



Macarthur Memorial Park, Varroville

Crown Development
Assessment Report
(3293/2017/DA-C)



December 2018

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Cover photo

Artists Impression of a lawn burial (Source: Landscape Design Response, 2018 prepared by Florence Jaquet Landscape Architect)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Catholic Metropolitan Cemeteries Trust
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Commission	Independent Planning Commission
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Consent	Development Consent
Council	Campbelltown City Council
DA	Development Application
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning and Environment
Development	The development as described in the EIS and RtS for a cemetery and associated publicly accessible parklands / recreation areas
DPI	Department of Primary Industries
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning (or delegate)
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions titled 'Response to Submissions Macarthur Memorial Park' prepared by Urbis dated 21 June 2018
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEE	Statement of Environmental Effects titled 'Macarthur Memorial Park Statement of Environmental Effects' prepared by Urbis dated 16 October 2017
SEPP	State Environmental Planning Policy

SRD SEPP
SSD

State Environmental Planning Policy (State and Regional Development) 2011
State Significant Development



Executive Summary

On 1 August 2018, the Independent Planning Commission (Commission) requested the Department of Planning and Environment (the Department) review a Crown development application (DA) for the Macarthur Memorial Park cemetery and complete the assessment of the DA on its behalf. The DA has been submitted by the Catholic Metropolitan Cemeteries Trust (the Applicant) for a cemetery and associated publicly accessible parklands at 166-176 St Andrews Road, Varroville, in the Campbelltown local government area (LGA). This report details the Department's assessment of the Crown DA.

The Department has reviewed the documentation supporting the DA which was provided to Campbelltown City Council (Council) and the Sydney Western City Planning Panel (the Planning Panel). The Department also requested further information from the Applicant to respond to concerns raised by Council, State government authorities and the public submissions, including a detailed Response to Submissions (RtS) report, Supplementary RtS Report, revised supporting technical reports and amended plans. Adequate information has now been provided to grant development consent to the DA, subject to conditions.

The Site

The site is located approximately 7.5 kilometres (km) north of the Campbelltown town centre and covers approximately 113 hectares (ha) of E3 Environmental Management and RE1 Public Recreation zoned land. The site is rural in character and forms part of the Scenic Hills area of Campbelltown. It has a history of pastoral and agricultural uses and is currently used for the agistment of livestock. The closest residential development is a historically significant dwelling, known as Varroville Homestead, on a battle-axed shaped parcel of land that extends into the site.

The Mount Carmel Retreat Centre, Our Lady of Mount Carmel Parish and the Mount Carmel Catholic College are located opposite the proposed development on the western side of St Andrews Road. The residential areas of Bow Bowling and Varroville are approximately 500 metres (m) to the south and south-west, respectively.

Current Proposal

The proposal is to be constructed in four stages on an as needs basis, over a period of approximately 150 years. The proposed development includes landscaping of the entire site to provide approximately 36 ha of publicly accessible open space, approximately 136,000 burial plots and memorialisation, construction of six new buildings, restoration of heritage buildings, demolition of dilapidated heritage buildings, public art sculptures, heritage interpretation works, vegetation removal, earthworks, stormwater infrastructure and internal roads and accessways. The six new buildings comprise a Chapel, Administration Building, Function Building, Café, Grounds Staff Buildings and Gatehouse, which the Applicant considers to be ancillary to the cemetery and parkland uses.

The development has a capital investment value of \$38 million and is expected to generate 68 construction jobs and 15 operational jobs in Stage 1 (2019 - 2130).

Statutory Context

The Applicant lodged the DA (3293/2017/DA-C) with Council on 17 October 2017 under Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Applicant is a Crown Cemetery Operator under the *Cemeteries and Crematoria Act 2013*. The proposal is classified as Regionally significant development under Part 4 of the EP&A Act being general development that has a CIV of more than \$30 million (clause 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation)) and development carried out by or

on behalf of the Crown with a CIV of more than \$5 million (clause 4 of the EP&A Regulation). Consequently, the Planning Panel is the consent authority. On 18 May 2018, the Applicant referred the DA to the Minister for Planning under the former Section 89(5) of the EP&A Act as the application had not been determined within 70 days of lodgement with Council. The Minister has asked the Commission to exercise his functions under Section 4.34 of the EP&A Act, to direct the Planning Panel to approve or refuse the DA.

Heritage Significance

The site is subject to a Conservation Management Plan (CMP) and forms part of what was originally a 404 ha landholding known as the 'Varroville Estate' which includes the Varroville Homestead. The Homestead is listed on the State Heritage Register and forms part of a Local Heritage item under the *Campbelltown Local Environmental Plan 2015* (CLEP 2015). The CMP states the cultural landscape associated with the Estate collectively has high aesthetic significance as the setting of the historic colonial homestead 'Varroville' and the rural landscape of the Scenic Hills.

Engagement

The Crown DA was publicly exhibited by Council for an extended period from 7 November 2017 to 23 March 2018. A total of 73 submissions were received, including six from public authorities and 67 from the public. Of the 67 public submissions received, 37 objected and 30 wrote in support of the proposal. Key issues raised in submissions related to the potential impacts on heritage values and the Varroville Homestead, visual amenity, noise, traffic, project need, public interest, loss of green open space and other concerns associated with parking, tree removal, road infrastructure and procedural matters associated with Council's management of the DA.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are European heritage, consistency with the CLEP 2015, traffic and noise.

European Heritage

The Applicant has undertaken an appropriate and rigorous assessment of the proposed development against the requirements of the CMP and relevant NSW Heritage Office guidelines. The development has been designed to be sensitive to the existing landform and to minimise impacts to the wider Varroville landscape and Homestead. Further archaeological investigations must be undertaken in accordance with the site Historical Archaeological Impact Assessment. Several conditions have been recommended in response to concerns raised by the NSW Heritage Council to reduce impacts on the Varroville Homestead and the heritage significance of the Scenic Hills landscape.

The proposed development includes restoration of three significant heritage buildings to protect and enhance the significant heritage values of the site. Subject to implementation of the management plans and Interpretation Strategy for the site and the imposition of the recommended conditions, the proposed development is considered consistent with the approved CMP and is unlikely to have unacceptable adverse impacts on the heritage values or significance of the wider Varroville and Scenic Hills landscape.

Consistency with CLEP 2015

The site is predominantly zoned E3 Environmental Management under the CLEP 2015 and part RE1 Public Recreation. Cemeteries are prohibited in both zones. However, the proposal is permissible with consent pursuant to Clause 7.8A of the CLEP 2015 which permits the use of the site as a cemetery with development consent subject to satisfying a number of site-specific requirements. The Department has assessed the proposal against the requirements of the CLEP 2015 and is satisfied the proposal meets the provisions of clause 7.8A and is permissible with consent.

Traffic

The Applicant has assessed the impacts of the potential traffic generation during construction and site operation, including peak visitation periods (special holidays and All Saints Day) and cumulative traffic impacts based on a 20-year traffic growth horizon to the year 2038. The analysis was based on a worst-case scenario of all development stages being operational at the same time. There is uncertainty regarding the development of new roads in the area, namely a new connection between St Andrews Road and Camden Valley Way to the north, which would make St Andrews road a key access road for several new large residential subdivisions to the north of the site currently under development. The Roads and Maritime Services (RMS) raised concerns regarding these uncertainties and the ability to accurately predict traffic impacts beyond 2038.

In response to the concerns raised by the RMS, the Department has recommended the Applicant be required to verify construction and operational traffic impacts every 10 years from the year 2038. Should any upgrade works be required, the Applicant is required to undertake all works at no cost to the RMS or Council, to ensure the safe and efficient operation of the site. The requirement for regular traffic analysis will ensure the safety and efficiency of the surrounding road network into the future for the life of the development.

Noise

Road traffic noise from vehicles on St Andrews Road is predicted to be the primary source of noise associated with the operation of the proposed cemetery. Impacts will also occur during operational and maintenance activities on the site associated with grave digging, lawn mowing and hedge trimming. All other operational activities on site are predicted to comply with the relevant criteria. Traffic noise is predicted to exceed the relevant site criteria at Our Lady of Mount Carmel Parish for all stages and at the Mount Carmel Retreat Centre at full development only. Predicted road traffic noise levels are not high in absolute terms but would be a clearly audible noise source which would impact on the amenity of residents of these existing religious developments where peace and tranquility are essential.

In response to concerns raised by the Department regarding the impacts to Parish and Retreat Centre, the Applicant reviewed its approach to traffic management on the site. Road traffic noise impacts have been reduced by a re-design of traffic flows within the site to reduce traffic movements adjacent to these properties. Maintenance activities will be controlled through limits on hours of operation and a requirement for respite periods. Subject to the implementation of the recommended conditions, noise emissions from the cemetery can be appropriately managed.

Summary

The Department's assessment concludes that the environmental impacts of the development can be mitigated and/or managed, subject to the recommended conditions of consent. The Department considers the proposed cemetery is appropriate on the basis that:

- it responds to the need for additional cemetery space in metropolitan Sydney identified in the CCNSW Metropolitan Sydney Cemetery Capacity Report (2017)
- it satisfies the relevant provisions of the CLEP and is permissible with consent
- it is consistent with the Greater Sydney Region Plan 2018 and the Cemeteries and Crematoria NSW Strategic Plan 2015-20
- potential impacts to European heritage values and the environment have been minimised through site design and layout and any residual impacts can be appropriately managed by the imposition and implementation of relevant conditions of consent.

Consequently, the Department considers the development is in the public interest and is approvable, subject to conditions.



Contents

Glossary	iii
Executive Summary	v
Contents	viii
1. Introduction	1
1.1 Introduction	1
1.2 Development Background	1
1.3 Heritage Significance	3
1.4 Planning Proposal	4
2. Project	6
2.1 Description of the Development	6
3. Strategic Context	10
3.1 Greater Sydney Region Plan 2018 - A Metropolis of Three Cities	10
3.2 Cemeteries and Crematoria NSW Strategic Plan 2015-20	10
3.3 Metropolitan Sydney Cemetery Capacity Report	11
4. Statutory Context	12
4.1 Permissibility	12
5. Engagement	14
5.1 Consultation	14
5.1.1 Public Authorities	14
5.1.2 Public Submissions	15
5.1.3 Response to Submissions and Supplementary Information	16
6. Assessment	17
6.1 European Heritage	17
6.2 Consistency with CLEP 2015	23
6.3 Traffic	26
6.4 Noise	28
6.5 Other Issues	30
7. Evaluation	33
8. Recommendation	34
Appendices	35
Appendix A Schedule of Conditions	35
Appendix B List of Documents	41
Appendix C Relevant Supporting Information	42



1. Introduction

1.1 Introduction

On 16 October 2017, the Catholic Metropolitan Cemeteries Trust (CMCT) lodged a Crown Development Application (DA) with Campbelltown City Council (Council) for a cemetery and associated publicly accessible parklands and recreation areas. The cemetery is to be known as 'Macarthur Memorial Park' and would be constructed in four stages on an as needs basis, over a period of approximately 150 years.

The proposal includes landscaping of the 133 hectare (ha) site to provide approximately 36 hectares (ha) of publicly accessible parklands and recreation areas, burial areas and memorialisation guides, construction of six new buildings, restoration of three existing heritage buildings, demolition of dilapidated heritage buildings, public art sculptures, heritage interpretation works, vegetation removal, earthworks, stormwater infrastructure and internal roads and accessways. The six new buildings comprise a Chapel, Administration Building, Function Building, Café, Grounds Staff Buildings and Gatehouse, which the Applicant considers to be ancillary to the cemetery and parkland uses. The total development footprint is approximately 77 ha.

The proposed development has a capital investment value of approximately \$38 million. The proposal is classified as Regionally significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being general development that has a CIV of more than \$30 million (clause 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)) and development carried out by or on behalf of the Crown with a CIV of more than \$5 million (clause 4 of the EP&A Regulation). Consequently, the Sydney Western City Planning Panel (the Planning Panel) is the consent authority.

On 18 May 2018, the CMCT referred the DA to the Minister for Planning under section 4.33(2) of the EP&A Act as the Planning Panel had not determined the matter within 70 days after the application had been lodged with Campbelltown City Council (Council). On 4 June 2018, the Minister delegated his functions to the Independent Planning Commission (Commission) to finalise the assessment of the DA. On 1 August 2018, the Commission requested the Department review the application and complete the assessment of the DA.

The Department has reviewed the documentation supporting the DA which was provided to Council and the Planning Panel. At the Commission's request, the Department also requested further information from CMCT to respond to concerns raised by Council, State government authorities and in public submissions. This included a detailed Response to Submissions report, revised supporting technical reports and amended plans. Adequate information has now been provided to grant development consent to the DA, subject to conditions.

1.2 Development Background

The 113 ha site is irregular in shape and located approximately 7.5 kilometres (km) north of the Campbelltown town centre at 166-176 St Andrews Road, Varroville, in the Campbelltown local government area (see **Figure 1**). The site is legally described as Lot B in DP 370979, Lot 22 in DP 564065 and Lot 1 in DP 218016.

