



15 July 2019

Varroville Crown Cemetery Development

1 INTRODUCTION

1. On 4 June 2018, pursuant to section 2.4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), the then Minister for Planning (**Minister**) delegated his functions under Division 4.6 of the EP&A Act including, but not limited to, his functions under Sections 4.33 and 4.34, to the NSW Independent Planning Commission (**Commission**) regarding the Varroville Crown Cemetery Development application (3293/2017/DA-C) (**Application**).
2. The Application is classified as regionally significant development under Part 4 of the EP&A Act and clause 4, Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as it is development carried out by or on behalf of the Crown with a capital investment value (**CIV**) of more than \$5 million. Consequently, the Sydney Western City Planning Panel (**Planning Panel**) is the consent authority for the Application.
3. On 18 May 2018, the Catholic Metropolitan Cemeteries Trust (**Applicant**) referred the Application to the Minister under the section 4.33(5) of the EP&A Act as the Application had not been determined within 70 days of lodgement with Campbelltown City Council (**Council**).
4. The Minister has delegated, amongst other functions, his functions under Section 4.34 of the EP&A Act to the Commission to direct the Planning Panel to approve, with or without conditions, or refuse the Application within a specified timeframe.
5. Professor Mary O'Kane AC, Chair of the Commission, nominated Ms Dianne Leeson (Chair), Mr Adrian Pilton, and Mr Ross Carter to constitute the Commission to consider the Application and to make a direction under section 4.34(1) of the EPA Act.

1.1 Site and locality

6. The Application pertains to a site located at 166-176 St Andrew Road, Varroville (**the Site**) in Campbelltown Local Government Area (**LGA**).
7. The site is rural in character and forms part of the Scenic Hills area of Campbelltown. The Site has a history of pastoral and agricultural uses and is currently used predominately for livestock grazing.
8. The Site has an area of 113 hectares (**ha**) and is largely zoned E3 Environmental Management under the *Campbelltown Local Environmental Plan 2015* (**CLEP 2015**). A small portion of the Site in the north-west corner, including Bunbury Curran Hill, is zoned RE1 Public Recreation (Figure 1).
9. The closest residential development is a dwelling known as Varroville Homestead which forms part of an early farming estate. The Varroville Homestead is located on a battle-axed shaped parcel of land that extends into the southern portion of the site. The site containing the Varroville Homestead is listed on the State Heritage Register (**SHR**), listing title: "Varroville" (Figure 1).
10. Part of the Site is listed as a Local Heritage Item under the Campbelltown LEP, this area comprises six historic buildings/structures known as the 'Outbuilding Precinct' associated with the Varroville Homestead.

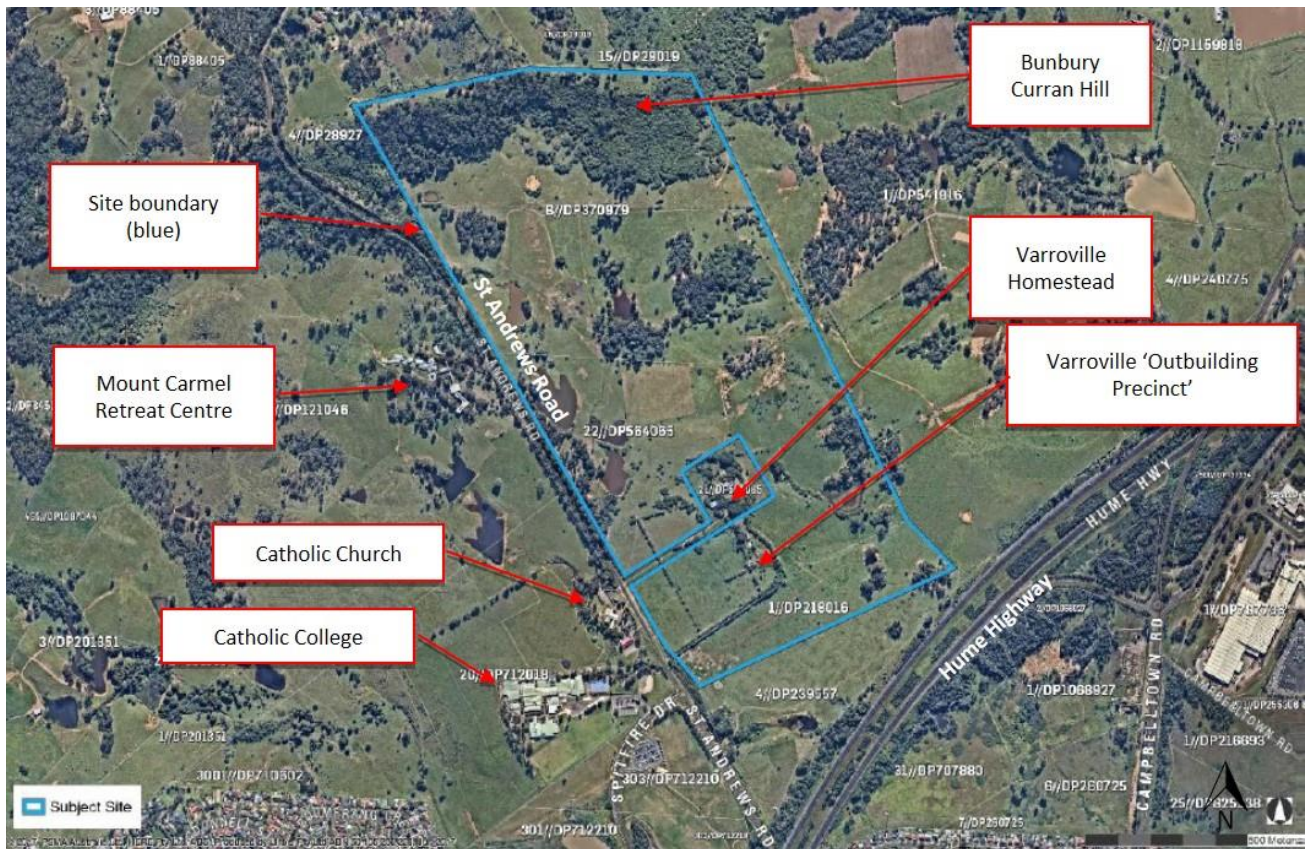


Figure 1: Site Context. Source: *Department of Planning, Industry and Environment's Assessment Report.*

1.2 Heritage Significance

11. The Site is subject to the *Conservation Management Plan: Varroville Estate: 166-176 St Andrews Road Varroville, (CMP)* prepared by Urbis, dated October 2015. The CMP 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 was endorsed by the then Department of Planning and Environment and Joint Regional Planning Panel in 2015.
12. On 28 September 2017, the NSW 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, including several dams and the Outbuildings Precinct.
13. On 19 October 2018, the application to extend the curtilage of the SHR listing into the land to which the Application applies was referred to the Commission for review. The Commission, through a panel constituted by different members from those who comprised the present panel, completed a review that was provided to the Minister for Heritage in February 2019 (see below at 113). A decision has not yet been made by the Minister for Heritage.
14. It is noted that, if the extension to the heritage listing was to be granted before the Application 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 (GTA) from the NSW Heritage Council before determining the application. In this circumstance any consent granted must be consistent with the GTA.

1.3 Summary of Application

15. The Application before the Commission comprises the staged development of a cemetery with capacity for up to 136,000 burial plots, which the Applicant estimates would provide up to 111 years of burial capacity following the completion of Stage 1 and up to 158 years of burial capacity once fully complete (2156-2170).
16. The Application includes the construction of six new buildings, including a chapel, administrative centre, function centre, café, grounds staff buildings, and a gatehouse.
17. Once complete the Site would be accessed at four locations from St Andrews Road, including an employee only access, main site access, main site exit and secondary access during peak periods and secondary site access/exit following the release of Stage 4.
18. Additionally, the Application includes a network of internal roads connecting the Site access points to the administrative centre, chapel and burial zones, with pathways, sculptures and landscaping throughout the Site.
19. The Application is proposed to progress in four stages, over a period of approximately 150 years on an as need basis. The first stage of development would commence in the northern portion of the site and involve the development of six buildings and associated carparking, heritage outbuildings restoration work, landscaping and landscape furniture as well as stormwater infrastructure, internal roads and three access driveways.

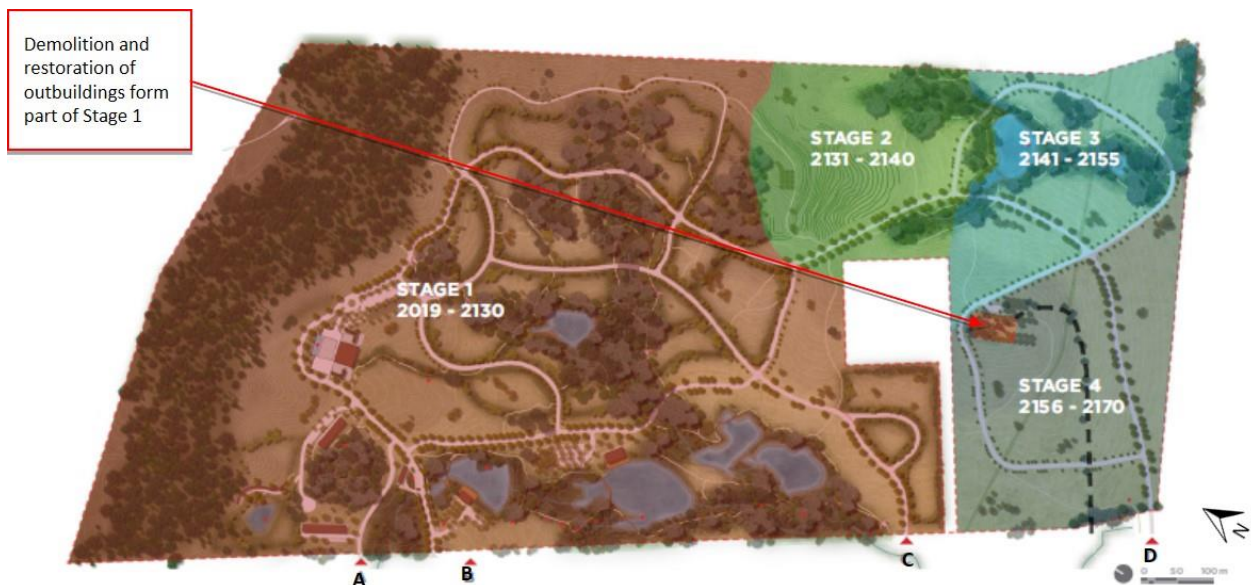


Figure 2: Indicative Development Staging Plan. Source: *Department of Planning, Industry and Environment Assessment Report*.



Figure 3: Proposed Development Masterplan. Source: Department of Planning, Industry and Environment's Assessment Report.

1.4 Stated need for Proposal

20. In the Applicant's *Macarthur Memorial Park Statement of Environmental Effects*, dated October 2017 (**SEE**), the Applicant stated that the Application justification:

"...is based [on] the strong demand for additional cemetery space in Sydney with a particular focus on Western Sydney. The proposal directly relates to a recognised shortage of burial space across Metropolitan Sydney, as identified within A Plan for Growing Sydney and publications released by Cemeteries and Crematoria NSW."

