions in that report:

- a. The cemetery is fully multi-denominational?
 - b. The “proposed master plan [for the cemetery] is *not incompatible* with retaining views to and from the [Varro Ville] homestead” (i.e. is therefore ‘compatible)?
 - c. The proposed master plan for the cemetery *protects* the *colonial* landscape qualities?
 - d. The proposed master plan for the cemetery *conserves* significant landscape features including the dams, former carriageway, and remnant vineyard terracing?
 - e. The *rural landscape* character of the Scenic Hills (as defined in the objectives for 7 d1, *rural environment*) can be maintained in conjunction with the development of this cemetery?
 - f. The recommendations of the cemetery proposal’s Heritage Assessment (Appendix H, Urbis, August 2013, p.42)) are ‘*synonymous*’ with the list of documents that the Heritage Council in its submission considered should be prepared to inform any decision about land use, zoning and future change?
 - g. The extensive vistas available from this site, having always been in private ownership are not currently available to the public?
9. With reference to the answer to Question 8 of 9/6/15 regarding Campbelltown council officers’ stated support for the content of the report on the Varroville cemetery planning proposal (Item 2.6 of the Planning & environment Committee Meeting Agenda of the 4th March 2014): Can the reporting officer and the Director of Environment and Planning comment on the appropriateness of considering Minister Hodgkinson’s claim that the NSW Government supports the development of a cemetery *at Varroville* as part of its assessment when the Minister has no role in the assessment of the site’s suitability and other Ministers (e.g. Planning) cannot prejudge the outcome of the assessment?
 10. With reference to the answer to Question 8 of 9/6/15 regarding Campbelltown council officers’ stated support for the content of the report on the Varroville cemetery planning proposal (Item 2.6 of the Planning & environment Committee Meeting Agenda of the 4th March 2014): Can the reporting officer and the Director of Environment and Planning state why the following information was not included in that report and what difference their inclusion might have made to the officer’s recommendation:
 - a. The cemetery proposal is incompatible with the objectives of the 7 (d1) zoning (as noted by the NSW Heritage Council), and this invokes Part 2 Clause 9 (3) of the Campbelltown Local Environment Plan District 8;
 - b. The cemetery proposal is incompatible with the relevant aims and zoning objectives of the Draft Campbelltown Local Environment Plan 2014 (Draft CLEP14) and this invokes Part 2 Clause 2.3 (2) of that plan;

- c. The cemetery proposal is incompatible with the recommendations of Campbelltown Council's 2011 Visual & Landscape Analysis of Campbelltown's Scenic Hills (Paul Davies Pty Ltd & Geoffrey Britton, adopted by Council as a contributory document to be taken into account in the preparation of the Draft CLEP14), *including* the cemetery's proposed use of the 'hidden areas' for burial rooms and buildings;
- d. Council's 2011 Heritage Study and Register Review (Paul Davies Pty Ltd, adopted by Council as a contributory document to be taken into account in the preparation of the Draft CLEP14) recommended that Varro Ville Homestead's state heritage listed curtilage be extended to include "*the whole of the original [Varro Ville] land grant, including the...historic dams*"; and that this includes the whole of the land intended for the cemetery.
- e. The cemetery falls within the National Trust's curtilage for Varro Ville Homestead (placed on its register in 1976);
- f. The curtilage proposed in the cemetery proposal is inconsistent with that of the National Trust and the recommendation of Council's Heritage Study above;
- g. The proposed master plan for the cemetery does not reflect the recommendations of its own heritage assessment (Urbis Heritage Assessment, August 2013, Appendix H).
- h. *Map 2 Existing Visual Exposure* from p.8 of the proponent's visual study by Richard Lamb shows that at least two thirds of the site has high to medium visual exposure with implications for the compatibility of the proposal with the underlying zoning of the site and its objectives.
- i. A cemetery of this magnitude would eventually require St. Andrews Road to be opened to Camden Valley Way and East Leppington, which (according to the Officers Report at Item 2.5 of the Planning & Environment Committee Meeting Agenda of the 4th March 2014) "*has the potential to give rise to significance issues for Council in regard to traffic management and upgrading works along St Andrews Road*".
- j. Security fencing and/or walls to protect the site and to protect the owners of Varro Ville Homestead would adversely affect the rural views and heritage values of the site.
- k. The proposal is in conflict with Council's complete list of prior resolutions of 13th November 2007 regarding this site, and of 16th October 2012 regarding the Scenic Hills generally. [These were only quoted in Item 2.5 of the Planning & Environment Committee Meeting Agenda of the 4th March 2014, albeit that the 16th October 2012 was misreported].
- l. While submissions were received from the Carmelite community, there were other submissions from the public, including from the owners of Varro Ville Homestead that also opposed the cemetery.

- m. The full content of Minister Hodgkinson's letter of the 16th December 2013 indicated that the proposal would become a Crown Application at the Development Application stage with implications for Council's ongoing control of the development once the land was rezoned.
 - n. The approval of the planning proposal in its current form does not guarantee that critical alterations will not be made at a later date after the land has been rezoned.
11. With reference to the answer to Question 8 of 9/6/15 regarding Campbelltown council officers' stated support for the content of the report on the Varroville cemetery planning proposal (Item 2.6 of the Planning & environment Committee Meeting Agenda of the 4th March 2014): Can the reporting officer and the Director of Environment and Planning explain why, in that report, they considered *educational establishments* and *places of public worship* to "*have the potential to impact detrimentally upon the visual character and aesthetics of the Scenic Hills due to the nature and extent of the structure and form of such development*", but then *permitted* these land uses in the Draft Campbelltown LEP 2014, even though their prohibition would not have affected the rights of any such existing establishments?
12. Has Council met with the NSW Minister for Planning on the Varroville cemetery proposal, and if so, can Council provide minutes of that meeting (and any other meeting if more than one) showing when the meeting took place, who was present, what was discussed, what undertakings were given, what was agreed?

Answer:

The General Manager provided the following answer in response to all 12 Questions With Notice raised by Councillor Dobson in item 13.1:

Questions in relation to these matters were answered in writing and published in the Minutes of the Ordinary Council Meeting on 9 June 2015. The matter of the lawn cemetery planning proposal has been the subject of a comprehensive independent investigation which has concluded. Council has no decision making role in relation to the planning proposal application, as the decision making authority in this matter rests with the Joint Regional Planning Panel and Department of Planning.

On this basis, the Mayor ruled the Questions with Notice out of order.