The site is located within a semi-rural setting in the Scenic Hills area of Campbelltown, surrounded by rural residential land to the north and east, the Hume Highway to the south, and Our Lady of Mount Carmel Catholic Church, the Mount Carmel Catholic Retreat Centre and the Mount Carmel Catholic College to the west. The Scenic Hills are a pastoral landscape with Aboriginal and European significance that provides the scenic backdrop to the city of Campbelltown (see **Figure 2** for site context).

The closest residential development is a historically significant dwelling, known as Varroville Homestead, on a battle-axed shaped parcel of land that extends into the site. The residential areas of Bow Bowing and Varroville are approximately 500 m to the south and south-west, respectively.

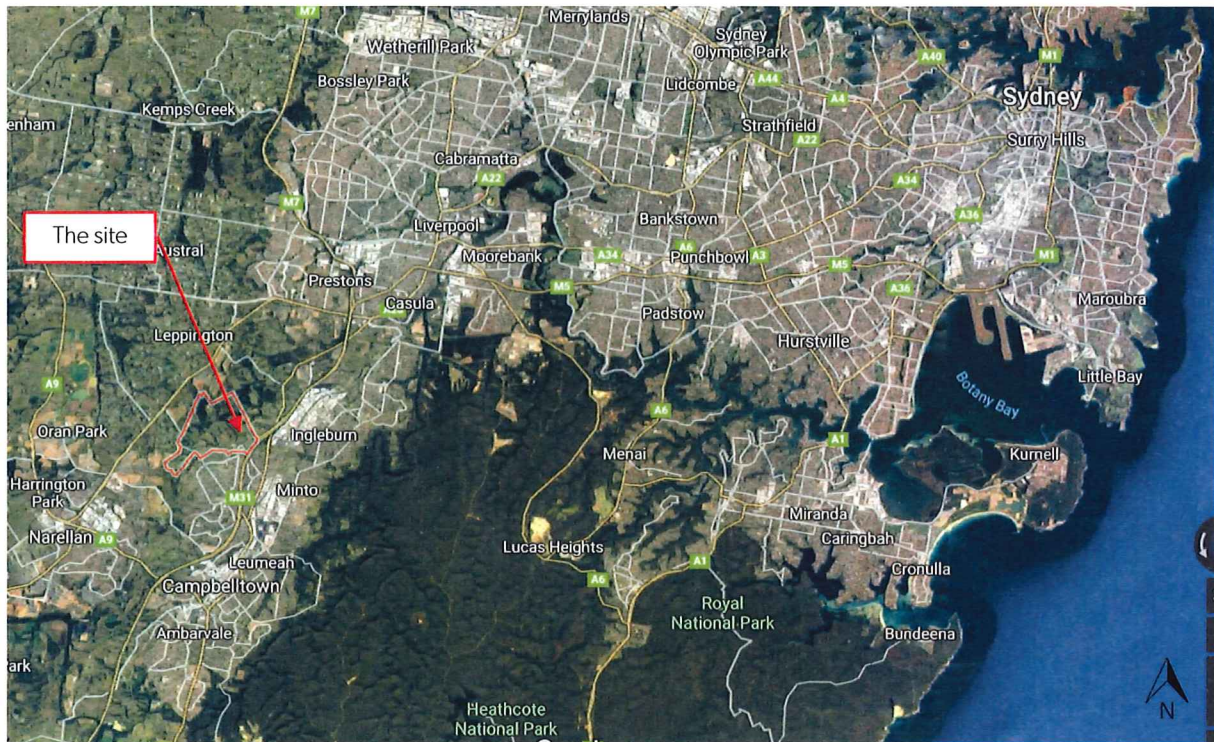


Figure 1 | Site Location

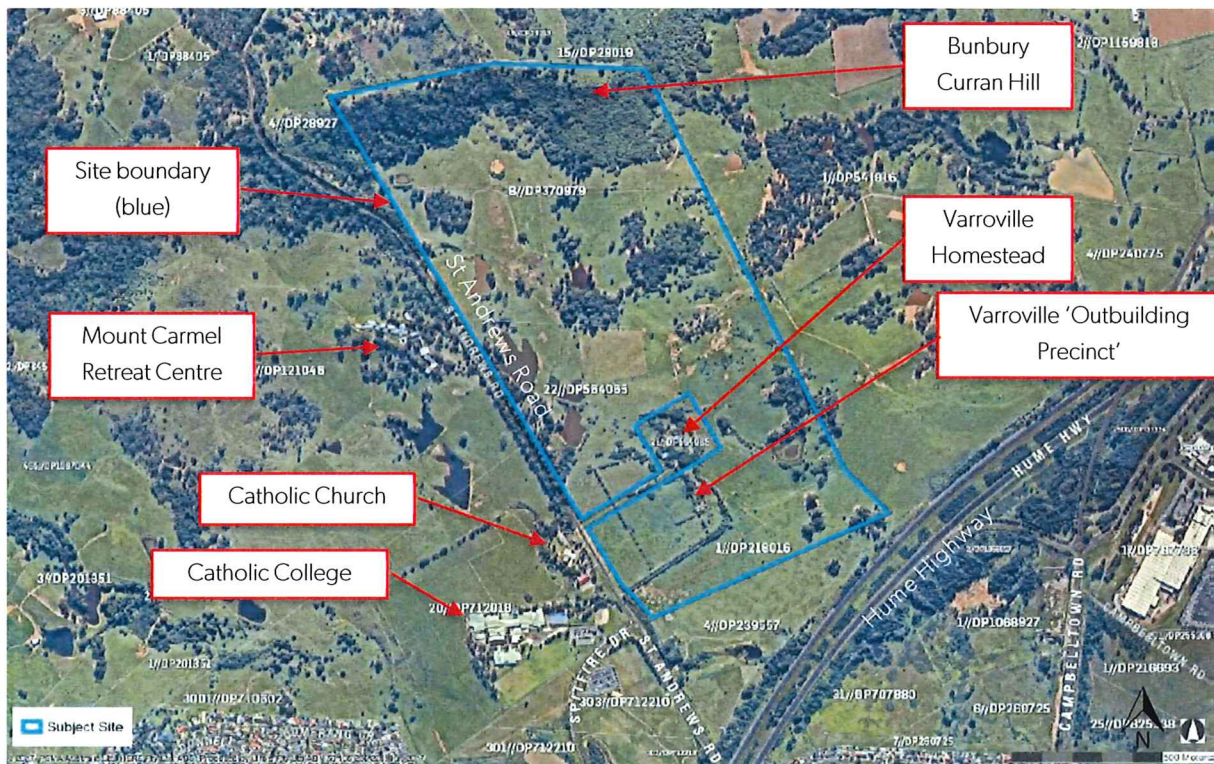


Figure 2 | Site Context

The site is rural in character with an undulating topography consisting of ridgelines, gullies, flatter pastures, stands of remnant vegetation and dams. It has a history of pastoral and agricultural uses and is currently used for the agistment of livestock. Several unsealed tracks provide access to and across the site from St Andrews Road. The northern boundary of the site follows a distinctive ridgeline which includes the Bunbury Curran Hilltop.

Approximately 23 ha of an endangered ecological community (EEC), Cumberland Plain Woodland, is present on the site, which is listed as a critically endangered community under the *Biodiversity Conservation Act 2016* (BC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A total of 11 watercourses, 11 dams and 15 drainage lines can also be found across the site. The majority of the site drains in a south-easterly direction into Bunbury Curran Creek then into the Georges River Catchment.

1.3 Heritage Significance

The subject site forms part of what was originally a 404 ha landholding known as the 'Varroville Estate' which includes the Varroville Homestead. The Homestead, which was listed on the State Heritage Register (SHR) in 1999, was built in approximately 1858-9. It is located on a 'battle-axe' shaped adjoining parcel of land. This privately-owned house has separate access off St Andrews Road and does not form part of the DA (refer **Figure 2**). The Estate has been associated with various farming activities, viticulture, orcharding, stock breeding, a horse stud, pasture and dairying.

Part of the site (Lot 1 DP 218016 and Lot 22 DP 564065) is listed as a Local Heritage Item under the *Campbelltown Local Environmental Plan 2015* (CLEP 2015) (refer **Figure 3**). These lots comprise a small group of six historic buildings/structures known as the 'Outbuildings Precinct', established in approximately 1812, which are associated with the Varroville Homestead. This group of buildings includes the former coach house/ machine shed, a cottage, dairy building, timber slab hut, and timber barn, as well as the ruins of a large shed and a chicken coop/shed and other structures.

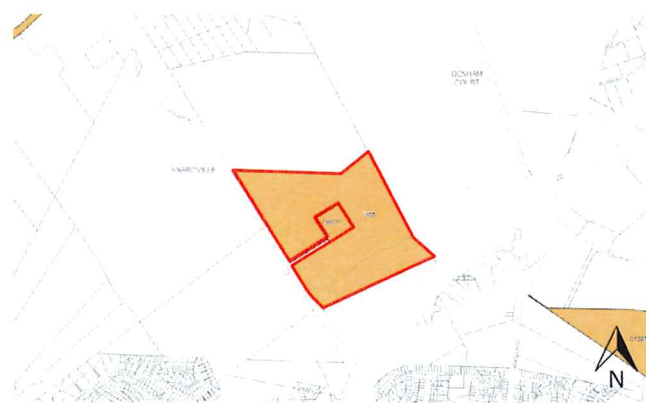


Figure 3 | CLEP Heritage Map

The site is subject to a 'Conservation Management Plan: Varroville Estate: 166-176 St Andrews Road Varroville', (CMP) prepared by Urbis, dated October 2015 and prepared on behalf of the CMCT to support a Planning Proposal for the site. That report found 'the cultural landscape of the subject site is of heritage significance at the State level for its historic values and for its rarity'. The CMP states the cultural landscape associated with the Estate collectively has high aesthetic significance as the setting of the historic colonial homestead 'Varroville' and a rural landscape of the Scenic Hills. The subject property complements and allows significant views to and from 'Varroville' and to the surrounding rural landscape. The CMP was endorsed by the Department and JRPP as part of the Planning Proposal for the site.

On 28 September 2017, the NSW State Heritage Register (SHR) Committee recommended to the Minister for the Environment and Minister for Heritage that the SHR listing for “Varroville” be amended to include an extended curtilage. This extended curtilage includes a significant area of land which forms part of the subject site. This includes several dams and the Outbuildings Precinct (refer red outline on **Figure 4**). The proposed extension covers land along the St Andrews Road frontage and in the southern corner of the subject site which are not part of the Local Heritage Item listed in the CLEP 2015.

On 19 October 2018, the application to extend the curtilage of the SHR listing into the land to which the DA applies was referred to the Commission for review. As of the date of writing this report, a decision has not been made regarding the proposed extension to the SHR listing. If the extension to the heritage listing is granted before the Crown DA is determined, an approval under the *Heritage Act 1977* will be required and integrated development requirements under the EP&A Act would apply. The consent authority would also be required to obtain general terms of approval (GTAs) from the NSW Heritage Council before determining the application. Any consent granted must be consistent with the GTAs.

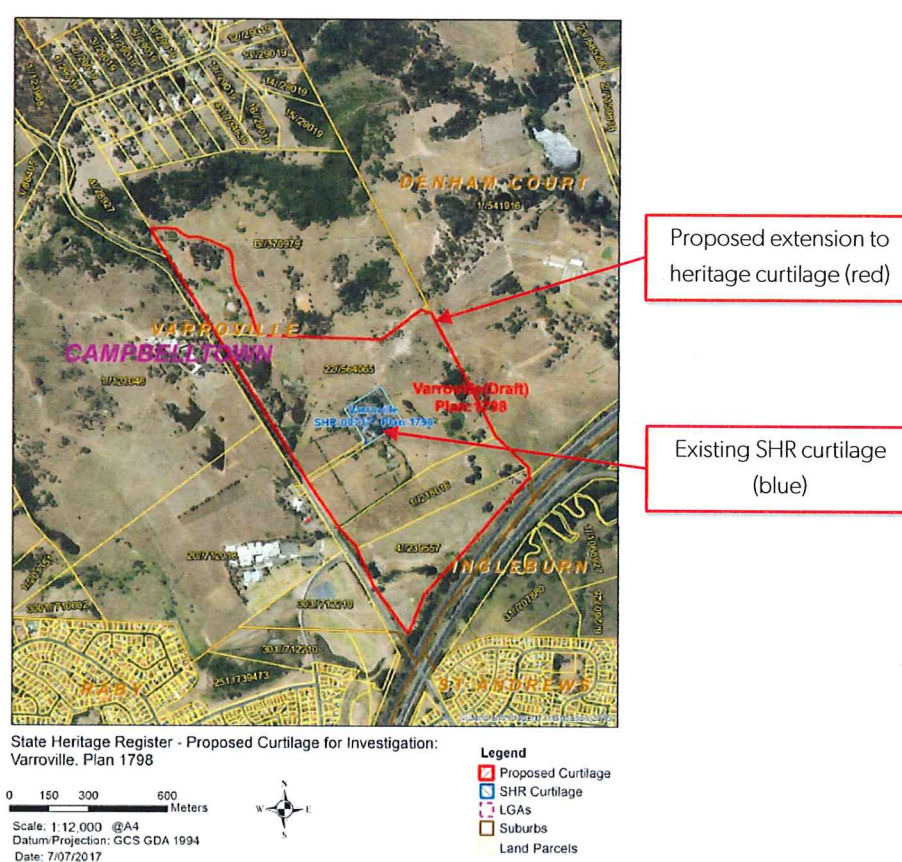


Figure 4 | Proposed extension to State Heritage Listing curtilage (in red)

1.4 Planning Proposal

On 20 February 2017, a site-specific planning proposal to amend the CLEP 2015 was gazetted. The amendments permit development for the purposes of a cemetery on the site subject to the satisfaction of certain requirements of the overall design. The key amendments to the CLEP 2015 included:

- addition of clause 7.8A to allow the site to be developed for the purposes of a “cemetery” subject to a variety of site specific provisions
- amendments to Schedule 5 Environmental Heritage and the heritage maps to identify and include Varroville Estate as a local heritage item

- endorsement of the CMP and supplementary information which requires development on the site to be carried out in accordance with the CMP and the supplementary information
- addition of clause 7.7(3)(d) to establish a “no build area” on site which may only be developed for a lawn cemetery and associated fencing
- amendments to the CLEP 2015 maps and dictionary to identify the “no build area” and define “lawn cemetery”.