1.5 Background to the Application

21. The Application was lodged with Council on 17 October 2017. The Council undertook a public notification period and subsequent assessment of the Application on behalf of the Planning Panel. The key steps in the Council's consideration of the Application are summarised in section 2.
22. As stated in paragraph 3, on 18 May 2018, the Applicant referred the Application to the Minister under the section 4.33(5)) of the EP&A Act as the Application had not been determined within 70 days of lodgement with Council.
23. As stated in paragraph 4, on 7 June 2018, the Minister delegated his functions under Section 4.34 of the EP&A Act to the Commission to direct the Planning Panel to approve, with or without conditions, or refuse the Application within a specified timeframe.
24. Pursuant to section 2.11(3)(a) of the EP&A Act, on 1 August 2018, the Commission requested the Department of Planning, Industry and Environment (the **Department**) to advise on the remaining assessment of the Application.
25. The key steps in the Department's consideration of the Application are summarised in section 3.1 below.

26. The Department advised the Commission on 21 December 2018 that its assessment was complete.

2 COUNCIL'S CONSIDERATION OF THE APPLICATION

2.1 Key steps in Council's consideration of the Application

27. Council publicly exhibited the Application from 7 November 2017 to 23 March 2018, and received 73 submissions, including six from government agencies and 67 from the general public. Of the 67 submissions received from the general public, 37 objected to and 30 supported the Application.
28. On 29 May 2018, Council wrote to the Applicant advising that a preliminary assessment of the Application had been undertaken and additional information was required in order for Council to complete its assessment.
29. On 4 June 2018, Council briefed the Planning Panel on the Application at Casula Powerhouse Arts Centre.
30. The Commission notes that the additional information requested by Council on 29 May 2018 from the Applicant was not received by Council.
31. Council and the Planning Panel had not formed a view on the Application or recommended any conditions of consent. As the Planning Panel had not reached the point of having a proposed determination or reasons for any such proposed determination, no documents recording those matters were submitted to the Commission by the Planning Panel. Relevant reports of public authorities that had been obtained by the Council and the Panel were provided, as listed in paragraph 56.

3 THE DEPARTMENTS CONSIDERATION OF THE APPLICATION

3.1 Key steps in the Department's consideration of the Application

32. As stated in paragraph 24, on 1 August 2018 the Commission requested the Department to advise on the remaining assessment of the Application.
33. As part of its assessment, the Department reviewed the documentation supporting the Application which was provided by the Applicant to Council and the Planning Panel.
34. On 28 August 2018, the Department met with the Applicant and requested further information to finalise its assessment.
35. The Department then undertook an inspection of the Site on 12 September 2018.
36. On 19 September 2018 the Applicant lodged the *Response to Submissions Macarthur Memorial Park*, prepared by Urbis, undated (**RtS**) with the Department.
37. On 17 October 2018 the Department met with the Applicant and the Office of Environment and Heritage (**OEHS**) Heritage Division to discuss heritage issues.
38. On 9 November 2018 the Applicant lodged the *Supplementary Response to Submissions - MacArthur Memorial Park*, prepared by Urbis, dated 9 November 2019 (**Supplementary RtS**) with the Department.
39. On 21 December 2018 the Department finalised the *Macarthur Memorial Park, Varroville Crown Development Assessment Report (3293/2017/DA-C)* (**Department's Assessment Report**) and provided it to the Commission for consideration.

3.2 The Department's Assessment Report

40. In its Assessment Report, dated 21 December 2018, the Department identified the key assessment issues associated with the Application as:
- European heritage
 - Consistency with the CLEP 2015
 - Traffic impacts

- Noise impacts
41. The Department noted that Council's assessment staff and the Planning Panel had not formed a view on the Application.
 42. The Department considered the impacts of the development could be appropriately managed and/or mitigated through the implementation of conditions. The Department's Assessment Report stated:

"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 2015-2020*
 - *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"*
 43. The Department recommended a range of conditions to be included, as a minimum, if consent of the Application were to be granted.
 44. The Department considers the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considered the Application is in the public interest and is appropriate for approval, subject to the recommended conditions.

4 THE COMMISSION'S MEETINGS AND SITE VISIT

4.1 Meetings with Applicant, Department, Council and the Greater Sydney Commission

45. As part of its deliberations, the Commission met separately with the Applicant and the Department on 14 February 2019, and Council on 19 February 2019.
46. Transcripts of the meetings with the Applicant and the Department and copies of the documentation presented at those meetings were made available on the Commission's website on 27 February 2019. The transcript of the meeting with Council was made available on the Commission's website on 12 March 2019.
47. On 2 April 2019 the Commission met with the Greater Sydney Commission. The transcript of this meeting was made available on the Commission's website on 3 April 2019.

4.2 Site inspection and locality tour

48. The Commission undertook an inspection of the Site and a locality tour on 19 February 2019, which was attended by representatives of the Applicant. The Commission also visited the Varroville Homestead on 19 February 2019. The landowners were in attendance.
49. Notes from the site inspections, including a summary of questions asked by the Commission and answers provided by the Applicant's representatives and landowners of the Varroville Homestead, were made available on the Commission's website on 6 March 2019.

4.3 Public meeting

50. The Commission held a public meeting at Gardenia Room, Wests Leagues Club located at 10 Old Leumeah Road, Leumeah, on 25 March 2019. A list of the 16 speakers scheduled to present at the meeting was published on the Commission's website on 21 March 2019.
51. The transcript of the public meeting was made available on the Commission's website on 3 April 2019, along with copies of all the material tendered at the public meeting.

52. An opportunity to lodge written submissions and comments was afforded until 10 days following the public meeting. The Commission received submissions and comments from 64 members of public within that time. All submissions, comments and correspondence were made available on the Commission's website by 14 June 2019.
53. Issues of concern raised across submissions from the public included 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 Application.

4.4 ADDITIONAL INFORMATION

54. On 17 April 2019 the Commission requested that "*the Catholic Metropolitan Cemeteries Trust (CMCT) provide, as soon as practical, the instrument to which it is a Crown cemetery operator within the meaning of the Cemeteries and Crematoria Act 2013*".
55. On 29 April 2019 the Commission received correspondence on behalf of the Applicant setting out the statutory context confirming that the Catholic Metropolitan Cemeteries Trust is a Crown cemetery operator within the meaning of the *Cemeteries and Crematoria Act 2013*. This correspondence was published on the Commission's website on 29 April 2019.

5 THE COMMISSION'S CONSIDERATION

5.1 Material considered by the Commission

56. As part of this direction, the Commission has carefully considered the following material (**material**):
- the Application
 - the SEE, dated October 2017 and prepared by Urbis and accompanying appendices
 - Government agency submissions on the SEE
 - the *Metropolitan Sydney Cemetery Capacity Report*, dated November 2017 and prepared for Cemeteries and Crematoria NSW (**MSCC Report**)
 - the Response to Submissions Report (**RtS**), prepared by Urbis and its accompanying appendices
 - all Government agency responses to the RtS
 - the Supplementary RtS, prepared by Urbis and its accompanying appendices
 - all Government agency responses to the Supplementary RtS
 - the Independent Planning Commission's *Review of the Recommendation to list a curtilage extension to Varroville Homestead on the State Heritage Register (SHR00737)*, dated 22 February 2019, including all materials considered (the **Curtilage Review**)
 - the Department's Assessment Report and accompanying appendices
 - the additional information requested by the Commission, as set out in Section 4.4 of this direction
 - the site and locality inspection conducted on 19 February 2019 and all information provided during the site inspection
 - verbal presentations made to the Commission at the public meeting on 25 March 2019 and associated presentation documents, aids and other information
 - all public written comments to the Commission received after the public meeting on 25 March 2019
 - The Department of Planning, Industry and Environment's *Local Character and Place Guideline 2019* (**Local Character and Place Guideline**)
 - the proposed Schedule of Conditions (Attachment A of this Direction)

5.2 Relevant considerations

57. In making this direction, the Commission has taken into consideration the following considerations, as referred to in s 4.15 of the EP&A Act:

- the relevant provisions of relevant environmental planning instruments and development control plans that apply to the land to which the Application relates
- relevant government policies
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- the suitability of the site for development
- submissions made in accordance with the EP&A Act and Regulations
- the public interest

5.1 Relevant Environmental Planning Instruments

58. The Applicant and the Department identified the following environmental planning instruments (EPIs) as being relevant to the Application:

- *State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)*
- *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)*
- *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP2007)*
- *Campbelltown Local Environmental Plan 2015*

The Applicant's consideration of relevant EPIs

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

59. Under Clause 7(1) and (2) of the SEPP 44, *“Before a council may grant consent to an application to carry out development on land to which this Part applies, it must satisfy itself whether or not land is a potential koala habitat” and “A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant.”*
60. The Applicant's SEE concluded that the *“Flora and Fauna Assessment undertaken by Travers Ecology and Bushfire and attached as Appendix AA of this report notes that no Koalas were directly observed at the time of fauna survey, which included diurnal searches of trees and spotlighting. In addition, there was no secondary evidence of Koala habitation in the area including characteristic scratches on trees and scats beneath trees.”*

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

61. The Applicant's SEE concluded that *“A Detailed Site Investigation has been undertaken by Douglas and Partners which is attached as Appendix S of this report. A site walkover and soil testings has identified the following localised areas of contamination:*
- *Fuel / oil spillage (TP14 – refer to Appendix S) near to damns [sic];*
 - *Metals, pesticides, asbestos containing materials and polycyclic aromatic hydrocarbons near the outbuilding precinct; and*
 - *Polycyclic aromatic hydrocarbons next to timber power poles.*

The report concludes that the potential for contamination constraints outside of the impact areas identified above is considered to be low and the site is suitable for the proposed cemetery use. It is proposed that a RAP [Remediation Action Plan] be prepared and a copy provided to Campbelltown City Council prior to the issuance of the relevant Construction Certificate”.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP2007)

62. The Applicant's SEE concluded that *“[f]or development not otherwise classified by the SEPP, the relevant threshold is 200 or more motor vehicles. The proposed development will under peak operating conditions breach this threshold and as such referral to the RTA (now the RMS) under Clause 104 of the SEPP is therefore required”.*

Campbelltown Local Environmental Plan 2015 (CLEP 2015)

63. The Applicant's SEE stated that a "site-specific planning proposal to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) was gazetted on 20 February 2017. The gazettal amended the CLEP 2015 to permit development for the purposes of a "cemetery" on the site subject to the satisfaction of certain requirements of the overall design."
64. The Applicant's SEE concluded that the Application was consistent with the relevant requirements of the CLEP 2015. In part, the Applicant's SEE concluded that:
- "Cemeteries are prohibited within the RE1 Public Recreation and E3 Environmental Management zones of the CLEP2015. The site however benefits from additional local provisions that are contained in clause 7.8A of the LEP. Clause 7.8A permits the use of the site for the purposes of a cemetery, subject to satisfying a number of considerations prior to consent being granted."
 - "The memorial park has been designed to integrate with the existing topography, watercourses and significant vegetation on the site. The cemetery will be developed as a contemporary memorial park, which will resemble landscaped parklands. Memorialisation will remain subordinate to the natural landscape. Memorialisation in the southern portion of the site will not extend beyond natural ground level. Memorialisation in other areas of the site will be concealed by a plant screening strategy in response to sightlines and the natural topography of the site."
 - "As demonstrated on the site masterplan the proposal includes publicly accessible parklands adjacent to St Andrews Road. The parklands have been designed for passive recreation and includes walking trails, boardwalks, a playground, public art and a café."
 - "The noncompliance of the chapel against Clause 4.3 of the CLEP is a direct result architectural form of the roof itself..... Clause 5.6 of the CLEP permits an Architectural Roof Feature of the site to exceed the height limits dictated by Clause 4.3 of the CLEP."
 - "The proposal seeks development consent for a GFA of 2,698.34sqm which is significantly lower than the permitted GFA of the site. Based on this the proposal is compliant with the requirements of the CLEP2015."
 - "Development proposed by this application within land zoned RE1 is restricted to walking trails and a publicly accessible lookout. The proposal will therefore ensure that the RE1 zoned portion of the site will be used for public recreation only in line with the objective of Clause 7.17"
65. Submissions received during the exhibition of the Application questioned whether the Application's proposed road development and public arts components were consistent with the CLEP 2015. The Applicant addressed these through the RtS, which stated:
- "The location of road number 10 is in accordance with the masterplan identified by the Conservation Management Plan which is endorsed for the site under Clause 7.8A of the CLEP 2015"
 - "The location of Access Point C is in accordance with the masterplan identified by the Conservation Management Plan which is endorsed for the site under Clause 7.8A of the CLEP 2015."
 - "The public art strategy has been revised and reducing the maximum height of art works of 9m to ensure compliance with the CLEP."