A summary of the key activities for the Crown DA is provided in

Table 1 | Key Activities for the Crown DA

Date	Activity
17 October 2017	CMCT lodged a Crown DA with Council seeking approval for the development of a memorial park comprising a cemetery and associated publicly accessible parklands
7 November 2017 to 23 March 2018	<p>Council publicly exhibited the application</p> <p>A total of 73 submissions were received, including six from public authorities and 67 from the public. Of the 67 public submissions received, 37 objected and 30 wrote in support of the proposal.</p> <p>Key issues raised in public submissions related to the potential impacts on heritage values and the Varroville Homestead, visual amenity, noise, traffic, project need, the public interest, loss of green open space and other concerns associated with parking, tree removal, road infrastructure and procedural matters associated with Council’s management of the DA.</p>
18 May 2018	The Applicant referred the DA to the Minister for Planning
29 May 2018	Council wrote to the Applicant requesting further information in response to issues raised during the exhibition of the DA
4 June 2018	The Minister delegated his functions under the EP&A Act to the Commission
1 August 2018	The Commission asked the Department to review Council’s assessment report and supporting documents and advise the Commission if all relevant steps and matters for consideration have been given due consideration under the relevant provisions of the EP&A Act and the EP&A Regulation
28 August 2018	The Department meets with the Applicant to discuss the proposal
12 September 2018	Officers from the Department visit the site
19 September 2018	The Applicant lodged a Response to Submissions with the Department. The report was referred to relevant Stage government agencies for comment
11 October 2018	Cemeteries and Crematoria NSW wrote to the Commission highlighting the critical need for burial space as described in its November 2017 report and the public benefit of the proposed cemetery at Varroville
17 October 2018	The Department coordinated a meeting between the Applicant, its consultants and the OEH Heritage Division to discuss heritage issues
9 November 2018	The Applicant lodged a Supplementary Response to Submissions report

2. Project

2.1 Description of the Development

The Crown DA seeks consent for a cemetery and associated publicly accessible parklands / recreation areas. The major components of the proposed development are summarised in **Table 2**, shown in **Figure 6**, **Figure 7** and **Figure 7** and described in full in the Statement of Environmental Effects (SEE), RtS and Supplementary RtS (refer to **Appendix B**).

Table 2 | Main Components of the Proposed Development

Aspect	Description
Development Summary	Cemetery and associated publicly accessible parklands / recreation areas, including six new buildings, approximately 136,000 full body burial plots and memorialisation, landscaping, restoration of historic buildings and heritage interpretation and demolition of dilapidated historic structures
Site area and development footprint	<ul style="list-style-type: none"> The site is approximately 113 hectares in area Development footprint will cover approximately 77 ha
Built form	<ul style="list-style-type: none"> Six new buildings, including Chapel, Administration Building, Function Building, Café, Grounds Staff Buildings and Gatehouse 20 shelters (5-10 people or 10-30 people) Crypts (above ground burial chamber) Location and heights for 34 individual sculptures / public art pieces Perimeter fencing and entrance gates
Burial areas	Burial areas and memorialisation, including: <ul style="list-style-type: none"> Lawn burial areas comprising grassed areas and simple plaque style memorialisation Burial rooms, including low headstones (700 mm high), high headstones (1.2 m high) and lawn graves on terraced stone retaining walls Natural burial areas, including full body and ash internments
Demolition	<ul style="list-style-type: none"> Demolition of dilapidated historic buildings
Earthworks, civil works and services extension	<ul style="list-style-type: none"> Stormwater management system, including reticulated pit and pipe network and swales Utilisation of six existing on-site dams for stormwater detention and treatment
Construction	Construction of the cemetery and associated parklands over four stages (refer Figure 7), including: <p><u>Stage 1 (2019 – 2130)</u></p> <ul style="list-style-type: none"> Six buildings and associated carparking, heritage outbuildings restoration work (shown as part of Stage 4 on Figure 7), landscaping and landscape furniture and internal roads for Stage 1 area Provision of three access driveways (Access A, B and C) Burial provision for 111 years <p><u>Stage 2 (2131 – 2140)</u></p> <ul style="list-style-type: none"> Landscaping, landscape furniture and extension of internal roads for Stage 2 area Burial provision for a further 19 years <p><u>Stage 3 (2141 – 2155)</u></p> <ul style="list-style-type: none"> Landscaping, landscape furniture and extension of internal roads for Stage 3 area Burial provision for a further 14 years <p><u>Stage 4 (2156 – 2170)</u></p> <ul style="list-style-type: none"> Landscaping, landscape furniture and extension of internal roads for Stage 4 area

Aspect	Description
	<ul style="list-style-type: none"> Provision of a fourth access driveway (Access D) Burial provision for a further 14 years
Restoration works	<ul style="list-style-type: none"> Restoration of three historical buildings in the Outbuildings Precinct – the Slab Hut, the Former Coach House and The Cottage
Landscaping	<ul style="list-style-type: none"> Approximately 36 ha of publicly accessible parklands / recreation areas Shelters and water stations
Traffic	<ul style="list-style-type: none"> A peak of 450 vehicles per hour (vph) during the weekday A peak of 660 vph during the weekend
Road and intersection works	<ul style="list-style-type: none"> Internal access roads and parking for 345 cars Four new site access driveways Seven kilometres of footpaths
Construction timeframe	<ul style="list-style-type: none"> 30 months for Stage 1
Capital investment value	<ul style="list-style-type: none"> \$38 million
Employment	<ul style="list-style-type: none"> 68 full-time equivalent construction jobs and 15 operational jobs in Stage 1

Figure 5 illustrates the range of burial types for the proposed cemetery.

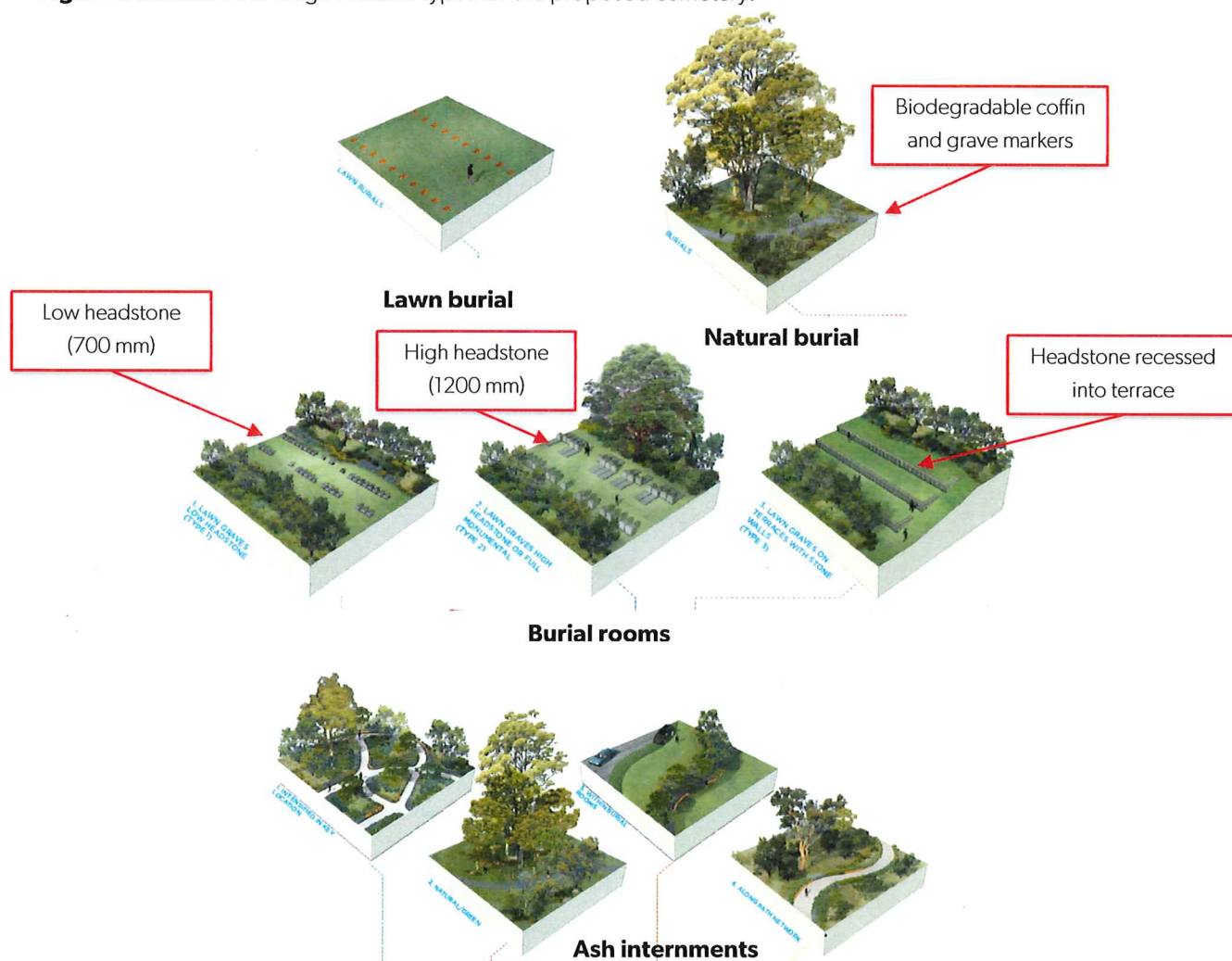


Figure 5: Artists Impression of Proposed Burial Types



Figure 6 | Proposed Development Masterplan

Access to the site would be via St Andrews Road with intersection treatments to be provided at each of the following access points (from north to south):

- Access A – a service road primarily for staff access
- Access B – the main site access
- Access C – the main site exit and secondary access during peak periods
- Access D – secondary site access/exit following the release of Stage 4.

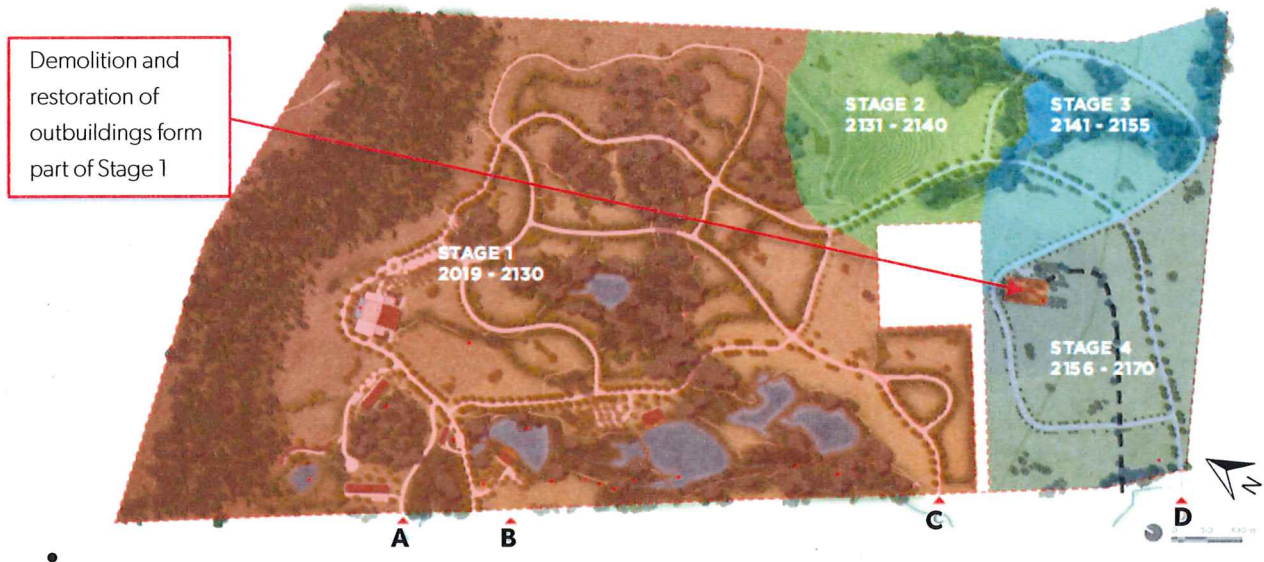


Figure 7: Indicative Development Staging Plan

The Applicant advises the application is driven by the strong demand for additional cemetery space in Sydney. This is evidenced in the Cemeteries and Crematoria NSW 'Metropolitan Sydney Cemetery Capacity Report' (November 2017) which found that cemetery capacity in the South West region of Sydney would be exhausted in the 2052-56 period.

An earlier Planning Proposal for the site, supported by a Cemetery Demand Assessment prepared by Urbis, resulted in a site-specific amendment to the *Campbelltown Local Environmental Plan 2015* (CLEP) to facilitate the development of the site as a cemetery. Furthermore, the Applicant considers the site to be suitable for the proposed development having full consideration for the heritage, scenic and environmental constraints of the site.



3. Strategic Context

3.1 Greater Sydney Region Plan 2018 - A Metropolis of Three Cities

The proposed development is consistent with the directions and objectives outlined in the Greater Sydney Region Plan 2018 (the Plan) as it will contribute toward the following directions of the Plan:

- A city for people – celebrating diversity and putting people at the heart of planning
 - Objective 6 of the Plan seeks to ensure services and infrastructure meet the communities' changing needs. The proposed development responds to this by providing key social infrastructure that is accessible and provides burial space for a diversity of cultures and backgrounds.
- A city of great places – designing places for people
 - Objective 13 of the Plan seeks to ensure environmental heritage is identified, conserved and enhanced. The proposed development has identified and assessed the environmental and cultural heritage of the site and responds to this by ensuring the protection of environmental and heritage values and features of the site.
- A city in its landscape – valuing green spaces and landscape
 - Objectives 27, 28, 30 and 31 of the Plan seek to protect biodiversity, scenic and cultural landscapes and enhance remnant vegetation and publicly accessible open space. The proposed development protects existing biodiversity and landscapes of the site through site design, a vegetation management plan, a heritage interpretation strategy, revegetation of native species and the provision of approximately 36 ha of publicly accessible parklands and recreation areas.

The Greater Sydney Commission has released five district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district. The proposed development is located within the Western City District. The proposal would assist in achieving several Planning Priorities of the Western City District Plan by:

- providing key social infrastructure - Planning Priority W3
- respecting the District's heritage - Planning Priority W6
- protecting and enhancing bushland and biodiversity – Planning Priority W14
- protecting and enhancing scenic and cultural landscapes – Planning Priority W16
- delivering high quality open space – Planning Priority W18.

3.2 Cemeteries and Crematoria NSW Strategic Plan 2015-20

Cemeteries and Crematoria NSW (CCNSW) is a statutory body created under the *Cemeteries and Crematoria Act 2013*. The agency was created in response to the need for a coordinated, strategic approach to providing interment services across NSW. The Cemeteries and Crematoria NSW Strategic Plan 2015-20 was prepared to articulate the role and priorities of CCNSW to the community and industry partners. It describes the way the agency will deliver the NSW Government's commitment to ensuring community needs and expectations for interment services are met. The Plan sets out four key priority areas: respect, affordability and sustainability, land availability and governance. It also sets out a blueprint for implementing the new regulatory framework for the interment industry.

The proposed development responds to Priority Area 3 – Land Availability – Sufficient and suitable land is available to meet future demand for internment services. The Plan states there is a clear need for additional cemetery space, particularly in the Greater Sydney area.

3.3 Metropolitan Sydney Cemetery Capacity Report

The CCNSW Metropolitan Sydney Cemetery Capacity Report (2017) responds to a commitment made by CCNSW in the CCNSW Strategic Plan to build and publish an evidence base regarding future demand for cemetery space. The Report identifies cemetery capacity remaining in Sydney's cemeteries, projects the exhaustion of existing cemetery space over the years through to 2056 and identifies the regions facing a critical shortage and requiring urgent action to provide future cemetery space. The capacity analysis finds that if there is no change to existing cremation and grave occupancy rates (scenario 4 in the analysis), cemetery capacity in metropolitan Sydney would be exhausted by 2051. The Report states 'urgent action is required to provide for the future burial needs of the Sydney community'.

The Report acknowledges the proposed cemetery at Varroville would extend cemetery capacity by up to 13 years beyond 2056. A total of six major regional cemetery developments are required every 15-20 years beyond that time to provide enough capacity through to 2116 (a horizon of approximately 100 years).

4. Statutory Context

4.1 Permissibility

The subject land is predominantly zoned E3 Environmental Management under the CLEP 2015 and part RE1 Public Recreation. Cemeteries are prohibited in both zones.

On 20 February 2017, CLEP 2015 was amended by a site-specific Planning Proposal to permit development for the purposes of a "cemetery" on the site, subject to several site-specific provisions, including that:

- the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including the Campbelltown urban area, "Varroville" (homestead group at 196 St Andrews Road, Varroville) and the Hume Highway
- the development will not adversely affect the visual or physical qualities of the site
- the development will cause minimal effect on the existing landform and landscape
- the site will also include a publicly accessible passive recreation space
- the development will be carried out in accordance with the conservation management plan titled "Conservation Management Plan, Varroville Estate: 166–176 St Andrews Road, Varroville", dated October 2015 and supplementary information.

At the same time, CLEP 2015 was also amended to include an additional clause (clause 7.7(3)(d)) which established a 'no build' area on the site which may only be developed for the purposes of a lawn cemetery and associated fencing. A 'lawn cemetery' is defined as 'a cemetery in which monuments and grave markers memorialising the interment of deceased persons do not extend above natural ground level'. The 'no build area' is shown in on the development masterplan in **Figure 8** below.



Figure 8: Location of CLEP 2015 'no build area'

Cafés are a prohibited use in the E3 zone, however, the Applicant considers the use of the café to be an ancillary use to the cemetery. The Department agrees with this characterisation. The development is therefore permissible with consent, subject to meeting the above site-specific provisions prescribed in the CLEP 2015. The Department's assessment against the relevant provisions of the CLEP 2015 has been provided in **Section 7** of this report.

5. Engagement

5.1 Consultation

The Crown DA was publicly exhibited by Council for an extended period from 7 November 2017 to 23 March 2018. A total of 73 submissions were received, including six from public authorities and 67 from the public. Of the 67 public submissions received, 37 objected and 30 wrote in support of the proposal.

A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix C**.

5.1.1 Public Authorities

- **Cemeteries and Crematoria NSW (CCNSW)** expressed its support for the proposal given the projected exhaustion of burial capacity in Sydney.
- **Heritage Council of NSW** did not object to the proposal but raised a number of concerns regarding the heritage impact assessment and the impacts of the proposed development on the overall significance of the Varroville landscape. The Heritage Council recommended the Applicant prepare a Development Control Plan (DCP) to guide development on the site and further reduce impacts on the existing Varroville Homestead, provide additional details of landscape furniture, relocate the proposed access road, toilet block and carpark area, reduce road widths, revise access arrangements and reduce the amount of hardstand. The Heritage Council of NSW also advised it had resolved to recommend listing an extension to the curtilage of Varroville as Varroville Homestead and Estate on the State Heritage Register (SHR) to the Minister for Heritage.
- **Roads and Maritime Services (RMS)** raised concerns regarding access, additional information regarding traffic generation during special holidays and All Saints Day and cumulative traffic impacts and requested the Applicant undertake additional detailed traffic modelling for the Campbelltown Road/St Andrews Road roundabout. RMS recommended the Council not approve any stage of development beyond Stage 1 until cumulative traffic impacts are adequately addressed.
- **Rural Fire Services (RFS)** did not object to the proposed development but provided recommended conditions of consent relating to asset protection zones, water and utilities, access, evacuation and emergency management, design and construction.
- **Department of Industries – Water (DI – Water)** did not object to the proposed development and advised that, for the purposes of the *Water Management Act 2000* (WM Act), a controlled activity approval is not required and no further assessment by DI – Water was required as the proposed activity is exempt from section 91E(1) of the WM Act as a public authority. Despite the exemption, DI – Water recommended the Applicant consult with the agency due to the scale and complexity of the proposal.
- **Sydney Water** did not object and recommended conditions of consent requiring the approved plans to be submitted to Sydney Water to determine whether the development would affect any Sydney Water sewer or water main, stormwater drains and/or easement.

Council and the JRPP have not formed a view on the proposal or recommended any conditions of consent. Following its review of submissions, on 29 May 2018, Council requested additional information to enable further consideration of the proposal, and raised the following matters of concern:

- **Heritage** – insufficient details of proposed landscape furniture and its impact on heritage values, location of the proposed access road, toilet block and car park area within the CLEP 2015 ‘no build area’, excessive road widths and verges are intrusive within the wider Varroville landscape, proximity of Access C to the Varroville Homestead driveway, loop roads too close to Varroville Homestead, insufficient buffer zone to the Homestead, headstones and ash internments located to the south-west of the Homestead necessitate vegetation screening which detracts from the open landscape character of the site, structural impacts on the Homestead, insufficient details regarding future use of restored heritage buildings in the Outbuildings Precinct
- **Visual impacts** – a revised Visual Impact Assessment to address impacts from the Varroville Homestead.
- **Traffic** – an amended Traffic Impact Assessment that considers peaks during special holidays and All Saints Day and cumulative impacts as burial plot capacity increases, additional intersection analyses of three key intersections and additional information on how safe intersection site distances (SISD) will be achieved at all site access driveways
- **Stormwater** – further details on the impact and management of overland flows on the proposed Chapel
- **Stability risk** – an amended stability assessment and vegetation management plan
- **Landscape design** – exclusion of relevant management requirements for drainage lines in the north western vegetated part of the site
- **Acoustic** – an updated acoustic assessment to assess impacts beyond the first stage of development, additional detail regarding mitigation of road noise impacts, and additional assessment of on-site activities
- **Bushfire** – additional information to address access and Asset Protection Zone (APZ) requirements
- **Contamination** – requirement for a Remediation Action Plan and Unexpected Finds Protocol
- **Biodiversity** – inconsistencies between details in the Statement of Environmental Effects (SEE) and the supporting biodiversity assessment, further details regarding the location and impacts of natural burials under remnant trees and impacts on migratory birds and appropriate identification of an endangered ecological community, impacts of APZs and the need for a koala survey
- **Management Plans** – an updated Watercourse Assessment, Tree Assessment Report, Vegetation Management Plan, Landscape Species Plan, Landscape Masterplan and Public Art Strategy
- **Additional information** was also requested in relation to fencing and gates, materials and finishes, reflectivity, waterbody safety and pathways through vegetation.

Following the Commission’s request for the Department to finalise the assessment of the Crown DA, the Department requested this additional information be submitted to the Department for review and consideration in the assessment of the DA.

5.1.2 Public Submissions

Key issues raised in public submissions related to the potential impacts on heritage values and the Varroville Homestead, visual amenity, noise, traffic, project need, the public interest, loss of green open space and other concerns associated with parking, tree removal, road infrastructure and procedural matters associated with Council’s management of the DA.

A letter of objection was received from Mr Anoulack Chanthivong, MP, Member for Macquarie Fields, which raised concerns regarding the proposal’s impacts on the European heritage significance of the open space corridor of the Scenic Hills area.

Objections were received from the Carmelite Nuns of the Carmel of Mary and Joseph, the Discalced Carmelite Fathers of the Mount Carmel Retreat Centre and Our Lady of Mount Carmel Parish Church, the local resident action groups - Scenic Hills Association and Camden Residents’ Action Group, the Historic Houses Association of Australia, The National Trust of Australia (New South Wales) and the Australian Garden History Society.

5.1.3 Response to Submissions and Supplementary Information

On 19 September 2018, the Applicant submitted a Response to Submissions (RtS) report responding to the issues raised in submissions and Council's request for additional information. The Department referred the RtS to the OEH Heritage Division (for referral to the Heritage Council), RMS, RFS and the Department's internal noise and contamination experts, for comment.

Heritage Council of NSW maintained its concerns regarding the proposed site layout and advised it did not support the proposal in its current form.

RMS did not object to the proposal but raised concerns regarding the long-term implications for the development on the local and regional road networks. RMS recommended that consideration be given to a requirement for separate approvals for later stages of the cemetery development to allow consideration to be given to the assessment of future traffic generation from developments in the local area.

RFS confirmed that a performance-based solution was assessed and supported for reduced road widths as requested by the Applicant. Previous recommendations for conditions were maintained.

The Department raised concerns regarding visual impacts, the impact of road traffic noise impacts on the Mount Carmel Retreat Centre to the west of the site on St Andrews Road and management of contaminated soils and materials on the site. Several queries were also raised regarding stormwater management, watercourse management, construction traffic and consistency between the supporting technical reports, particularly with respect to biodiversity impacts and management.