The Department's consideration of relevant EPIs

66. The Department's Assessment Report did not include an explicit consideration of the Application with regard to the objectives and requirements of the *State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)*, *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)*, or *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP2007)*.

67. The Application was referred to the NSW Roads and Maritime Service (**RMS**). The RMS provided submissions on the Application, dated 9 January 2018 and 25 October 2018.
68. The Department's Assessment Report includes an assessment of the consistency with the CLEP 2015: *"the site is predominately 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"*.
69. In the Department's Assessment Report Table 3 on page 24, the Department has assessed the Application against the relevant provisions of clause 7.8A of CLEP 2015 to determine whether the Application is permissible.
70. The Department's Assessment Report concluded that *"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."*

The Commission's considerations of relevant EPIs

71. The Commission accepts the assessment of the Application's consistency with the relevant EPIs, as set out in paragraphs 58 - 70.
72. The Commission considers that the Application is consistent with the requirements and objectives of the relevant EPIs because the Application:
 - has incorporated appropriate investigations and soil testing to establish any localised areas of contamination have been undertaken, with appropriate management actions in the form of a remediation action plan to be finalised and provided to Council prior to any construction certificate being issued
 - has incorporated appropriate flora and fauna investigations, including targeted surveys for Koalas in which no Koalas were observed. The Commission is satisfied the land is not a potential koala habitat
 - has incorporated submissions made by RMS regarding future traffic assessments and sightlines
 - is consistent with the relevant requirements as set out in the CLEP 2015
 - is permissible with consent and does not represent an unacceptable change in the character of the Site and surrounding landscape.

5.2 Relevant Development Control Plans

73. The *Campbelltown (Sustainable City) Development Control Plan 2015* (**Campbelltown DCP**) is the relevant development control plan for the Site.
74. The Applicant's SEE, Appendix L, considered the *Campbelltown (Sustainable City) Development Control Plan 2015* and found that the Application was consistent with the relevant requirements.
75. The Commission accepts the assessment of the Application with regard to the Application's consistency with the Campbelltown DCP, as set out in paragraph 74, because the Application meets the requirements of the Campbelltown DCP and has identified management measures to mitigate identified impacts.

5.3 Relevant Strategic plans

Greater Sydney Region Plan

76. The *Greater Sydney Region Plan* (**GSR Plan**) replaces the former *A Plan for Growing Sydney* and integrates land use, transport and infrastructure planning across Greater Sydney. It outlines how Greater Sydney will be transformed into a metropolis of three cities. The Site is located in the Western City of the GSR Plan.

77. The GSR Plan sets ten directions, including a city supported by infrastructure, a collaborative city, a city of people, housing the city, a city of great places, a well-connected city, jobs and skills for the city, a city in its landscape, an efficient city and a resilient city.
78. The GSR Plan identifies that *“Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking.”*
79. The Department’s Assessment Report considers the Application *“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.”*
80. The Commission accepts the advice of the Department’s Assessment Report in paragraph 79. The Commission considers the Application to be generally consistent with the priorities of the GSR Plan because it seeks to provide for burial space for a diversity of cultures and backgrounds and seeks to enhance existing biodiversity.

Western City District Plan

81. The Western City District Plan (**District Plan**) is a 20-year plan to manage growth in the context of economic, social and environmental matters. The District Plan guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change.
82. The Department’s Assessment Report finds the *“proposal would assist in achieving several Planning Priorities identified in 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.”*
83. The Commission accepts the advice of the Department’s Assessment Report in paragraph 82 above. The Commission considers the Application to be generally consistent with the priorities of the District Plan because it seeks to provide social infrastructure in the form of burial space, delivering publicly accessible open space and protecting and enhancing bushland and biodiversity.

5.4 Relevant Proposed Strategic plans

84. Two draft strategic plans, the *Draft South West District Plan* and the *Draft Campbelltown Open Space Strategic Plan 2016* have been identified as being relevant to the Application.

Draft South West District Plan

85. The *Draft South West District Plan* “proposes a 20-year vision for the South West District, which includes the local government areas of Camden, Campbelltown, Fairfield, Liverpool and Wollondilly.... This draft District Plan translates and tailors metropolitan planning priorities for each District by giving effect to the four goals of A Plan for Growing Sydney.”
86. The Applicant considered the *Draft South West District Plan* in their SEE and concluded that the Application would be consistent against the following actions and priority:
- Liveability action L19: Support planning for cemeteries and crematoria – “The development of the site for a cemetery will facilitate in meeting the known demand for additional burial space across land considered by the Draft District Plan. It is noted that no other land within the Campbelltown LGA is suitably zoned to accommodate a cemetery.”
 - Sustainability action S1: Protect the qualities of the Scenic Hills landscape – “The site is located in the Scenic Hills. The Scenic Hills are a pastoral landscape with Aboriginal and European significance. The publicly accessible parklands, memorial parks and all associated buildings and infrastructure have been designed to remain subordinate to the landscape character of the Scenic Hills. The development of the site has been designed to protect the historic, cultural and ecological significance of the site as detailed throughout this report.”
 - Sustainability priority 2: Maintain and improve water quality and waterway health – “The proposal seeks to revegetate the existing waterways of the site in a manner which will improve the overall waterway health of the site”.

Draft Campbelltown Open Space Strategic Plan 2016

87. The Applicant’s SEE assessed the consistency of the Application against the actions and priorities of the *Draft Campbelltown Open Space Strategic Plan 2016*. The SEE stated that:
- “Of relevance to the proposal, the Draft Plan highlights that, increasingly, open space can be multifunctional and can include the following uses and purposes:
- Biodiversity conservation – Area set aside for the conservation of native vegetation and wildlife.
 - Commemoration – Commemorative areas (eg, memorial gardens, cemeteries).
 - Cultural events – Area designated for cultural events (eg, community events, festivals, district shows, entertainment or markets).
 - Environmental amenity – Area set aside for tree protection, space for nature, bush fire asset protection zones.
 - Health/fitness – Area with facilities for informal exercise and fitness activities, shared paths, etc.”
88. The Applicant’s SEE concluded that the Application is consistent with the priorities and actions proposed under the *Draft Campbelltown Open Space Strategic Plan 2016*.

Commission’s consideration of proposed strategic plans

89. The Commission accepts the Applicant’s assessment of the Application against the *Draft South West District Plan* and the *Draft Campbelltown Open Space Strategic Plan 2016*, as set out in paragraphs 85 - 88, including the identification of the relevant actions.
90. The Commission considers that Application is consistent with the *Draft South West District Plan* because:

- with regard to *Liveability action L19: Support planning for cemeteries and crematoria*, the Application would address an identified shortfall in cemetery space in an appropriately located and serviced location
 - with regard to *Sustainability action S1: Protect the qualities of the Scenic Hills landscape* through protecting areas of environmental amenity including protecting open spaces and spaces for nature
 - with regard to *Sustainability priority 2: Maintain and improve water quality and waterway health* through the protection and enhancement of riparian vegetation, appropriate impact assessment of waterways, the implementation of a water quality, including storm water, management and incorporation of the principles of Water Sensitive Urban Design.
91. The Commission considers the Application is consistent with the *Draft Campbelltown Open Space Strategic Plan 2016* as it will promote open spaces and retain areas of natural amenity through conservation planting and associated landscape maintenance.

5.5 Other strategic considerations

92. As outlined in paragraph 20 above the Applicant's justification for the Application is based on a strong demand for additional cemetery space in Sydney, including in Western Sydney, as set out in the MSCC Report.
93. The Commission notes that MSCC Report identifies the probable exhaustion of burial land in metropolitan Sydney by 2051, assuming no change to existing cremation and grave occupancy rates.

5.6 Local Character and Place Guideline

94. The Department's Local Character and Place Guideline seeks to support a stronger consideration of local character in decision making and includes:
- a definition of local character and place
 - who shapes local character
 - tools to understand local character and place, and
 - strategies for bringing character and place into plan making
95. The Commission notes that the Local Character and Place Guideline defines local character, stating:
- "Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels. It is created by a combination of land, people, the built environment, history, culture and tradition including Aboriginal and non-Aboriginal, and looks at how they interact to make a distinctive character of an area."*
- Local character is distinctive, it differentiates one area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere, how it impacts their mood, their emotional response to that place and the stories that come out of peoples' relationship with that place".*
96. The Guideline also defines place, stating: *"Place is the layout, division and built form of built environments - its patterns, landscape, density, development, land use and mix, these aspects set the groundwork for places to flourish."*
- Places are multi-layered and diverse environments within the broader context of society. Individual places can be described or understood by people in different ways and at different scales. This is because they are made up of many interrelated layers and elements which are generally understood through the physical form and activity occurring in the location. Places have a clear and strong identity and character".*
97. The Commission has had regard to these definitions in its consideration of the development, specifically in its consideration of the impacts on social impacts (section 5.8), site suitability (section 5.9) and public interest (section 5.10).

5.7 Likely impacts of the development on both natural and built environments

5.7.1 Impacts to European Heritage, including the Varroville Homestead

Public and Council comments

98. The Commission heard concerns from Council, speakers at the public meeting, and received written comments regarding the impacts of the Application on the European heritage aspects of the site and specifically the Varroville Homestead. These concerns included a lack of action by the New South Wales government in responding to the Heritage Council's recommendations, the impact of the application on heritage value of the Varroville Homestead and the surrounding Scenic Hills area, and the need to balance heritage concerns with land access for burials.
99. The current owner of the Varroville House provided significant documentation to the Commission regarding the heritage status, management and impact assessment of the Application on the Varroville Homestead and proposed extended curtilage.

Applicant's consideration of impacts to the Varroville Homestead

100. The Applicant undertook a heritage impact assessment (HIA) as part of the SEE. The HIA stated that the assessment was *"prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance' (2001). The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).*
101. The HIA identified Varroville House and the associated outbuildings as a principal component of the State heritage listing.
102. The HIA described the Varroville Homestead and current boundary as:

"The subject site surrounds (but excludes) Varroville house and its immediate grounds (comprising approximately 3.16 hectares), which is in separate and private ownership. Varroville house is accessed via private drive from St Andrews Road and is known as 196 St Andrews Road/Lot 21/DP 564065 (refer to the location plan at Figure 1). As detailed above, the subject site and Varroville House were part of the same land holding until the house was excised from the remainder of the estate via subdivision in 1973, forming the current lot boundary.