On 17 October 2018, the Department facilitated a meeting between the Applicant, its consultants and the OEH Heritage Division (representing the NSW Heritage Council) to discuss and resolve outstanding heritage issues. On 23 October 2018, the Applicant provided OEH with revised plans and additional information responding to the outstanding concerns. The NSW Heritage Council held an extraordinary meeting on 21 November 2018 to consider the revised documentation.

Separate meetings were also held between the Department and the Applicant to discuss a range of general matters in the RtS, including contamination and noise concerns. Additional information and revised technical reports were subsequently requested to address these outstanding issues.

On 12 November 2018, the Applicant submitted a Supplementary RtS report responding to the outstanding matters. The Applicant confirmed the amended landscape plans provided reflect a four stage development, rather than the five stage development as originally proposed. This amendment was made to reflect market conditions and the need to provide immediate burial space for a wider range of faith groups and communities than originally envisaged under the proposal when first submitted to Council.

The Department has considered the issues raised in submissions, the RtS and the Supplementary RtS, in its assessment of the proposed development. Copies of government authority submissions received on the Supplementary RtS are provided in **Appendix D**.



6. Assessment

The Department has assessed the merits of the proposed Crown DA. During this assessment, the Department has considered the:

- SEE, the issues raised in submissions
- submissions from the public, State government authorities and Council
- the Applicant's response to issues raised in submissions
- the Supplementary RtS
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- European heritage
- consistency with the CLEP 2015
- traffic
- noise.

The Department's assessment of other issues is provided in **Table 4**.

6.1 European Heritage

Development of the site for the use as a cemetery and parklands have the potential to have significant impacts on the European heritage values of the Scenic Hills area of Campbelltown and the SHR listed Varroville Homestead and the associated Outbuilding Precinct. Excavations may impact on existing dams, paddocks, contoured trenches and structures within the Outbuildings Precinct, and other archaeological relics associated with the Varroville Homestead.

The Applicant prepared a Historical Archaeological Impact Assessment (HAIA) and Heritage Impact Statement (HIS) in accordance with the (former) NSW Heritage Branch guidelines 'Assessing Significance for Historical Archaeological Sites and 'Relics' (2009) and the (former) NSW Heritage Office 'NSW Heritage Manual - Assessing Heritage Significance' (2001) to assess the impacts of the cemetery proposal.

Applicant's Assessment of Heritage Impacts

The HAIA found that land within the development has low to high potential for archaeological remains associated with early phases of the establishment of the Varroville Estate of both local and State significance (refer **Figure 9**). Management strategies for each stage of the development have been tailored accordingly. The HAIA recommended a program of archaeological investigations be undertaken prior to works commencing on the site. Archaeological investigations would include test excavation, archaeological monitoring and potential salvage excavation to identify the extent and nature of potential archaeological relics within the site, inform future detailed design and prioritise the conservation of State significant remains. Findings from these investigations would inform future methodologies for archaeological management and interpretation.

The HIS assessed the proposal against the relevant provisions of the CLEP 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 (CSC DCP 2015), as well as the site-specific policies provided in the approved

CMP and the NSW Heritage Division 'Statement of Heritage Impact' guidelines. The HIS noted the findings of the CMP, including the significant elements of the Varroville Estate including buildings, structures and landscape elements within the site and significant views and vistas. The HIS concluded the proposed cemetery is underpinned by a strong understanding of the heritage values and significance of the place, which has informed every aspect of the proposal.

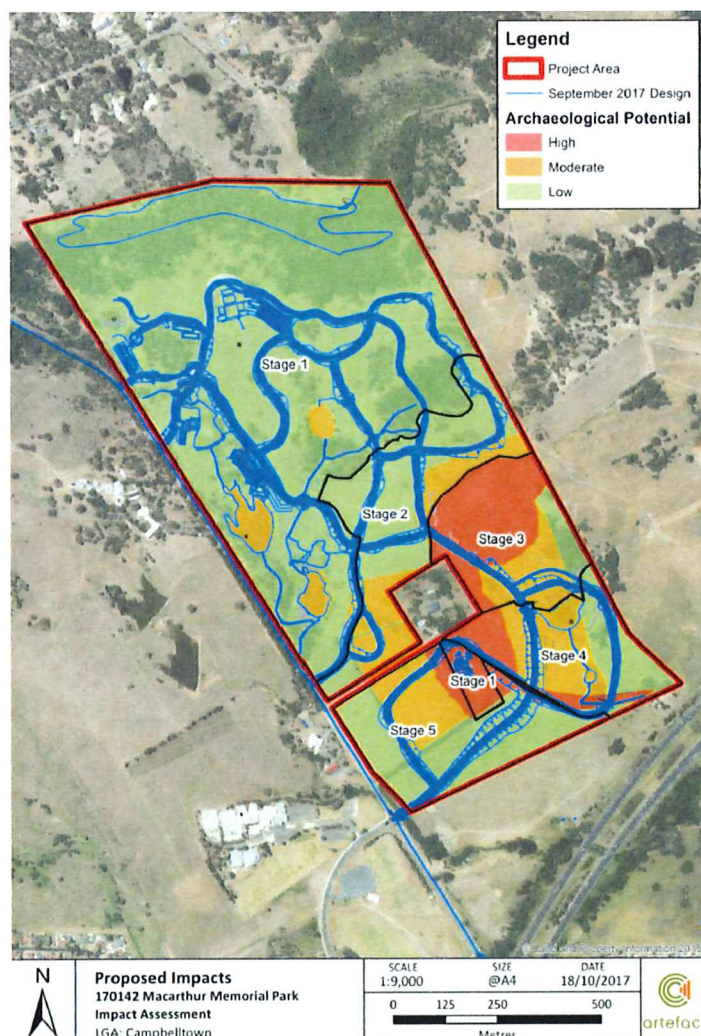


Figure 9: Archaeological potential and proposed impacts

The Applicant considers the proposed use of the site as a cemetery and parkland is sympathetic to the heritage character and significance of the former Varroville Estate subject to the Estate undergoing archival recording prior to any demolition of dilapidated heritage buildings or earthworks and European and Aboriginal heritage interpretation being a critical aspect of the design. A 10 m 'no burial' zone is proposed around the Varroville Homestead to minimise impacts to the residents of this dwelling and to protect the heritage values of this property. Graves are limited to lawn or low headstones within the vicinity of the house (50-100m). Views were assessed to ensure no headstone will be visible from Varroville homestead and its immediate surrounds.

It was further recommended the Heritage Interpretation Strategy include development of detailed interpretation briefs informed by archaeological test excavation, stakeholder consultation and any additional historical research. The HIS recommends delivery of heritage interpretation be a requirement of the conditions of consent.

As part of its consideration of impacts on heritage values, the Applicant also prepared a Landscape Design Response and Visual Impact Assessment. These assessments informed the design of the development to ensure it is respectful of the historical landscape and protects its cultural values. A key element of these studies was the retention of

significant historical vistas and view corridors from Varroville Homestead. The key view corridors considered by the Applicant and retained in the proposed development design and layout are shown in **Figure 10** below.

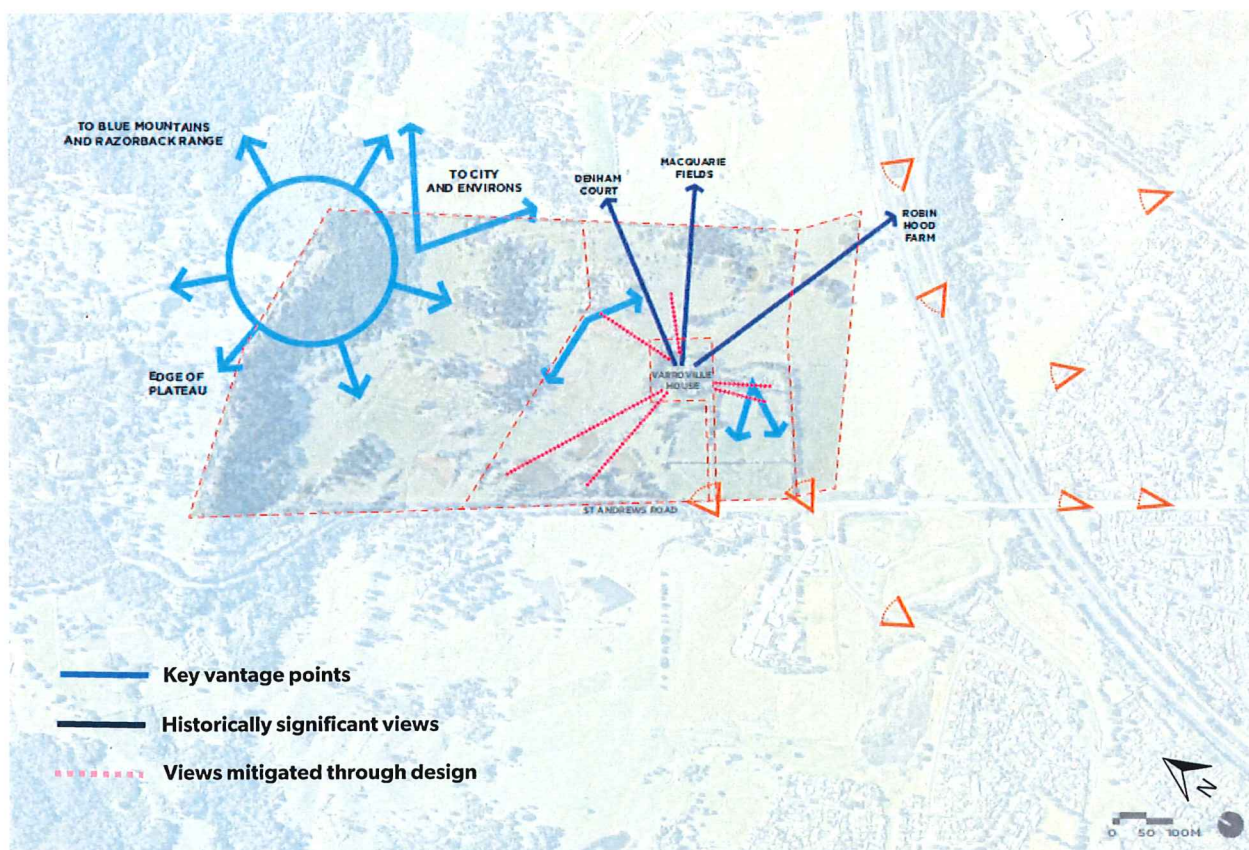


Figure 10: Significant viewpoints and view corridors

Submissions

In its original submission to Council, the NSW Heritage Council did not object to the proposed cemetery, however, it did raise several concerns regarding the HIS and the impacts of the proposed development on the overall significance of the Varroville landscape, as detailed in Section 7.1 above. These views were reiterated in Council's submission. Following the Heritage Council's review of the RtS, the Heritage Council maintained its concerns and advised it could not support the proposal in its current form. The majority of concerns related to the need for a development control plan (DCP), proposed development of roads (road widths, road traffic noise and visual impacts) around the Varroville Homestead, the proximity of proposed Access C to the Varroville Homestead driveway and impacts on significant view corridors. The Heritage Council specifically requested the proposed access road, toilet block and carpark area in Stage 4 be relocated out of the 'no build area' specified in clause 7.7(3) of the CLEP (refer **Figure 8**).

The public submissions considered the DA would adversely affect the visual and physical qualities of the site and cause extensive changes to the existing landform, the Varroville landscape and the environmental heritage and aesthetic value of the Scenic Hills. Concern was also raised regarding the loss of connection between the Homestead and the Outbuildings Precinct, which would destroy the ability to effectively interpret and appreciate the significance of the Homestead with those buildings. Submissions also raised concern the DA was inconsistent with clause 7.8A of the CLEP which states development for the purposes of a cemetery is permitted with development consent, but only if 'the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including the Campbelltown urban area, "Varro Ville" (homestead group at 196 St Andrews Road, Varroville) and the Hume Highway'. The proposed extension to the curtilage of the SHR listing and its pending determination was also raised as a reason for opposing the application.

One public submission raised concern the Applicant had not used relevant contemporary information in its assessment of heritage impacts, including the '*Curtilage Study, Varro Ville*', by Orwell and Peter Phillips, dated May 2016. This document was submitted as part of this submission on the DA and as a supporting document for the recommendation to extend the curtilage to the SHR listing. However, this document was not made available to the Applicant upon request.

Department's Assessment

Council and the Heritage Council did not raise any concerns with the assessment methodology in the Applicant's HIS or HAIA. The Applicant's approach to the assessment of heritage impacts in these documents is considered reasonable and appropriate. Test excavations for archaeological relics are proposed in Stages 2 and 3, however, the Applicant has committed to only excavate in areas where impacts are proposed. A condition enforcing this restriction is recommended.

Conservation Management Plan

The approved CMP for the site acknowledges the cultural landscape of the site as having heritage significance at the State level for its historic values and for its rarity. The CMP provides an assessment of the heritage significance of the Varroville Estate and provides a framework for the ongoing management of the land, including decisions about its conservation, future use and development. Clause 7.8A of the CLEP requires a consent authority to be satisfied the development will be carried out in accordance with the approved CMP. Therefore, rather than requiring a new DCP for the site, the Heritage Council and the Department are satisfied the CMP and associated development management plans submitted with the DA provide an appropriate framework for ongoing management of the land.