Varroville House (lot 21/DP564065) is listed as a heritage item under the Campbelltown Local Environmental Plan District 8 (Central Hills Lands) (1995), and Varroville Homestead group, part lot 21 DP564065 is listed as a heritage item under the Draft CLEP2014. The House is also listed on the NSW State Heritage Register (SHR) under the NSW Heritage Act 1977 as item 737. The National Trust also lists the property as item 10651. The homestead comprises the dwelling (c.1858), remnant gravelled carriage drive, lawn tennis court site, remains of a glasshouse and remnant early plantings reflecting a substantially intact mid-19th century garden plan."
103. The HIA described the associated outbuildings as:

"The subject site incorporates a group of 19th and 20th century outbuildings on the southern side of the site, south of the main house. The buildings are generally oriented to the north east and comprise 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 modest structures. These buildings are discussed below in detail. The original drive from Campbelltown Road to the homestead is still clearly visible in historical aerials, but today is less discernible, apparent as a depression in the landscape, running from Campbelltown road and in front of the outbuildings group to the east. The original driveway was made redundant by the motorway and the outbuildings are now accessed via a later 1950s driveway from St Andrews Road."
104. The HIA utilised the statement of heritage significance as set out in the CMP. In part this statement sets out that:

“The cultural landscape of the subject site is of heritage significance at the state level for its historic values and for its rarity.

The estate is of historic significance as a large remnant of the ‘Varroville’ estate established by Dr Robert Townson from 1812 and further developed by a succession of subsequent owners. The subject site includes substantial remnants of the 19th century farm complex and cultural landscape potentially associated with the phase of development of the first permanent Varroville homestead (1812- 1858) including outbuildings, as well as dams, remnant agricultural evidence including vineyard terracing and evidence of the early access road. Varroville and the estate have been continuously occupied since the award of the grant in 1810. As a founding and significant estate in the development of the region (from c.1810), the estate is significant for its role in the early settlement and development of the area as a farming district and was significant to agriculture and food production and horticultural development in early New South Wales. The former cottage and stables buildings are a good example of 19th century farm buildings and reflect the 19th century development of the farmstead.

The estate also contains a series of dams attributed to Sturt’s ownership, that show characteristics of having been hand-made and may therefore demonstrate the earliest attempts at water conservation for agricultural use in the colony.....

The cultural landscape of the subject site is also of local heritage significance for its associative, aesthetic, social, and representative values and for its research potential.

Varroville and the estate have strong associations with several individuals and families important in the development of rural industries in the colony of NSW including agriculture, horticulture, viticulture and stock breeding. Other occupants were significant figures in exploration, postal services, horse racing and heritage conservation.....”

105. The HIA identified that the Application also seeks approval to:

- *“restore and repurpose the heritage outbuildings on the site. As indicated in the Buildings and Access Plan at Figure 35 below, the outbuildings are located south of the adjacent battle-axe block containing the Varroville Homestead. The outbuildings originally formed part of Varroville Estate, along with the State heritage listed Varroville Homestead....*

Along with the restoration and interpretation of the Outbuildings Precinct, the DA includes a consolidated heritage interpretation strategy for the site. As a memorial park and public parklands, the site will be open for public enjoyment in perpetuity. As such, MMP presents a unique opportunity to convey and celebrate the history of the site and Campbelltown Area.”

- *“the construction of six (6) new buildings on the site, the Chapel, Administration Building, Function Building, Café, Grounds Staff Buildings and Gatehouse. The proposal also seeks consent for new shelters throughout the site and crypts located in the north-western area, near to St Andrews Road.....*

The proposed buildings directly support the use of the site as memorial park and public parklands. The locations of each proposed building and the site access points from St Andrews Road”.

106. The Applicant’s RtS provided additional consideration of the heritage concerns raised by the community and agencies as well as an Interpretation Strategy for the management of areas of the Varroville Homestead. With regard to the potential for impacts to the Varroville Homestead the RtS stated the Application:

“is underpinned by a strong understanding of the heritage values and significance of the place (including built form, the cultural landscape, views and vistas, European and Indigenous archaeology etc). This has informed every aspect of the proposal, from the treatment of the landscape, the location and different types of memorialisation, tree plantings, siting of roads, siting and architectural design of new buildings, the conservation and adaptive reuse of the outbuildings precinct, on-site detention and treatment of the dams, reinterpretation of significant landscape elements, provision for public art, and regeneration of CPW.

A Conservation Management Plan has been endorsed for the site by the DPE under the provisions of the CLEP 2015. A detailed assessment against the 104 adopted policies have been undertaken by the Heritage Impact Statement submitted with the Development Application.”

107. The Applicant’s RtS stated, with regard to visual impacts to the Varroville Homestead, that:

“As previously noted the CMCT has made multiple requests to the owner of Varroville House to allow photomontages to be prepared when viewed from Varroville House. These requests have been denied.

The existing Visual Impact Assessment has considered the effect of the proposed built structures and the proposed landscape on the site, on views to Varroville House. The house is not visible from locations off site that would be negatively affected.

It is noted that the visual impact assessment referred to by the Scenic Hills Association has not been made publicly available or formally adopted by any government agency.”

108. The Applicant provided a Supplementary RtS to address residual community and agency comments regarding the impacts to the Varroville Homestead and associated curtilage. With regard to impacts from internal road layouts, the Supplementary RtS stated that:

“In relation to the amenity of the residents of Varroville Homestead, the client is prepared to offer Access C as an exit only, with the condition that it can be used as an entry for major events to facilitate traffic management.”

Department’s consideration of impacts to Varroville Homestead

109. With regard to Applicant’s assessment of heritage impacts, the Department stated in its Assessment Report that:

- “Council and the Heritage Council did not raise any concerns with the assessment methodology in the Applicant’s HIS or HIA. The Applicant’s approach to the assessment of heritage impacts in these documents is considered reasonable and appropriate.”*
- “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).”*

110. With regard to the Application’s consistency with the CMP, the Department’s Assessment Report concluded that *“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”.*

111. The Department’s Assessment Report concluded that *“[s]ubject 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”.*

The Independent Planning Commission's Review of the Recommendation to list a curtilage extension to Varroville Homestead and Estate on the State Heritage Register

112. The Heritage Council of NSW provided a recommendation to the Minister for Heritage to support the expansion of the curtilage of the Varroville Homestead and Estate. The Heritage Council stated in this recommendation that:

"The following reasons are suggested for the listing of an extension to Varroville's boundary on the SHR:

- a. Varroville Homestead and Estate is considered to be of state significance as an early farming estate with early structures, 1850s homestead, layout, vineyard trenching and evidence of early access road. The remnant estate with its landscape, estate core, rare and innovative features, early establishment, substantial intactness as a cultural landscape and important colonial association has significant state heritage values. Varroville is rare as one of the few larger estate landscapes remaining in the Campbelltown area where the form of the original grant, its former agricultural use and its rural landscape character can be appreciated. The revised curtilage extension is of historical, associational, aesthetic, technical, rare and representative significance....."*
113. The Heritage Council's recommendation about the curtilage of the Varroville Homestead and Estate was referred to the Independent Planning Commission Panel for advice. The Commission recognises the findings of the Independent Planning Commission Panel's advice on the Varroville Estate (**Curtilage Review**), which stated *"that the submissions made to the IPC during its review, do not affect the integrity of the assessment undertaken by the Heritage Council of NSW or its recommendation to list the proposed curtilage. The Commission finds that none of the evidence or submissions that it considered leads to the conclusion that the Heritage Council's recommendation is flawed or should not be followed."*
114. The Commission's Curtilage Review concluded that *"the recommendation to list a recommended curtilage extension of Varroville, as proposed by the Heritage Council of NSW, is appropriate because:*
- The recommended curtilage extension satisfied six of the seven heritage Council criteria under s 4A for listing on the SHR...;*
 - the Heritage Council of NSW assessment of the value of the recommended curtilage extension encapsulates the Significant Heritage values and elements....;*
 - the various alternative options put forward to the Heritage Council of NSW were not appropriate as these variously either did not capture all the elements that are significant to the site (Option 5), involved a curtilage that was not contiguous across the landscape (Options 1 and 2); or included parts of other estates (Options 1 and 2),; and*
 - the proposed curtilage extension would not constrain development on the site as there are permissible uses listed in the Campbelltown LEP, as approved by the Joint Regional Panel, subject to obtaining approval from the Heritage Council of NSW...."*

Commission's consideration of impacts to the Varroville Homestead

115. The Commission notes the extensive work that has been undertaken by both the Applicant, Varroville Homestead owner and the local community in clearly establishing the heritage values, including the proposed curtilage extension, of the Varroville Homestead site.
116. The Commission acknowledges that on 22 February 2019 the Commission reviewing the proposed curtilage expansion recommended to the Minister for Heritage that the curtilage of the Varroville Homestead be expanded. Accordingly, the Commission considers that it is appropriate for management of this site to reflect that heritage value.

117. The Commission recognises and has sought to incorporate the advice of the Heritage Council of NSW, as set out in its submission of 29 November 2018, as a basis for this Direction and in the attached Schedule of Conditions. This includes requiring the development of signage and public art strategies and the development of kerbing which is flush and avoids hard contrasts.
118. The Commission recognises that any potential impacts to the visual amenity as a result of the Application may impact on the heritage significance of the Varroville Homestead, including the expanded curtilage.
119. The Commission accepts the advice of the Department outlined in paragraphs 109 - 111 that the construction and operation of the Application, subject to the proposed conditions and identified management plans, is unlikely to significantly diminish the identified heritage values of the Varroville Homestead, inclusive of the proposed expansion of the site's curtilage.
120. The Commission recognises the commitments made by the Applicant, and incorporated into the attached Schedule of Conditions, which will improve the management and maintenance of the surrounding landscape and out buildings included heritage value of the Project Site. In this regard, the Commission finds that the Application, subject to the identified management plans and conditions, is likely to complement and enhance the identified heritage values of the Varroville Homestead and expanded curtilage.
121. In finding that the Application would not unacceptably impact the heritage values of the Varroville Homestead and landscape, the Commission had reference to the Heritage Review, the identified features of state significant heritage and the CMP and considers that the Project Site can be developed and managed to preserve these features.

5.7.2 Traffic impacts

Public and Council comments on traffic impacts

122. The Commission heard concerns from Council and speakers at the public meeting, and received written comments regarding the impacts of the Application on traffic intensity and patterns in the vicinity of the Site. These concerns included increased traffic levels and congestion and limitations of traffic modelling.

Applicant's consideration of traffic impacts

123. The Applicant undertook a traffic impact assessment to inform the SEE. The traffic impact assessment examined *"the existing transport conditions, and its interface with traffic movements within and around the site, as well as how the proposed transport and access arrangements for the site"*.
124. The traffic impact assessment identified that there *"is currently no traffic generation guidance given within the RMS "Guide to Traffic Generating Developments" (2002) that outlines the traffic generation by cemeteries. However, the traffic generation can be determined through comparison with a similar site at the Liverpool and Rookwood Cemeteries where access to public transport is limited."*
125. The traffic impact assessment included traffic counts at the St Andrews Road / Campbelltown Road intersection, identifying that *"traffic volumes in St Andrews Road were some 185 vehicles northbound and 320 vehicles southbound during the morning peak hour; and some 340 vehicles northbound and 110 vehicles southbound during the evening peak hour."*
126. The traffic impact assessment also established that traffic count on St Andrews Road north of Spitfire Drive would produce an *"AM and PM peak traffic volumes are in the order of 59 and 81 vehicles/hour respectively on an average weekday. The weekend traffic volumes are higher than an average weekday, with a peak of 261 vehicles/hour recorded at 9am on Sunday."*

A comparison of the mid-block traffic volumes between the intersection movement counts (2015) and the tube counts (2017) indicate that the average weekday AM peak hour traffic volumes remained unchanged at 59 vehicles/hour, and the PM peak hour traffic volume reduced from 92 to 81 vehicles/hour.