The Department has considered the proposed development against the CMP as part of its assessment of the DA and considers it is consistent with the CMP, subject to the implementation of the Department's recommended conditions as discussed below.

No Build Area

The Department concurs with the concerns raised by Council and the Heritage Council regarding details of landscape furniture and signage, location of structures within the CLEP 2015 'no build area', alignment of roads, impacts on significant view corridors from Varroville Homestead and proximity of development and roads to the Homestead. Development of new structures in the 'no build area' has the potential to detract from the visual amenity and heritage values of the Varroville landscape and are inconsistent with Policy 24 of the CMP and the CLEP 2015 which specify land in the 'no build area' should be limited for use as a lawn cemetery only. The development of new structures in this area is not supported.

The revised documentation and plans submitted in the Supplementary RtS confirmed the development plans have been amended to remove the car parking area and new toilet block from the 'no build area' and exclude shelters from the three significant view corridors from the Varroville Homestead to the north (former viticulture area), west (dams along St Andrews Road) and south-east (toward the Outbuildings). The toilet block is proposed to be housed in the existing Dairy building, rather than constructing a new building for this purpose. The outbuildings landscape plan is shown in **Figure 11** below.

The Department supports the proposed restoration of the three historic buildings in the Outbuildings Precinct (Slab Hut, Former Coach House and The Cottage). The restoration will be guided by a Conservation Works and Maintenance Schedule submitted with the application. The Heritage Council did not raise any concerns regarding the proposed approach to the restoration of these historic buildings.

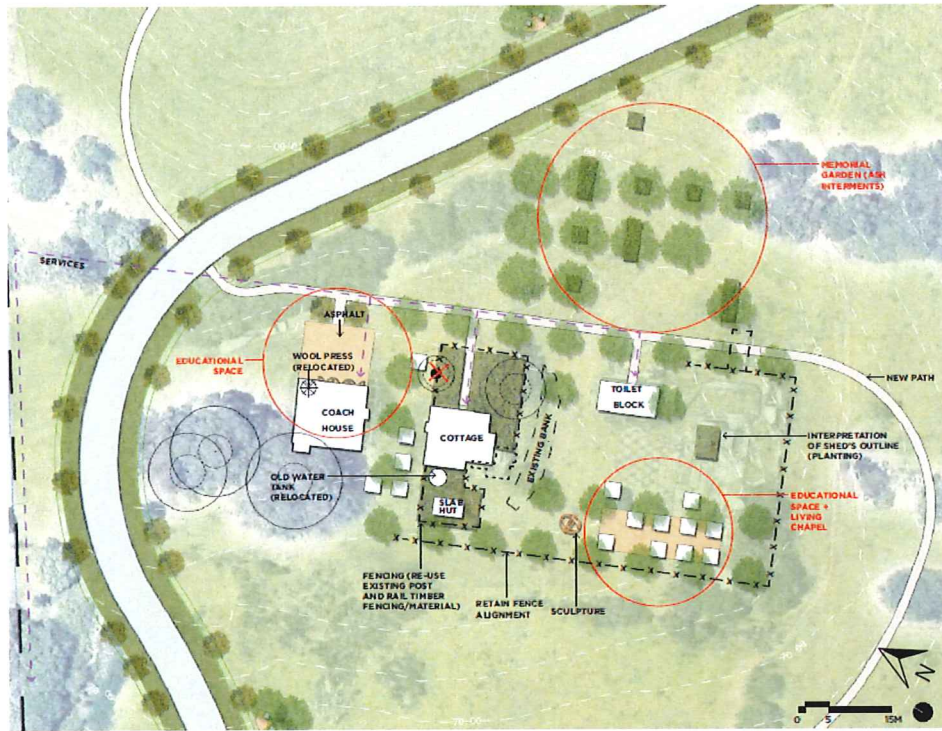


Figure 11: Outbuildings landscape plan

The Heritage Council accepted these amendments. Conditions are recommended to ensure these design changes are implemented.

Landscape Furniture and Signage

Policy 18 of the CMP states: 'Significant views to, from and within Varroville should be retained and conserved. This includes views between the house and Bunbury Curran Hill and long-distance views between the house and other significant homesteads as identified in section 5.7.'

In response to concerns raised by the Heritage Council, the Applicant submitted amended landscape plans as part of the Supplementary RtS and amended Landscape Design Response describing the location of all proposed landscape furniture. The Applicant confirmed there would be no shelters and only four water stations present in any of the three significant view corridors from the Varroville Homestead. The Heritage Council was satisfied with this information and recommended a Signage Strategy be included as a requirement of the consent to ensure signs would be integrated with planting buffers to reduce their visibility and perception of clutter.

As no exact signage detail is available at this stage, the Heritage Council recommended a condition that requires the detailed signage plans and Public Art Strategy be sent back to the Heritage Council for comment prior to their implementation. The Department concurs with this approach as this will ensure the proposed signage and public art are appropriate for the wider Varroville landscape. Conditions are recommended accordingly.

In response to a request from the Department, the Applicant carried out an additional assessment of these four significant views / vistas identified in the CMP. View 1 is taken from Bunbury Curran Hill to the Campbelltown Urban Area and the Varroville Homestead. Views 2-4 (inclusive) acknowledge supposed views from Varroville house to nearby colonial homesteads, namely Denham Court, Macquarie Fields House and Robin Hood Farm. The revised development plans and the additional visual assessment confirm the three significant view corridors from the Homestead have been maintained.

Loop Roads

The Applicant provided further justification for the alignment of the access loop road off Access D, between the Homestead and the Outbuildings Precinct, primarily on the basis of bushfire emergency access and to allow a walkable distance (approximately 50 metres) to graves for mourners and funeral staff. The Applicant advised the design of the loop road and minor re-shaping of the landform to the south-east of the Homestead would hide the road from view and maintain the visual connection between the Homestead and the Outbuildings. No further reduction in road widths was proposed.

The Heritage Council considers the loop road between the Homestead and the Outbuildings will impact the highly significant setting of Varroville and should not be approved. In recognition of the relationship between Varroville Homestead and the Outbuildings Precinct, the Department recommends a condition be imposed that states the loop road in Stages 3 and 4 of the proposal is not approved. A revised road layout should be submitted to the Heritage Council and Council for approval prior to the commencement of construction of Stages 3 or 4 (whichever is constructed first). The realignment of roads in Stages 3 and 4 must provide access to burial plots within these stages and must comply with the requirements of NSW Rural Fire Service.

To reduce the amount of hardstand close to Varroville Homestead the Heritage Council recommended the proposed loop road off Access C be redesigned as a pedestrian walkway. The Applicant negotiated with the RFS to reduce the width of this road to a 3.5 m wide one-way road bordered by screen planting. The Heritage Council considers this is acceptable, however recommended this road not be constructed until the end of Stage 1 works to preserve landscape views of Varroville and to allow any screen plantings sufficient time to mature prior to construction.

The Heritage Council also recommended proposed road and boundary lines not be reinforced with screen or avenue plantings and requested planting across the development respond to and reinforce the pattern of the original landscape (the pattern created by topography, drainage lines, remnant natural or cultural vegetation, and other elements such as fence lines). The Department concurs with these recommendations as they will ensure the visual impacts from the Varroville Homestead associated with the loop road are minimised. It is recommended these requirements be included as conditions.

Road Widths

The Department and the Heritage Council accept the road widths are unable to be further reduced due to bushfire management requirements. However, a condition is recommended that does not allow hard edging (concrete kerb) for any roads within the development to ensure the pastoral nature of the open Varroville landscape is maintained. All roadside kerbing should be timber or steel edged, flush with the ground level. This will necessitate a revised stormwater management system without rolled kerbs, as currently proposed. Conditions are recommended accordingly.

Access

To reduce amenity impacts on the Varroville Homestead, the Applicant agreed to make Access C an exit only except during peak visitation periods (e.g. All Saints Day, Fathers Day, Mothers Day) rather than moving the location of the proposed access. The access point is required for access and egress for bushfire management and relocating this access further to the north would adversely impact on the riparian zone. The Department recommends a condition be included to restrict the use of Access C to an exit only, as the Applicant has proposed.

Conclusion

The Applicant has undertaken an appropriate and rigorous assessment of the proposed development against the requirements of the CMP and relevant NSW Heritage Office guidelines. The development has been designed to be sensitive to the existing landform and to minimise impacts to the wider Varroville landscape and Homestead. Further archaeological investigations must be undertaken in accordance with the HAIA. Delivery of heritage interpretation must be a requirement of the consent. Subject to the implementation of the management plans for the site and the

imposition of appropriate conditions, the proposed development is considered consistent with the approved CMP and is unlikely to have unacceptable adverse impacts on the heritage values or significance of the wider Varroville landscape.

6.2 Consistency with CLEP 2015

The site is predominantly zoned E3 Environmental Management under the CLEP 2015 and part RE1 Public Recreation. Cemeteries are prohibited in both zones. However, the proposal is permissible with consent pursuant to Clause 7.8A of the CLEP 2015 which permits the use of the site as a cemetery with development consent subject to satisfying a number of site-specific requirements.

Applicant's Assessment

The Applicant provided a detailed assessment against the relevant requirements of CLEP 2015 in the SEE and concluded the proposal is permissible and capable of satisfying the provisions. In response to Council and the Heritage Council's concerns regarding structures in the 'no build area' specified in clause 7.7(3)(d) of the CLEP 2015, the Applicant removed the proposed car park from this area and incorporated the toilet block into a redesign of the existing dairy building in the Outbuildings Precinct. However, the Applicant maintained its view in the RtS that the use of this area as a 'cemetery' as defined in the CLEP 2015 meets the requirements of this clause as the primary use of the place will be for the internment of deceased persons and all monuments and grave markers will be restricted to flush lawn plaques which will not extend above the natural ground level. The proposed landscape furniture in this area is considered by the Applicant to be ancillary to the primary use of this area as a 'lawn cemetery'.

Department's Assessment

Clause 7.7(3)(d) of CLEP 2015 identifies land to the east of Varroville Homestead as a 'no build area' and not capable of accommodating development other than a lawn cemetery and associated fencing (refer **Figure 8** for location of 'no build area' and **Figure 5** for lawn cemetery image). The purpose of the 'no build area' is to minimise visual impacts and impacts on the significant landscape. CLEP 2015 defines a 'lawn cemetery' as '*a cemetery in which monuments and grave markers memorialising the internment of deceased persons do not extend above natural ground level*'. Landscape furniture such as water stations, sculptures and shelters proposed in this area are not explicitly excluded from the 'no build area' requirement of the CLEP. The Planning Panel's determination of the original Planning Proposal for the site required the 'no build area' to comply with the Landscape Plan prepared by the Applicant, which included landscape furniture in this area.

The Department and OEH are satisfied the amended plans and amended Landscape Design Response as presented in the Supplementary RtS satisfactorily address the requirements of Clause 7.7(3)(d) of the CLEP. Landscape furniture such as seating, water stations and shelters were included in the original Landscape Plans for the Planning Proposal and were therefore contemplated as part of the original masterplan and considered appropriate. Conditions will require detailed signage plans and the Public Art Strategy to be reviewed by the Heritage Council prior to their implementation. The proposed landscape furniture (13 water stations, seating and three shelters) in the 'no build' area is considered ancillary to the development and will only have a minor impact on the wider Varroville landscape as these structures are scattered throughout the landscape and low scale.

The Department has assessed the proposal against the relevant provisions of clause 7.8A of CLEP 2015 to determine whether the proposal is permissible in **Table 3** below. All other requirements under CLEP 2015 have been satisfactorily met.