For the purposes of this traffic assessment, the intersection movement volumes recorded in 2015 have been adopted for intersection capacity analysis..., despite a slight reduction in the weekday PM peak hour volumes in 2017.”

127. The traffic impact assessment concluded that based upon the similar “traffic generating characteristics occurring in long term over that period, at worst the projected traffic generation by year 2163 would be:
 - 232 trips during the network AM and PM peak hours, and 2,086 trips during the site activity peak hour around mid-day on a weekday.
 - 3,060 trips during the network AM and PM peak hours, and 2,782 trips during the site activity peak hour around mid-day on a weekend.”
128. The traffic impact assessment identified a range of mitigation and management measures which have been incorporated into the Application Masterplan. These measures include:

“An internal road network has been proposed to allow access between facilities and graves within the site. The Masterplan indicates the following measures for traffic management within the development:

 - *All intersections within the subject site will be priority control with traffic on primary internal roads having high priority over secondary roads, except for the roundabout that provides access to the chapel and car parks.*
 - *The primary internal roads will have their own material (e.g. concrete), whilst minor roads will be laid in a different material (e.g. asphalt).*
 - *The intersection between primary and secondary internal roads will have a threshold treatment of natural stone set into the pavement, acting as a “rumble strip” and marking the transition between these road types.*
 - *The internal roads would be signposted at a maximum of 20km/h to produce a low speed environment.*
 - *Wayfinding signage will be provided in the internal roads for directional guidance to various key locations within the cemetery including the chapels, mortuary, function hall, administration office and various car parks.”*
129. The Applicant’s RtS provided a revised traffic impact assessment, incorporating the public and agency submissions on the Application, including revisions to the traffic modelling methodology. The Applicant’s RtS stated:
 - *“The supplementary traffic modelling models for a future case scenario taking into account visitor trip generation as well as funeral trip generation when burial capacity has increased with time. The study models the cumulative traffic impacts at the year 2038”;*
 - and
 - *“The supplementary modelling provides the forecasted split of trips for the four proposed vehicle access points”.*
130. The Applicant’s RtS concluded that the “modelling results indicate that the proposed development would have a minor impact to the study intersections with performance levels generally consistent. Overall it is considered that any capacity constraints would not be the result of the Macarthur Memorial Park”.
131. The Applicant provided a Supplementary RtS to address residual community and agency comments raised in response to the RtS. With regard to traffic, the Supplementary RtS stated that:

“On 25 October 2018 the NSW Roads and Maritime Services provided written correspondence to the NSW Department of Planning and Environment which in principle

raised no objection to the proposed development however raised concerns with the traffic assessment of the long term implications for the development on the local and regional road considering the proposed lifecycle of the facility.

In response to this the CMCT [the Applicant] would propose the following operational condition be enforced on any consent issued for the project:

The proponent is required to prepare and forward to Campbelltown City Council a traffic impact assessment for every 10 year period from 2036 to assess the impact the proposal has on the local road network. Should any upgrade works be required the proponent is required to undertake all works required to ensure the safe and efficient operation of the site."

Department's consideration of traffic impacts

132. The Department's Assessment Report stated that:

- *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"; and*
- *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".*

133. The Department's Assessment Report concludes that 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."*

Commission's consideration of traffic impacts

134. The Commission accepts the material from the Applicant and the Department outlined in paragraphs 123 - 133 above, because while the estimated traffic volumes are expected to increase, the level of the increase is considered to be manageable through the proposed conditions of consent. Additionally, the Commission considers that the proposed traffic verification process will help ensure that projected traffic increases will be monitored with the expected mitigation strategies adjusted to reflect any changes in realised traffic patterns.

135. Based on the material, the Commission considers that likely changes to traffic patterns, traffic intensity, and predicted levels of service to impacted roads and intersections, will be acceptable, subject to the proposed conditions and management measures.

5.7.3 Noise Impacts and changes in acoustic environment

Public and Council comments on noise impacts and the acoustic environment

136. The Commission heard concerns from Council and speakers at the public meeting, and received written comments regarding the noise impacts of the Application on surrounding residential areas and established religious retreats. These concerns included noise impacts from increased traffic levels generated through the construction and operation of the Application.

Applicant's consideration of noise impacts and the acoustic environment

137. The Applicant included an acoustic assessment as part of the SEE. The SEE identified the following noise impacts and proposed mitigation measures associated with the Application:
- *“Traffic Noise Intrusion*
Traffic noise intrusion to new buildings including the Chapel, Functions Rooms and Café have been assessed to ensure that levels will meet applicable criteria for nearby educational buildings. Recommendations for controls have been provided where required to achieve the relevant criteria. These matters can be undertaken as a Condition of Consent prior to the relevant Construction Certificate.
 - *Traffic Noise Generation*
Based on the traffic generation estimates associated with the MMP, traffic noise levels in 2027 are predicted to exceed the relevant Road Noise Policy criteria at the Mount Carmel Retreat Centre, Parish of Our Lady of Mount Carmel and Mount Carmel College (classrooms). Consideration of feasible and reasonable mitigation is required as per the RNP and recommendations for mitigation options have been provided. These matters can be undertaken as a Condition of Consent prior to the relevant Construction Certificate.
 - *Mechanical plant*
At this stage, final plant selections have not been made, therefore, a detailed assessment has not been carried out. Any plant selections will be reviewed to ensure that noise emissions meet the applicable environmental noise criteria. During the detailed design stage, the acoustic consultant shall provide detailed design advice to the architect and mechanical engineer to ensure that noise emissions from mechanical plant are effectively controlled to meet the relevant criteria at the nearest receiver boundaries.”
138. The Applicant's SEE concluded that based “*on the findings of the Acoustic Assessment subject to appropriate mitigation methods being installed from 2027 onwards the proposed development will be compatible with the Environment on Noise Grounds*”.
139. The Applicant's RtS provided a revised noise assessment, incorporating the public and agency submissions on the Application, including consideration of noise impacts across all stages of the Application. The Applicant's RtS, with reference to the revised acoustic assessment, stated that:
- “Based on the traffic generation estimates associated with the MMP, traffic noise generation along St. Andrews Road is expected to exceed the relevant criteria at the following locations:*
- *Parish of Our Lady of Mount Carmel for all Stages between 2 and 5 dB above the absolute criteria.*
 - *Mount Carmel Retreat Centre at full development only and only by 1 dB which is considered marginal.*
- Property treatment to the Parish of Mount Carmel to include alternative means of ventilation such that windows can remain closed should be considered and will required a more detailed review.”*

140. The Applicant's RtS also stated that *"It is however noted that the prediction of traffic noise levels for the full development (beyond 100 years) is considered unreliable.... Any assumptions made today as to the way in which a community might travel to the development beyond the foreseeable future cannot, in our view, be used as the basis for establishing a noise mitigation treatment that might be relevant for the full development."*
141. To address this uncertainty the Applicant proposed through the RtS that *"within 5 years of the commencement of operations within Stage 1, a review of actual traffic noise levels be undertaken at the Parish of Our Lady of Mount Carmel...; Subsequent 5 yearly traffic noise reviews be implemented throughout the stages of the development to confirm whether or not traffic noise levels do increase and the extent of the actual impact. The need for further mitigation should be considered within these reviews."*
142. The Applicant provided a Supplementary RtS to address residual community and agency comments raised in response to the RtS. With regard to noise impacts, including from traffic, the Supplementary RtS stated that:
- *"Access B traffic noise does not exceed Road Traffic Noise Policy limits. Under the present development scenario noise from existing traffic on St Andrews road is reported as 45dBA at the Retreat Centre of the Carmel of Mary and Joseph being the closest sensitive receiver.*

Noise from existing and maximum predicted project traffic on St Andrews Road is 51dBA at the Retreat. The NSW Road Traffic Noise Policy and its application notes require that any increase in total traffic noise should not be more than 2dB, where the existing noise level is within 2dB or greater than the relevant criterion. If assessed against a criterion of 50dBA for a place of worship or passive recreation, the existing level of 45dBA is not within 2dB. Therefore for this project, and that criterion, the Policy does not require the increase to be limited to 2dB.

To reduce the acoustic impact of the proposal on Retreat Centre of the Carmel of Mary and Joseph the CMCT is accepting of redesigning the traffic flow within the development so that Access B is the primary entrance and Access C the primary exit. Signage and traffic flow directions within the site would direct vehicles to exit via Access C. This would effectively halve the number of vehicles passing the Retreat Centre, and the associated road traffic noise. According to noise theory this would result in a 3 decibel reduction. In practice the reduction would likely be greater because cars would be slowing as they approached the entrance, not accelerating out of it onto St Andrews Road. This reduction in road traffic noise levels would also apply to the Carmel of Mary and Joseph"
 - *"Traffic speed within the cemetery is limited to 20km/hr and therefore traffic is not expected to be unreasonable noisy to the point it would impact on the amenity of residents within Varroville House".*

Department's consideration of noise impacts and the acoustic environment

143. The Department stated in its Assessment Report that 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."*
144. The Department has prepared proposed conditions to manage the predicted noise impacts associated with the development and operation of the Application. This includes conditions requiring:
- *"works to be carried out during standard construction hours and in accordance with the Interim Construction Noise Guideline"*
 - *"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 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.”*
- *“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.”*

145. The Department's Assessment Report considers that:

“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.”

Commission's consideration of noise impacts

146. The Commission accepts the considerations of the Department outlined in paragraphs 143-145 because the likely noise impacts have been modelled to largely comply with the relevant criteria with appropriate mitigation and management strategies being adopted where exceedances of these criteria are predicted.
147. The Commission considers the proposed condition requiring the regular review of predicted noise impacts, a review to ensure the accuracy of the modelled results and a review of the required mitigation and management measures applied to affected receivers, to be appropriate.
148. Based on the material, the Commission considers that the predicted noise impacts and changes to the acoustic environment associated with the Application are acceptable, because they are minor in extent and able to be mitigated through the proposed conditions.

5.7.4 Biodiversity Considerations

Public and Council comments

149. The Commission heard concerns from speakers at the public meeting and received written comments regarding the impacts of the Application on the natural environment, including protected flora and fauna. These concerns included concerns over the adequacy of the vegetation management plan, light impacts on wildlife and the conservation of the natural landscape of the Scenic Hills.

Applicant's consideration

150. The Applicant undertook a flora and fauna assessment to inform the SEE. This assessment undertook: *“Initial flora and fauna surveys for a due diligence assessment were undertaken in 2013 & updated in September 2015 and April 2017 for selective fauna groupings and hollow inspections. The recording of EEC's and threatened fauna species habitat at this time directed the location of works for the proposed memorial park”.*

151. The flora and fauna assessment recorded two endangered ecological communities, *Cumberland Plain Woodland (CPW)* and *Moist Shale Woodland (MSW)* and five threatened species, including one endangered species, the Cumberland Plain Land Snail (*Meridolum corneovirens*) and four vulnerable species, the Grey Headed Flying Fox (*Pteropus poliocephalus*), Large Eared Myotis (*Chalinolobus dwyeri*), East-coast Free Tailed Bat (*Mormopterus norfolkensis*) Eastern Bent Wing Bat (*Miniopterus schreibersii oceanensis*), within the Site.
152. The Applicant's flora and fauna assessment identified that the proposed "*buildings and constructed roads and pathways inclusive of APZ management amount to an impact of 1.45 ha upon Cumberland Plain Woodland, and 0.28 ha upon Moist Shale Woodland. As shown on Table 4.2, the moderate or better quality areas of vegetation have been avoided as much as possible and selectively directing works into areas of low condition vegetation. Therefore whilst to total of 1.73 ha of native vegetation will be impacted, 0.5 ha of moderate or better quality vegetation and 1.2 ha is of low condition vegetation will be lost. This demonstrates the avoidance and minimisation or impact strategy adopted for the site.*"
153. The Tree Assessment Report prepared by *Travers bushfire & ecology* (2017) later identified "*a total of thirty-five (35) hollow-bearing trees requiring likely removal due mostly to poor health and safety reasons. These trees contain a total of 113 small (0-10cm) hollows, 21 medium (10-30cm) hollows and 1 large (30+) hollow that will be removed.*"
154. The Applicant identified that to manage and offset impacts to biodiversity the Application would "*retain 12.53 ha of CPW and 9.27 ha of MSW. It is proposed to retain and manage these remnants of CPW and MSW under a Vegetation Management Plan (VMP). This VMP will enhance the quality and extent of all retained native vegetation within the study area, and also by full revegetation of an additional 7.86 ha of CPW, and an additional 9.66 ha of MSW. Therefore, the proposal has minimised the impacts to a total of 1.73 ha, and will manage and restore these two listed ecological communities to a total of 20.40 ha of CPW and 18.93 ha of MSW.*"
155. The Applicant concluded in the RtS that: "*Due to the rural nature of the landscape, the highly fragmented remaining vegetation patches surrounding the proposed development areas and the extensive grazing practices over many years, the ecological impacts of the proposal on these remaining portions is regarded as low level linear impacts which are not likely to be significant. The proposed memorial park landscape proposes to retain the majority of on-site vegetation remnants and has clearly demonstrated an approach that avoids causing direct impacts on threatened species habitat. Hollow-bearing trees, open water foraging opportunities and quality Cumberland Plain Land Snail habitat areas will be retained and enhanced or relocated*".
156. The Applicant identified that the Application was lodged during the savings and transitional period established by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, and that the impacts to biodiversity have been assessed in accordance with the requirements of the *Threatened Species Conservation Act 1995*.

Department's consideration of biodiversity impacts

157. The Department's Assessment Report considers that:
 - "*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); and*
 - "*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*".

158. The Department has proposed conditions to manage the predicted biodiversity impacts associated with the development and operation of the Application. This includes conditions requiring the Applicant to:

- retain all CPW trees in the natural burial area and include management of this area of in a revised VMP, review the VMP every 5 years and 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 year.

Commission's consideration of biodiversity impacts

159. The Commission accepts the considerations of the Department outlined in paragraphs 157 - 158.

160. The Commission considers that the identified biodiversity impacts are minimal and effectively managed and mitigated through the proposed conditions, including requiring vegetation and tree management plans and accepts that the VMP will retain and manage 12.53 ha of CPW and 9.27 ha of MSW. The Commission considers that the identified actions in the vegetation and tree management plans are likely to improve rare and protected endangered ecological communities, which are currently subject to ongoing degradation.

161. The Commission notes that a key component of the improvement in the condition of endangered ecological communities set out in paragraph 160, is the removal and management of existing, dense stands of African Olive, an invasive and difficult to manage weed species.

162. Based on the material, the Commission considers that the potential impacts to biodiversity are acceptable because the level of impact to native vegetation, and associated threatened flora and fauna, is limited, effectively managed and acceptable.

5.8 Social and economic impacts in the locality

163. The Commission heard concerns from Council and speakers at the public meeting, and received written comments regarding the Application's social impacts. These concerns included wanting to protect a "sense of place" and protecting the sense of rural character and heritage value in locality and the road and parking networks being too large for the surrounding landscape. However, there were submissions noting that a cemetery of the size and scale of the Application was lacking in the Campbelltown area and were a needed community service.

Applicant's consideration of social and economic impacts

164. The Applicant's SEE stated that the Application would result in a range of positive social and economic impacts. These positive social and economic aspects were described as:

- *"The application will facilitate public access to a previously privately owned parcel of land with approximately 36 hectares of the site being for the sole purpose of publicly accessible passive recreation.*
- *The design of the facility will celebrate the heritage aspects of the site and seek to conserve and interpret the significant areas in perpetuity;*
- *The application is driven by the strong demand for additional cemetery space in Sydney, and in particular the South West Region. In addition to the providing a supply of much needed cemetery space in Sydney, the future development on the site will provide a range of new job opportunities to the local area. For the first stage alone, this will generate approximately 68 direct and 101 indirect jobs in the construction phase, and 15 direct and 13 indirect jobs per year at the operational stage".*

Department's considerations of social and economic impacts

165. The Department's Assessment Report does not include an assessment of the potential social and economic implications of the Application, including potential changes to the local character.
166. The Department considered the scale of the Application with regard to compliance with Clause 7.7(3)(d) of CLEP 2015, which identifies land to the east of Varroville Homestead as a 'no build area', with the intent to minimise visual impacts and impacts on the significant landscape.
167. The Department considers that it is: *"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"*.

Commission's considerations of social and economic impacts

168. The Commission notes that the Local Character and Place Guideline defines local character, stating:
"Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels. It is created by a combination of land, people, the built environment, history, culture and tradition including Aboriginal and non-Aboriginal, and looks at how they interact to make a distinctive character of an area."
Local character is distinctive, it differentiates one area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere, how it impacts their mood, their emotional response to that place and the stories that come out of peoples' relationship with that place".
169. The Commission accepts the Applicant's assessment, as set out in paragraph 164, that the Application will result in positive social and economic contributions if approved. Additionally, the Commission notes, as set out in the GSR Plan and the District Plan, that cemeteries provide important social infrastructure when located in suitable, accessible sites.
170. The Commission accepts the Department's assessment, as set out in paragraphs 166 - 167, that the Application's landscape furniture will have a minor and manageable impact to the overall scenic value of the landscape.
171. The Commission understands the community's concerns of wanting to protect a sense of place and rural character. However, on balance the Commission agrees with the Department's assessment that the Application will complement the semi-rural character of the Scenic Hills including accessible passive open space.
172. The Commission notes that the character and sense of place that arises from this site is currently as a visual and contextual element of both the Scenic Hills and the heritage of Varroville Homestead. The Commission notes these visual and contextual elements currently have restricted community access, primarily limited to passing views on roads, and some potential public access from Varroville Homestead for heritage, or other, events.
173. The Commission recognises that the Application may impact upon the existing identity of the area through the development of the cemetery. However, this change in sense of place is considered to be minor, noting the current adjacent land uses, including religious retreats, and limitations to public access of the Site.

174. The Commission's considers that, on balance, the Application enhances and reinforces these characteristics through active land and heritage management and will likely deliver increased social value by providing access and interpretation to the heritage elements of Varroville, including views to and from Varroville Homestead, outbuilding management and access and landscape elements in the Scenic Hills.
175. The Commission considers that the Application will not change the existing local character and sense of place enjoyed and valued by the community. The Commission considers that the Application is likely to enhance the existing character and sense of place through improved management of the landscape associated with maintaining the cemetery and improving retain natural vegetation.
176. The Commission considers that the Application will, in effect, serve to protect and retain fundamental landscape characteristics of the Site, as part of the landscape will be retained and protected from potential, higher impact, future development.
177. The Commission considers that the scale of the development is suitable, balancing the identified need for increased cemetery facilities, as set out in the MSCC Report, and managing the impacts to the landscape.
178. Based on the material, the Commission considers that while the locality may experience a change in character with the development of the Application, this change in character is manageable and will likely build upon and enhance the existing character.
179. The Commission considers, for the reasons set out in paragraphs 168 - 178, the Application, on balance, will have an acceptable social impact on the locality and that the scale and design of the Application are acceptable.

5.9 Suitability of the site for the development

Public comments

180. The Commission heard concerns from speakers at the public meeting and received written comments regarding the lack of site suitability for the Application. These concerns included that not all sites were suitable for cemetery development, the many changes to the Application demonstrate the lack of site suitability and the climate and water constraints have not been considered.
181. Council identified during its meeting with the Commission that the Scenic Hills are an *"identifier for Campbelltown. It is probably the most important identifier for Campbelltown. It sets it apart from any other metropolitan city. And it stands very seriously on any development on that front. Anything that goes into there is of interest to the council and at every stage, the council has said no to development on that front. This includes the cemetery."*

Applicant's consideration

182. The Applicant assessed the suitability of the Site for the Application as part of the SEE. The Applicant's SEE concluded that *"the site is suitable for the proposed development for the following reasons:*
 - *The use of the site as a cemetery and public recreation is permissible with development consent on the site;*
 - *The proposal responds to an identified need for cemetery space with Metropolitan Sydney particularly within South Western Sydney;*
 - *The proposed development is appropriate for the sites location and has been designed having full consideration for the heritage, scenic and environmental constraints of the site;*
 - *The existing utility infrastructure and services can be extended, augmented or amplified (if required) to accommodate increased demand from the development*
 - *The proposed traffic generation will not adversely affect the existing operations of the surrounding road network; and*

- *The proposed built form has been assessed to be compatible with the surrounding development and environment.”*
183. The Applicant’s SEE stated that the Application would result in a range of positive social and economic impacts. These positive social and economic aspects were described as:
- *“The application will facilitate public access to a previously privately owned parcel of land with approximately 36 hectares of the site being for the sole purpose of publicly accessible passive recreation”;*
 - *“The design of the facility will celebrate the heritage aspects of the site and seek to conserve and interpret the significant areas in perpetuity”; and*
 - *“The application is driven by the strong demand for additional cemetery space in Sydney, and in particular the South West Region. In addition to the providing a supply of much needed cemetery space in Sydney, the future development on the site will provide a range of new job opportunities to the local area. For the first stage alone, this will generate approximately 68 direct and 101 indirect jobs in the construction phase, and 15 direct and 13 indirect jobs per year at the operational stage”.*

Department’s consideration

184. The Department has considered site suitability with regard to the Application’s consistency with relevant EPIs and strategic planning documents, as set out in paragraphs 58 - 72.
185. The Department’s Assessment Report stated that *“the proposed development is considered to complement the semi-rural character of the Scenic Hills being predominately open and cleared with only a small number of buildings, stands of vegetation and water bodies”*. It also stated that *“The development has been designed to be sensitive to the existing landform and to minimise impacts to the wider Varroville landscape and Homestead”*.
186. The Department’s Assessment Report also include: *“Approximately 36 ha (32%) of the site will be provided as public accessible passive open space, including walking trails and parklands”*
187. The Department’s Assessment Report concluded that:
- “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.”*

Commission’s consideration of site suitability

188. The Commission accepts the Applicant’s and Department’s considerations in relation to the suitability of the Site for the development of a cemetery, as set out in paragraphs 182 – 187. In accepting these considerations, the Commission notes the projected need for additional cemetery space in the Campbelltown region, as described in the MSCC Report, which would be serviced by the Application.
189. In accepting the Applicant’s and Department’s considerations in relation to the suitability of the Site for the development of a cemetery the Commission recognises the projected *“overall population growth of around 464,000”* people across demographic groups, as set out in the District Plan.
190. Importantly, the Commission recognises the high level of public access which is provided to the Site from existing road networks, including the Hume Motorway, with the capacity to accommodate the predicted traffic volumes, proximity to the T2 and T8 rail lines, and modest local bus services.
191. As set out in Section 5.8 and 5.9 above, the Commission considers that the Application has been designed with reference to the relevant objectives and requirements of the identified strategic plans.