Table 3: Assessment against clause 7.8A of CLEP 2015

LEP Provision	Department's Assessment
a) the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including the Campbelltown urban area, "Varro Ville" (homestead group at 196 St Andrews Road, Varroville) and the Hume Highway	<ul style="list-style-type: none"> • The Applicant's Visual Impact Study (VIS) and Visual Assessment (VA) demonstrate the design of the cemetery will not significantly alter the landscape or scenic quality of the site as viewed from surrounding areas. • There are two parts of the site which are notably visible from surrounding areas: <ul style="list-style-type: none"> ◦ the ridge and steep side slopes of Bunbury Curran Hill in the north-west, which are visible from distant views ◦ the south-east side and foot of the ridge through the southern portion of the site, which are visible from closer views, such as St Andrews Road and the residential areas of St Andrews and Raby • The view to the site from the Hume Highway is primarily the 'no build area' identified in clause 7.8(a) of the CLEP 2015. The remainder of the site is not visible. Views are constrained by existing vegetation adjacent to the highway road reserve and on the site. Views will be from vehicles travelling at speeds of up to 110 kilometres per hour (km/h). • The development will involve landscaping the entire site and will retain significant heritage buildings and landscape features such as the Cumberland Plain Woodland on the northern ridge and Bunbury Curran Hilltop, watercourses and dams and approximately 91% of trees on the site. • Proposed landscaping incorporates native planting and primarily follows the natural contours of the undulating site topography. Structural elements such as fencing, roads, shelters, landscape furniture and water stations have been sensitively designed to respect the visual and environmental qualities of the site and minimise environmental impacts. • The number of new buildings has been limited to six. Buildings have been located on the lower parts of the site and will not be visible from the Varroville Homestead, residential areas, Campbelltown Road or the Hume Highway. Buildings may be visible from St Andrews Road, but are likely to be obscured by vegetation both on and off the site. • The terracing from previous viticulture activities will be retained and will remain visible from surrounding areas. • The proposed development is considered to complement the semi-rural character of the Scenic Hills being predominantly open and cleared with only a small number of buildings, stands of vegetation and water bodies.
b) the development will not adversely affect the visual or physical qualities of the site	<ul style="list-style-type: none"> • To assess the visual impacts of the development the Applicant prepared a VIS and a VA. The VA concluded the DA would not significantly degrade the quality or significantly alter the character of the site and would conserve and enhance natural attributes of the landscape. • The VIS included photomontages of the proposed development from a range of positions within the development site and from vantage points outside the subject site (refer Figure 12 and Figure 13). • The photomontages provide a clear analysis of visual impacts. The Department concurs with the conclusions of the Applicant's VA. • The Department raised concern the assessments did not consider the four significant views identified in the CMP. View 1 is taken from Bunbury Curran Hill and the other three are between Varroville Homestead and nearby colonial homesteads. • In response, the Applicant carried out an additional visual impact assessment (VIA) to assess the impact of the development on views to and from Varroville House to

	<p>nearby colonial homesteads, including Denham Court, Macquarie Fields House and Robin Hood Farm.</p> <ul style="list-style-type: none"> • The VIA confirmed the view lines would be maintained and the proposed development would have no impact on the established view corridors. None of the six proposed buildings are located within the view lines. • The Applicant also carried out assessments for impacts to biodiversity, riparian corridors, Aboriginal and European heritage and archaeology and geotechnical qualities of the site. • These assessments concluded the development would not adversely affect the physical qualities of the site subject to appropriate management in accordance with relevant management plans submitted with the DA. • The Department is satisfied the proposed development is unlikely to adversely affect the visual or physical qualities of the site provided the construction and operation of the cemetery is undertaken in accordance with the relevant management plans and the recommended conditions of consent.
c) the development will cause minimal effect on the existing landform and landscape	<ul style="list-style-type: none"> • The Applicant has prepared a detailed Landscape Plan, Vegetation Management Plan, stability assessments for the landform and existing on-site dams and geotechnical assessments. • The road network, built form and landscaping have been designed to ensure cut and fill and vegetation clearing are minimised. • The proposed development has been designed to have minimal impacts on the existing landform and landscape of the site.
d) the site will also include a publicly accessible passive recreation space	<ul style="list-style-type: none"> • Approximately 36 ha (32%) of the site will be provided as public accessible passive open space, including walking trails and parklands. • The site will be accessible from daylight to dusk via the access gates off St Andrews Road.
e) the development will be carried out in accordance with the conservation management plan titled "Conservation Management Plan, Varroville Estate: 166–176 St Andrews Road, Varroville", dated October 2015, and the supplementary information relating to the plan provided by letter by Urbis on 22 August 2016, published on the website of the Department of Planning and Environment.	<ul style="list-style-type: none"> • A detailed assessment of the proposal against the requirements and policies of the CMP was provided in the Applicant's HIS. • The proposal is consistent with the CMP, subject to adherence to all site management plans and the recommended conditions of consent as discussed in Section 7.1 of this report.



Figure 12: Pre-development and post-development western north-west views from Varroville House



Figure 13: Pre-development and post-development views to the driveway of Varroville House

Amendments made to the proposal as described in the Supplementary RtS, adequately satisfy the requirements of Clause 7.7(3)(d) subject to the implementation of the conditions recommended in Section 7.1 of this report. The Department is satisfied the proposal meets the provisions of clause 7.8A and is permissible with consent.

6.3 Traffic

Traffic associated with the construction and operation of the development have the potential to impact on the local road network, including key intersections with St Andrews Road. The Applicant submitted a Traffic Impact Assessment (TIA) with the SEE prepared in accordance with relevant guidance, including the RMS' Guide to Traffic Generating Developments (2002), Council's Development Control Plan (2015) and relevant Australian Standards.

Applicant's Assessment

The Applicant's TIA assessed weekday and weekend traffic generation and the future performance of the key intersection of St Andrews Road and Spitfire Road. The distribution of traffic and key intersections assessed are identified in **Figure 14** below.

The assessment concluded the existing traffic intersection has low traffic volumes and has significant spare capacity to accommodate the estimated traffic from the proposed development. Traffic generation was conservatively based on surveys of existing cemeteries in Sydney and was estimated to be 450 movements in the morning (AM) and afternoon (PM) weekday site activity peak hour and 660 and 600 movements in the AM and PM peak, respectively, on the weekend.

In response to Council's request for information, the Applicant submitted an additional TIA as part of the RtS which assessed potential traffic generation during peak visitation periods (special holidays and All Saints Day) and cumulative impacts based on a 20-year traffic growth horizon to the year 2038. The analysis was based on a worst-case scenario of all four development stages being operational at the same time. Additional intersection analyses were also undertaken at the following three key intersections in response to Council's concerns:

- St Andrews Road / Campbelltown Road
- Spitfire Drive / Thunderbolt Drive
- Raby Road / Thunderbolt Drive.

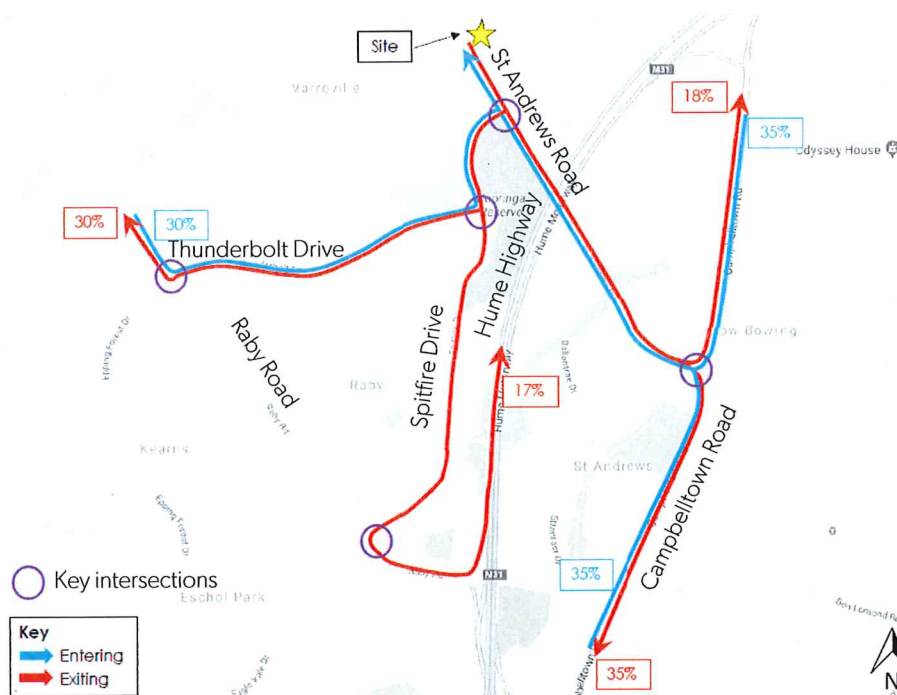


Figure 14: Local road network and predicted traffic distribution

The TIA found the proposed development would have a minor impact to the surrounding road network even during peak visitation periods up to the year 2038. The proposed site access (Access B) would operate at a good level of service (Level of Service B) with acceptable delays in 2038 even with peak holiday traffic. The intersection of Raby Road / Spitfire Road is already at capacity (LoS E) and will be unsatisfactory (LoS F) with excessive delays (590 seconds) by the year 2038 with or without the proposed development traffic. The Campbelltown Road / St Andrews Road intersection would also be over capacity (LoS F) with excessive delays (418 seconds) by the year 2038.

Submissions

The RMS has maintained its concerns regarding the long-term impacts of the proposed development traffic on the local and regional road networks and the potential inaccuracies in long term (greater than 60 years) traffic projections given the uncertainty regarding the extent of development and future road connections which may occur in the area. The RMS identified the possibility of the extension of St Andrews Road to the north-west to connect through to Camden Valley Way. RMS recommended that consideration be given to a requirement for separate approvals for later stages of the cemetery development to allow consideration to be given to the assessment of future traffic generation from developments in the local area.

The uncertainty regarding road connections and traffic generation from future development was also raised in several of the public submissions made on the proposal.

Department's Assessment

The Department requested the Applicant provide additional information on construction traffic impacts and management. A Draft Construction Environmental Management Plan has been submitted which satisfactorily addresses the Department's request. Construction traffic is anticipated to be in the order of up to 100 light vehicle movements and two movements per peak hour during a 10-hour work day. Construction traffic impacts are therefore predicted to be less than operational traffic and considered negligible. Site specific traffic control plans should be prepared in accordance with relevant RMS and Council requirements.

The revised analysis of traffic generation and intersection performance satisfactorily addresses Council's request for additional information regarding peak visitation periods, intersection analyses and sight distances. However, the

Department concurs with the concerns raised by RMS regarding the ability to accurately assess future traffic impacts of the development, particularly beyond Stage 1 of the proposal. There is uncertainty regarding a connection of St Andrews Road to Camden Valley Way to the north, which would make St Andrews road a key access road for several new large residential subdivisions to the north of the site, such as the Willowdale Estate, Emerald Hills Estate and Vulcan Ridge Estate. In such a rapidly growing area, there is a need for ongoing analysis of the local and regional road network into the future, especially considering the proposed life of the development (approximately 150 years).

In response to RMS' concerns, the Applicant has proposed a condition of consent that requires the Applicant to undertake a revised traffic analysis every 10 years to the satisfaction of Council and the RMS from the year 2038 to verify the traffic generated by the development, determine the cumulative traffic impacts on the road network at that time and to determine whether any road or intersection upgrades are required. Should any upgrades be required, the Applicant is prepared to undertake all works to ensure the safe and efficient operation of the site. The analysis will include an analysis of the capacity of key intersections and consideration of the impacts of any new connection between St Andrews Road and Camden Valley Way in the future.

The Department supports the Applicant's suggestion to verify predicted construction and operational traffic impacts every 10 years and to undertake and pay the full cost of any road or intersection upgrades, as required. These requirements are recommended to be conditioned accordingly. The requirement for regular traffic assessments will ensure the safety and efficiency of the surrounding road network into the future for the life of the development.

6.4 Noise

Noise will be generated during construction and operation of the proposed development. Noise sources include activities associated with cemetery operational and maintenance activities, such as grave digging, lawn mowing and hedge trimming and activities within the proposed café, chapel and function room. Road traffic from vehicle movements on St Andrews Road and internal site roads is also a key source of noise.

Applicant's Assessment

In response to Council's request, a revised Acoustic Assessment (AA) was submitted with the RtS. The revised AA was undertaken in accordance with the 'Noise Policy for Industry' (EPA, 2017), the 'NSW Road Noise Policy' (EPA, 2011) and other relevant standards and guidelines, and considered a worst-case scenario for both construction and operational impacts for all stages of development.

A detailed assessment of construction noise and vibration was not carried out, however, the Applicant made assumptions about plant and equipment that would typically be used during construction to determine where the relevant criteria may be exceeded during the works. The assessment predicted construction noise is likely to exceed the relevant site criteria at surrounding sensitive receivers such as the Carmel Retreat Centre, Our Lady of Mount Carmel Parish and the Mount Carmel Catholic College. The Applicant proposes several noise mitigation strategies to reduce noise impacts at source and scheduling noise activities outside of the most sensitive times of day. The Applicant recommends noise monitoring during construction, the development of a communications and complaints procedure and a Construction Noise and Vibration Management Plan (CNVMP). Subject to the implementation of appropriate mitigation measures, the Applicant's assessment concludes noise and vibration impacts from construction works can be appropriately managed.

No adverse impacts are predicted from the use of the chapel, café or function rooms. Operational and maintenance noise is predicted to exceed the relevant criteria at the nearest boundaries. To address this, the Applicant's revised the AA to recommend a range of noise treatments including limiting works to the day period, carrying out works nearest to the noise sensitive receivers at the least sensitive time of day and property treatments such as upgrading facades and noise barriers.

Road traffic noise is predicted to be the primary source of noise associated with the proposed cemetery. Traffic noise from vehicle movements on St Andrews Road is predicted to exceed the relevant site criteria at two sensitive receivers:

- Our Lady of Mount Carmel Parish for all stages by between 2 and 5dB above the absolute criteria of 50 $L_{Aeq}dB(A)$ and between 3 to 6 dB greater than the existing background noise of 49 $L_{Aeq}dB(A)$
- Mount Carmel Retreat Centre at full development only by 1dB above the absolute criteria of 50 $L_{Aeq}dB(A)$ and between 3 to 6dB greater than the existing background noise of 45 $L_{Aeq}dB(A)$

The Applicant proposed property treatment to Our Lady of Mount Carmel Parish such as air conditioning (or other alternative means of ventilation) to allow windows to be kept closed to meet the relevant criteria. No mitigation was proposed for the Retreat Centre on the western side of St Andrews Road.