192. The Commission considers that the Site is suitable for development as a cemetery.
193. The Commission recognises that management and use of Site would be altered as a result of the Application. However, the Commission considers that the Application would provide for improved and more consistent management of the Site, enhancing many of the identified landscape features, heritage items and natural features. The Commission considers that this would be a positive and substantial change to the overall character of the Site and surrounds.
194. Based on the material, the Commission considers that the Application is a suitable and permissible use of the Site because it is compliant with the requirements of the CLEP 2015 and the Campbelltown DCP.

5.9.1 Site Accessibility

Applicant's consideration of site accessibility

195. The Traffic Impact Assessment submitted with the SEE identified that the Site was well serviced by public transport options. The SEE stated:

"The subject site is situated some 13–15-minute walk to the bus stop facilities located in Spitfire Drive, Ballantrae Drive and Thunderbolt Drive. The following bus routes generally provide half hourly services during the morning and afternoon peak periods (refer to Figure 2.4):

- *Route 874: Raby – Minto*
- *Route 875: St Andrews – Bow Bowling – Minto.*

Minto Railway Station is located approximately 3.2km south east of the site, and is on the T2 Airport, T2 Inner West & South and T5 Cumberland line services. These services generally provide services with a frequency of 6-15 minutes during peak periods, and half hourly services during off-peak periods.

Commission's consideration of site accessibility

196. The Commission notes the MSCC Report stated: *"Funeral and memorial service arrangements for persons who pass away are generally undertaken in the location associated with the life of a deceased person. It is also generally the case that the family and social networks for deceased persons are proximate to the location of the deceased's life. Where a burial is by necessity undertaken in a region remote from the location of the life of the deceased, additional travel time is involved in the transfer to the site for burial, and on an ongoing basis for visitation by family and friends".*
197. The Commission considers that the Site is reasonably serviced by public transport options, as set out in paragraph 195, and that this level of service will increase the accessibility of the Site for both locally and regionally based family and wider social networks, as identified in the MSCC Report.
198. Based on the material the Commission finds that the Site is readily accessible through existing road infrastructure and supported by public transport.

5.9.2 Compatibility with surrounding land uses

Public comments

199. The Commission heard concerns from Council and speakers at the public meeting, and received written comments regarding the impacts of the Application on surrounding land uses. These included concerns regarding the proximity of the Application to the Varroville Homestead and the school and religious centres nearby, and the impacts the Application would have on the character of the surrounding landscape.

Applicant's consideration

200. In its SEE, the Applicant noted that it has had regard to the planning principle established on "compatibility" in the matter of *Project Venture v Pittwater Council* (2005) NSW LEC noting that Roseth SC stated: *"The physical impacts, such as noise, overlooking, overshadowing, and constraining future development potential, can be assessed with relative objectivity"*.
201. In its SEE, RtS and Supplementary RtS, the Applicant has considered noise impacts, overlooking and overshadowing, future development potential, visual impact, heritage context and traffic generation and concludes that all associated impacts can be adequately managed and/or mitigated.
202. In relation to future development potential the Applicant's SEE stated that the Application *"will not prevent access to adjacent sites, prevent additional services being provided to support additional development or isolate any sites. The proposal is therefore considered to not restrict future development potential on adjacent allotments. The proposed use by its nature is relatively benign as compared to other permitted uses in E3 Environmental Management zone and the design of the site will not place unnecessary restrictions on adjacent land uses"*.
203. In respect of on-going operational land use compatibility, the Applicant prepared an overarching Plan of Management for the Site to address including the predicted impacts and changes to the current acoustic and traffic environments, lighting, waste management and safety and security.

Commission's consideration

204. The Commission accepts the Applicant's conclusion that key impacts associated with noise, traffic, heritage and visual amenity can be managed or mitigated via conditions of consent.
205. The Commission notes that the Greater Sydney Commission is currently undertaking a review of the strategic planning considerations for new cemetery development in Greater Sydney. However in lieu of the completion of that review and information about its conclusions the Commission has considered the suitability of the site in the context of both its immediate and broader surrounding land uses.
206. The Commission considers that while the Applicant has sought to be sympathetic to the existing landscape and historical character of the Site and surrounding landscape, additional detailed design is required to ensure associated impacts are appropriately mitigated and managed prior to the commencement of the Application. These aspects, including the detailed design and management of the landscaping, the selection of road materials and the design of the kerb details and stormwater management options have been incorporated into the attached Schedule of Conditions.
207. Based on the material, the Commission considers that compatibility of the Application with the adjoining Varroville Homestead and other nearby land uses is demonstrated as many elements of the proposal, with appropriate conditions, enhance and enforce existing values.

5.10 The public interest

208. The Applicant's SEE concluded that the Application was in the public interest because:
 - *"The proposal will provide needed burial space for the South West of Sydney whilst offering choice, at affordable prices in varied settings;*
 - *The proposal will ensure the perpetual maintenance of a significant parcel of land within the Campbelltown Local Government Area;*
 - *The proposal facilitates public access to a previously privately owned element of the Campbelltown Scenic Hills at no cost to the community or Campbelltown City Council. Further it is noted that over 36 hectares of the site will be for the sole purpose of publicly accessible passive recreation;*

- *The proposal provides for the conservation of more than 35Ha of native habitat through the conservation and management and revegetation of the sites riparian corridors, Cumberland Plain Woodland and Moist Shale Woodland landscapes;*
- *The proposal is considerate of the heritage contributions of the site itself and adjacent items and looks to celebrate and interpret these aspects for the benefit of all; and*
- *The proposal is considerate of the scenic aspect of the site and ensure is considered to enhance the overall visual qualities of the site when viewed from the Campbelltown Urban Area.”*

209. The Applicant’s RtS referenced the *Greater Sydney Region Plan*, which stated that:

“Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking.”

210. The Applicant’s RtS concluded that *“It is therefore in the public interest that the objects of the Sydney Region Plan be acknowledged as this proposal is consistent with its objectives.”*

Commission’s consideration of the public interest

211. In considering whether the Application is in the public interest the Commission has had regard to the objects of the EP&A Act. Under section 1.3, the objects of the Act relevant to the proposal are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (e) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (f) *to promote good design and amenity of the built environment,*
- (g) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (h) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (i) *to provide increased opportunity for community participation in environmental planning and assessment.*

212. The Commission considers object (a), (b), (c), (d), (f) and (g) to be particularly relevant to the Application. Specifically, the Commission considers that if the Application were approved it would provide for the development of identified critical social infrastructure in a manner which would provide for increased environmental protection in an accessible location. The Commission considers the Application would be consistent with the objects of the EP&A Act.

213. The Commission has considered and accepts that there are benefits of the Application, as set out in paragraphs 208 - 210.

214. The Commission has also considered the identified adverse impacts of the Application, which include changes to localised traffic patterns, acoustic environment and potential impacts on the Varroville Homestead and Estate, and the community’s concerns of social impacts.

215. On balance, the Commission considers that the Application is overall in the public interest. The Commission considers that the Application is in the public interest because:
- it will address a need for additional cemetery space, as identified in the MSCC Report and is in close proximity to identified urban growth areas and transport options
 - the potential impacts to European heritage values, including the Varroville Homestead and the environment have been minimised through site design and layout and are likely to result in positive and improved outcome and management strategy for the surrounding landscape and outbuildings
 - approximately 36 hectares of publicly accessible open space will be provided
 - significant areas of weed infested and degraded lands will be actively managed, improving local ecological communities and enhancing the Scenic Hills area
 - any residual impacts, including from changes to traffic patterns and acoustic environment, can be appropriately managed by the imposition and implementation of relevant conditions of consent.

5.11 Other Relevant Considerations

216. The Department's Assessment Report identified other relevant considerations associated with the Application as identified by Council. These issues, including the Department's assessment of the significance of the impacts and recommended conditions, are set out in Table 1 below.

Table 1: Department's Consideration of Other Issues

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. • The Department requested the Applicant engage a Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i> (CLM Act) NSW Site Auditor Scheme to review the proposed remediation approach. The Site Auditor has issued Interim Audit Advice 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 	<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 Report upon completion of the remediation works.

Table 1: Department's Consideration of Other Issues

Consideration	Recommended Conditions
Site Audit Statement to the Secretary upon completion of the remediation works which demonstrates the site is suitable for the intended cemetery land use.	
Stormwater Management	
<ul style="list-style-type: none"> • A Stormwater Management Plan (SMP), Water Cycle Management Plan (WCMP) and supporting civil plans prepared in accordance with relevant requirements from the CSC DCP and submitted with the SEE. • 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. • 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. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • 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 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 floor planning levels for each building on the site to ensure floor levels are set above the predicted flood heights. 	<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

Table 1: Department's Consideration of Other Issues

Consideration	Recommended Conditions
	Water Developments' and relevant Australian Standards

217. The Commission considers there is a sound basis for the recommendations in the Department's Assessment Report and as outlined in paragraph 216 and Table 1, because issues relating to noise, lighting signage, security and fencing and construction management can be managed through conditions of consent.

6 HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING DECISION

218. The views of the community were expressed through:
- public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as set out in paragraphs 50 - 53
 - members of the public who spoke at the public meeting or sent written submissions during or after that meeting, as set out in paragraphs 50 - 53
219. In summary, views expressed by the community included a number of significant concerns about the impacts of the Application on:
- The European heritage values, including the Varroville Homestead
 - increased traffic and congestion association with the development and operation of the cemetery
 - the Site is not suitable for the development of a cemetery.
220. The Commission carefully considered all of these views as part of making this direction. The way in which these concerns were taken into account by the Commission is primarily set out in **section 5** of the direction above.

7 CONCLUSION: THE COMMISSION'S FINDINGS AND DIRECTION

221. The Commission has carefully considered the Material before it.
222. The Commission notes its comments above at paragraph 14, regarding the additional steps which will be required if the Minister for Heritage alters the listing of the heritage item under the *Heritage Act 1977* before the Application is determined. This direction from the Commission as to the determination of the Application is not intended to overcome any additional requirements that might arise if that occurs. For the avoidance of doubt, this direction does not purport to require the Planning Panel to grant consent if, pursuant to Division 4.8 of the EPA Act, the relevant authority indicates that approval under the *Heritage Act 1977* will not be granted in order for the development to be lawfully carried out.

223. For the reasons set out in this direction, the Commission directs the Sydney Western City Planning Panel, the consent authority, under section 4.34(1)(a) of the EP&A Act, to determine to approve the Application, subject to the specified conditions set out in Attachment A: Schedule of Conditions to this direction within 60 days of the date of this direction. In the event that the Minister for Heritage alters the listing of the heritage item under the *Heritage Act 1977* before the Application is determined, the time for compliance with this direction is to be 60 days from the date on which the Planning Panel is notified by the relevant authority under Division 4.8 of the EPA Act as to whether or not the approval body will grant the approval, or of the general terms of its approval.