Department's Assessment

The revised AA provides a reasonable estimate of noise impacts from all stages of the development as requested by Council and has been prepared in accordance with relevant guidelines. The Department concurs with the Applicant's recommendation to prepare a detailed CNVMP prior to construction to manage potential noise and vibration impacts. This should be required as a condition of consent and incorporated into an over-arching Construction Environmental Management Plan (CEMP). Recommended conditions also include a requirement for works to be carried out during standard construction hours and in accordance with the Interim Construction Noise Guideline (ICNG).

Assessment of the Retreat Centre should be focused on potential impacts to the tranquillity of this significantly sensitive noise receiver. The Retreat Centre will experience an increase in road traffic noise from the development. Predicted road traffic noise levels are not high in absolute terms but would be a clearly audible noise source which would impact on the amenity of residents of the Centre. Impacts will also occur during operational and maintenance activities on the site associated with grave digging, lawn mowing and hedge trimming. The use of noise barriers and property treatments (e.g. upgrade facades, double glazed windows) are not appropriate means of mitigating operational noise impacts. The objective should be to protect the peace and tranquillity of the Retreat Centre.

To reduce impacts on sensitive developments such as the Retreat Centre and Our Lady of Mount Carmel Parish, the Department requested the Applicant consider design and/or operational changes to the proposed development and thereby remove the need to impose property treatments on any sensitive receivers. The Applicant has agreed to revise traffic flow within the development such that Access B is the primary entrance and Access C is the primary exit, effectively halving the number of vehicles passing the Retreat Centre and Our Lady of Mount Carmel Parish and thereby reducing the road traffic noise by approximately 3dB at these locations.

The Department has recommended a condition that limits Access B to an entry only and Access C to exit only, except during peak periods when Access C may be used as an entry to facilitate traffic flows to and from the site. This traffic flow must be maintained during all stages of the development. The future operation of Access D will further reduce traffic flows along the length of St Andrews Road when Stage 4 of the development commences operation.

Operational and maintenance activities (hedge trimming, lawn mowing and grave digging) are unlikely to occur daily in the same location and are not completely out of character with a rural environment. It is not possible to further control the noise from these activities, therefore, limits on hours of operation to allow respite periods during the daytime are a practical mitigation measure. Limits should be set in consultation with the Retreat Centre to ensure these activities are scheduled at times that will minimise impacts to the Retreat and its residents. A condition is recommended that requires the Applicant to consult with the Retreat Centre on appropriate respite periods from operational and maintenance activities. Evidence of consultation and agreement to the respite hours must be presented to Council prior to the operation of Stage 1 of the development.

The Department concurs with recommendations in the revised AA that within five years of the commencement of operations within Stage 1, a review of actual traffic noise levels be undertaken at Our Lady of Mount Carmel Parish and

the Retreat Centre to verify predictions made in the revised AA. Should this review determine actual noise impacts are greater than predicted, additional mitigation and management measures must be implemented to maintain the amenity of these key sensitive receivers. The provision of noise barriers and air conditioners (so that doors and windows could be kept closed) are not considered acceptable in this instance given the objective to protect the tranquillity of these sensitive receivers. Noise mitigation measures must be implemented through design modifications or active management and/or re-scheduling of operational activities. An updated AA should also be prepared and approved by Council prior to the release of each future stage of development. These matters should be conditioned accordingly.

Subject to the implementation of the recommended conditions, noise emissions from the cemetery can be appropriately managed. Road traffic noise will be reduced by a re-design of traffic flows within the site and maintenance activities will be controlled through limits on hours of operation and a requirement for respite periods. All other operational activities on site are predicted to comply with the relevant criteria. A review of road traffic noise within five years of the commencement of operation of Stage 1 of the development will verify the predicted noise levels and ensure further mitigation is implemented if required. The preparation and approval of an updated AA at each stage of development will ensure additional design or operational changes are made prior to the expansion of the site and to account for new development or road network changes that may occur in the local area.

6.5 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4: Summary of other issues raised

Consideration	Recommended Conditions
Contamination	
<ul style="list-style-type: none"> • Nine Areas of Environmental Concern (AECs) have been identified on site, including localised areas of soil contamination comprising heavy metals, hydrocarbons and asbestos containing material (ACM) and dumped building/demolition and household waste. • Council requested a Remediation Action Plan (RAP) prior to determination. A RAP was submitted with the RtS. • The RAP recommended further data gap site investigations and remediation using one or more of three preferred remediation strategies, including excavation and off-site disposal, excavation and relocation of contaminated soils to less sensitive areas on the site and on-site treatment of soil containing fragments of fibre cement and ACM via picking. • The RAP concluded the site can be made suitable for the proposed development subject to the RAP being implemented. A site validation report was also recommended to be submitted to the consent authority on completion of the remediation activities. • A contingency plan for unexpected finds is included in the RAP, as requested by Council. • It is unclear which strategy, or combination of strategies, will be used to each AEC and the overall amount of material requiring classification is also unknown. • The Department requested the Applicant engage a Site Auditor accredited under the Contaminated Land Management Act 1997 (CLM Act) NSW Site Auditor Scheme to review the proposed remediation approach. • The Site Auditor has issued Interim Audit Advice (IAA) which confirms the site is capable of being made suitable for the proposed development provided the proposed remediation approach in the RAP is implemented. • The Department recommends conditions of consent that require the Applicant to implement the RAP and submit a Site Audit Report and Site Audit Statement to the Secretary upon completion of the remediation works which demonstrates the site is suitable for the intended cemetery land use. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • engage a Site Auditor accredited under the CLM Act • undertake remediation works in accordance with the RAP • submit a Site Audit Report and Site Audit Statement upon completion of the remediation works.

Biodiversity

- Biodiversity surveys and impact assessments have been carried out in accordance with the EP&A Act, *Threatened Species Conservation Act 1995* (TSC Act), the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Fisheries Management Act 1994* (FM Act).
- Matters raised by Council have been addressed in a revised set of management plans and assessment reports, including a Flora and Fauna Assessment (FFA), Watercourse Assessment (WA), Tree Assessment Report (TAR) and Vegetation Management Plan (VMP).
- The revised FFA included the results of a Koala survey, as requested by Council. Recommendations were made regarding appropriate fencing to allow Koala movement.
- The Applicant's FFA found the proposed cemetery would not have a significant impact on any threatened species, populations or endangered ecological communities (EECs) and no referral to the Commonwealth would be required.
- Approximately 1.73 ha (7.4%) of CPW on the site will be cleared to allow for proposed buildings, roads and pathways, including bushfire asset protection zone (APZ) requirements. The majority (71%) is in poor condition.
- Loss of CPW will be offset by revegetation of 17.82 ha of CPW, resulting in a total of 39.62 ha of CPW on site.
- Natural burial areas are proposed under an area of low quality CPW trees in Stage 1. No CPW trees are to be removed from this area to allow for natural burials and management of this area should be incorporated into a revised VMP.
- A VMP has been prepared to provide a plan of performance targets and restoration works to be carried out progressively across the site to mitigate potential ecological impacts.
- The VMP recommends specific revegetation and bush regeneration plans be prepared for each management zone prior to the commencement of works. This has been included as a recommended condition of consent.
- The TAR identified 119 trees (8.4%) out of 1418 trees on the site to be removed due to their location in the development footprint or because they were considered unsafe.
- Tree protection zones are required during construction.
- The TAR recommends trees be assessed on a regular basis by an arborist over the life of the development and any tree removed be replaced with the same species at a ratio of 2:1. A tree management audit will be undertaken every five years.
- DI - Water have confirmed the proposed activity is exempt from obtaining a Controlled Activity Approval under the public authority exemption. The Applicant is still required to ensure the development is consistent with the objects and principles of all DI - Water Controlled Activity guidelines.
- The WAR confirms all works within riparian corridors will be in accordance with the relevant guidelines.
- The Department concurs with the recommendations of the FFA, TRA, WA and the management approach outlined in the VMP. Conditions are recommended to ensure the implementation of each of these plans.

Require the Applicant to:

- retain all CPW trees in the natural burial area and include management of this area of CPW in a revised VMP
- implement the VMP and the recommendations of the WA, TAR and FFA
- review the VMP every five years
- prepare a new VMP for approval by Council prior to the release of each development stage
- prepare revegetation and bush regeneration plans for each management zone
- install fencing that does not impede Koala movement
- implement tree preservation zones during construction
- undertake a tree management audit every five years
- ensure consistency with all Controlled Activity guidelines.

Stormwater Management

- A Stormwater Management Plan (SMP), Water Cycle Management Plan (WCMP) and supporting civil plans were submitted with the SEE.
- The SMP and WCMP were prepared in accordance with relevant requirements from the Campbelltown (Sustainable City) Development Control Plan 2015 (CSC DCP)
- The stormwater system consists of vegetated swales, bioretention basins, the existing dams, rainwater tanks and a pit and pipe system.
- The assessments concluded the proposed stormwater strategy for the site represents best practice floodplain and catchment management incorporating water sensitive urban design techniques. The design is sensitive to the natural landform and ecological constraints and will ensure water quality and quantity discharge requirements are met.
- Council raised concern the proposed chapel would be subject to flooding as it straddles an existing overland flow path.

Require the Applicant to:

- design the stormwater system in accordance with the conceptual design in the WCMP and stormwater civil plans, ARR, CSC DCP 2015 and the Managing Urban Stormwater: Council Handbook (EPA, 1997)
- develop a site-specific maintenance schedule for the stormwater management system

Consideration	Recommended Conditions
<ul style="list-style-type: none"> • The Supplementary RtS demonstrates the stormwater system is designed to safely convey overland flows within the road network in a 100-year ARI rain event without adverse impacts to buildings or public safety, including the Chapel and its users. • Recommended conditions require the Applicant to install, operate and maintain the stormwater management system in accordance with the design in the WCMP and stormwater civil plans and in accordance with Australian Rainfall and Runoff (Australian Engineers, 2016) (ARR), Council's CSC DCP and relevant EPA guidelines. • The proposed stormwater management system satisfies relevant design requirements and will ensure stormwater flows will be appropriately controlled on-site and off-site discharges will comply with relevant water quality criteria. 	<ul style="list-style-type: none"> • to be incorporated into a revised WCMP • operate and maintain the stormwater management system in accordance with the revised WCMP
Flood Management	
<ul style="list-style-type: none"> • The site is subject to flooding from various streams, dams and drainage lines across the site. • The Applicant prepared a Flood Assessment for the site to establish flood levels and flows across the site in accordance with ARR. • The Flood Assessment establishes floor planning levels for each building on the site to ensure floor levels are set above the predicted flood heights. • Conditions are recommended to ensure floor levels of buildings are set at the relevant minimum levels plus a freeboard of 150 millimeters (mm), in accordance with Council requirements. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • design floor levels of buildings at the minimum levels specified in the Flood Assessment plus 150 mm freeboard
Waterbody Safety	
<ul style="list-style-type: none"> • In response to Council's request for an assessment of safety near waterbodies, the Applicant confirmed the edges of retained dams would be modified to ensure safety bench compliance with the Guidelines for Water Safety in Urban Water Developments (Royal Life Saving Society (RLSS)) and relevant Australian Standards. • A condition has been recommended to reflect this requirement. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • ensure all stability works and landscaping of retained dams on site must comply with the requirements of the RLSS 'Guidelines for Water Safety in Urban Water Developments' and relevant Australian Standards



7. Evaluation

The Department has assessed the Crown DA in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed cemetery is appropriate on the basis that:

- it responds to the need for additional cemetery space in metropolitan Sydney identified in the CCNSW Metropolitan Sydney Cemetery Capacity Report (2017)
- it satisfies the relevant provisions of the CLEP and is permissible with consent
- it is consistent with the Greater Sydney Region Plan 2018 and the Cemeteries and Crematoria NSW Strategic Plan 2015-20
- potential impacts to European heritage values and the environment have been minimised through site design and layout and any residual impacts can be appropriately managed by the imposition and implementation of relevant conditions of consent.

Overall, the Department's assessment concludes the Crown DA should be approved, subject to the conditions. The Department has recommended a number of conditions that should be included, as a minimum, in any consent granted in **Appendix A**.

The clarifications and additional information provided by the Applicant in the RtS and Supplementary RtS adequately respond to the concerns raised by the Council, key State government agencies and the public submissions. The Department is satisfied that sufficient information is available, or can be obtained prior to development commencing, to ensure the impacts of the development can be managed to acceptable levels.

The Department is also satisfied that all relevant steps and matters for consideration have now been given due consideration under the provisions of the EP&A Act and Regulation.

It is noted that council assessment staff and the Planning Panel have not formed a view on the proposed development.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and is approvable, subject to conditions.



8. Recommendation

This assessment report is hereby presented to the Independent Planning Commission for consideration. The Department recommends the Commission direct the Planning Panel consider the findings of this report.

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Industry Assessments

Recommended by:

Chris Ritchie
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21/12/18

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