224. The specified conditions set out in Attachment A: Schedule of Conditions are designed to:

- prevent, minimise and/or offset adverse environmental impacts
- set standards and performance measures for acceptable environmental performance
- require regular monitoring and reporting
- provide for the on-going environmental management of the development.



Dianne Leeson (Chair)
Member of the Commission



Ross Carter
Member of the Commission



Adrian Pilton
Member of the Commission

Attachment A: Schedule of Conditions



Attachment A: Schedule of Conditions

Heritage

1. A revised Heritage Interpretation Strategy must be prepared prior to the commencement of construction of Stage 1 of the development to the satisfaction of Council. The Strategy must include development of detailed interpretation briefs informed by archaeological test excavation, stakeholder consultation and additional historical research. The Strategy must be implemented for the duration of the development.
2. The former Varroville Estate must be subject to archival recording prior to any demolition or earthworks commencing on the site, in accordance with the endorsed Conservation Management Plan and relevant Heritage Division guidelines to the satisfaction of Council. The archival recording must include, but is not limited to, significant landscape features and built elements proposed for demolition.
3. Test excavations for archaeological relics in Stages 2 and 3 must only be undertaken in areas where impacts are proposed.
4. The 'no build area' identified in clause 7.7(3)(d) of the *Campbelltown City Council Local Environmental Plan 2015* is limited for use as a lawn cemetery only. The development of new structures in this area is not permitted with the exception of water stations and shelters as identified on the 'Macarthur Memorial Park Varroville Landscape Drawings' prepared by Florence Jaquet Landscape Architect dated 22 October 2018, Revision B.
5. Prior to the commencement of operation of each stage of the development, detailed signage plans and a Public Art Strategy must be submitted to the Heritage Council for comment and approved by Council.
6. The loop road in Stages 3 and 4 of the proposal is not approved. A revised road layout must 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.
7. All roadside kerbing should be flush with the road surface to ensure the pastoral nature of the open Varroville landscape is maintained. The colour and texture of the kerbing is to be selected to avoid strong contrasts with adjacent surfaces. Proposed kerb design and materials must be submitted to the Heritage Council for comment and approved by Council prior to commencement of construction.

8. The proposed loop road off Access C must 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.
9. Proposed road and boundary lines must not be reinforced with screen or avenue plantings. Planting across the development must 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).
10. Access C is restricted to use as an exit from the site only except during peak visitation periods (e.g. All Saints Day, Fathers Day, Mothers Day and other significant religious holidays/events).

Traffic

11. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of Council. The plan must form part of a CEMP and must:
 - a. be prepared by a suitably qualified and experienced person(s)
 - b. be prepared in consultation with Council and RMS
 - c. detail the measures that are to be implemented to ensure road safety and network efficiency during construction
 - d. detail heavy vehicle routes, access and parking arrangements
 - e. include a Driver Code of Conduct to:
 - i. minimise the impacts of earthworks and construction on the local and regional road network;
 - ii. minimise conflicts with other road users;
 - iii. minimise road traffic noise; and
 - iv. ensure truck drivers use specified routes;
 - f. include a program to monitor the effectiveness of these measures
 - g. if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
12. The Applicant must:
 - a. not commence construction until the Construction Traffic Management Plan required by Condition 11 is approved
 - b. implement the most recent version of the approved Construction Traffic Management Plan for the duration of construction.
13. The Applicant must provide sufficient parking facilities on-site to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
14. The Applicant must undertake a traffic verification study every 10 years from the year 2038 to the satisfaction of Council and the RMS to verify the traffic generated by the development and the cumulative traffic impacts on the road network at that time. The Study must determine

whether any road or intersection upgrades are required and must 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. 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.

15. Access B is restricted to an entry only and must not be used for vehicles to exit the site at any time.
16. Austroads Safe Intersection Sight Distances must be achieved at all access driveways at the site.

Noise

17. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the Acoustic Assessment titled 'Macarthur Memorial Park Varroville NSW, Acoustic Assessment of Operation and Construction Noise and Vibration for Planning Application' prepared by Acoustic Studio dated 25 July 2018
18. The Applicant must prepare a Construction Noise and Vibration Management Plan for the development to the satisfaction and approval of Council. The Plan must form part of a site-specific CEMP and must:
 - a. be prepared by a suitably qualified and experienced noise expert
 - b. be approved by Council prior to the commencement of construction of each stage of the development
 - c. describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time)
 - d. describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
 - e. include strategies that have been developed with the community for managing high noise generating works
 - f. describe the community consultation undertaken
 - g. include a complaints management system that would be implemented for the duration of the development.
19. The Applicant must:

- a. not commence construction of any relevant stage of the development until the Construction Noise and Vibration Management Plan required by Condition 18 is approved
 - b. implement the most recent version of the approved Construction Noise and Vibration Management Plan for the duration of construction.
20. The Applicant must 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.
21. Within five years of the commencement of operation of Stage 1 of the development, a review of road traffic noise levels must be undertaken at Our Lady of Mount Carmel Parish and the Retreat Centre to verify predictions made in the Acoustic Assessment titled 'Macarthur Memorial Park Varroville NSW, Acoustic Assessment of Operation and Construction Noise and Vibration for Planning Application' prepared by Acoustic Studio dated 25 July 2018.
22. Should the review required by Condition 21 determine actual noise impacts are greater than predicted, additional mitigation and management measures must be implemented to maintain the amenity of any affected receiver. The provision of noise barriers, air conditioners (so that doors and windows could be kept closed) and the like, are not considered acceptable. Noise mitigation measures must be implemented through design modifications or active management and/or re-scheduling of operational activities.
23. An updated acoustic assessment must be prepared and approved by Council prior to the release of each future stage of development.

Light Spill

24. The development must be constructed to minimise light spill and night time visual impact. Only low level public domain lighting (both in terms of lux and height from ground) will be permitted and then only on the approaches to the chapel.
25. Building lighting shall be designed and managed to not be visible from surrounding areas. A detailed lighting plan must be submitted to the Heritage Council for comment and approved by Council.

Contamination

26. Prior to the commencement of any earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
27. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remediation Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

28. Upon completion of the remediation works and prior to the commencement of construction, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its intended use as a cemetery and associated parklands.

Biodiversity

29. The Applicant must retain all CPW trees in the natural burial area and include management of this area of Cumberland Plain Woodland in a revised Vegetation Management Plan approved by Council prior to the commencement of operation of Stage 1.
30. The Applicant must implement the 'Vegetation Management Plan' prepared by Travers Bushfire and Ecology dated 12 December 2018 and the recommendations of the 'Watercourse Assessment', 'Tree Assessment Report' and 'Flora and Fauna Assessment' prepared by Travers Bushfire and Ecology dated 12 December 2018.
31. The Vegetation Management Plan prepared by Travers Bushfire and Ecology dated 20 July 2018 must be reviewed every five years and updated, if required. A copy of the updated Plan must be submitted to Council for review and approval.
32. A detailed Vegetation Management Plan for each stage must be prepared and submitted for approval by Council prior to the release of each development stage.
33. Prior to the commencement of construction of Stage 1, revegetation and bush regeneration plans must be prepared for each management zone.
34. Any fencing installed at the site must not impede Koala movement.
35. Tree preservation zones must be implemented during construction.
36. A detailed tree management audit must be undertaken every five years for the duration of the development, unless otherwise agreed by Council.

Stormwater

37. Prior to the commencement of construction, the Applicant must design a stormwater management system for the development without any vertical kerbing. The system must:
- a. be designed by a suitably qualified and experienced person(s)
 - b. be designed to the satisfaction of Council
 - c. be prepared in consultation with the Heritage Council
 - d. be generally in accordance with the conceptual design in the 'Macarthur Memorial Park Water Sensitive Urban Design Strategy and Stormwater Management Plan' prepared by Stormy Water Solutions dated 7 November 2018
 - e. be in accordance with applicable Australian Standards and consistent with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2015

- f. ensure the system capacity has been designed in accordance with 'Australian Rainfall and Runoff' (Australian Engineers, 2016) (ARR) and the 'Managing Urban Stormwater: Council Handbook' (EPA, 1997).
- 38. The Applicant must install and operate the stormwater management system approved under Condition 37.
- 39. Prior to the commencement of operation of each stage of the development, the Applicant must develop site-specific inspection and maintenance schedules for the stormwater management system for each relevant stage of the development to the satisfaction of Council.
- 40. The Applicant must operate and maintain the stormwater management system in accordance with the 'Macarthur Memorial Park Water Sensitive Urban Design Strategy and Storm Water Management Plan' prepared by Stormy Water Solutions dated 7 November 2018, as modified by Condition 37.

Flood Management

- 41. The Applicant must design floor levels of buildings at the minimum levels specified in Table 4 of the 'Flood Assessment' prepared by WMA Water dated 4 August 2017 plus 150 mm freeboard.

Riparian Management

- 42. The Applicant must implement the recommendations of the Watercourse Assessment, prepared by Travers Bushfire and Ecology dated 12 July 2018, for the duration of the development.
- 43. The development must be consistent with the objects and principles of the *Water Management Act 2000* and all Department of Industry – Water Controlled Activity guidelines.

Waterbody Safety

- 44. All stability works and landscaping of retained dams on site must comply with the requirements of the Royal Life Saving Society 'Guidelines for Water Safety in Urban Water Developments' and relevant Australian Standards.

Bushfire Management

- 45. At the commencement of construction and in perpetuity asset protection zones (APZs), managed to the standard of inner protection area (IPA), must be maintained as generally shown in Schedule 1 Bush Fire Protection Measures of the 'Bushfire Protection Assessment' prepared by Travers Bushfire and Ecology, dated 11 October 2017. The APZs must be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

46. Water, electricity and gas must comply with Section 4.2.7 and 4.1.3 of Planning for Bushfire Protection 2006, except where modified in Section 3 of the 'Bushfire Protection Assessment' prepared by Travers Bushfire and Ecology, dated 11 October 2017.
47. Internal roads must comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006' except where modified in Section 3.4 of the 'Bushfire Protection Assessment' prepared by Travers Bushfire and Ecology, dated 11 October 2017.
48. A Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.
49. Construction of the proposed administration building and ground staff facility must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
50. Construction of the proposed administration building and ground staff facility must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Public Open Space

51. Approximately 36 ha (32%) of the site must be provided as public accessible passive open space, including walking trails and parklands. The open space must be publicly accessible from daylight to dusk.

Construction

52. The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of Council. The CEMP must include:
 - a. detailed baseline data
 - b. details of:
 - i. the relevant statutory requirements (including any relevant approval, licence or lease conditions)
 - ii. any relevant limits or performance measures and criteria
 - iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures
 - c. a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria

- d. a program to monitor and report on the:
 - i. impacts and environmental performance of the development
 - ii. effectiveness of the management measures set out pursuant to paragraph (c) above
 - e. a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
 - f. a program to investigate and implement ways to improve the environmental performance of the development over time
 - g. a protocol for managing and reporting any:
 - i. incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria)
 - ii. complaint
 - iii. failure to comply with statutory requirements
 - h. a protocol for periodic review of the plan.
53. As part of the CEMP required under Condition 52, the Applicant must include the following:
- a. Construction Traffic Management Plan
 - b. Erosion and Sediment Control Plan;
 - c. Construction Noise and Vibration Management Plan
 - d. Construction and Demolition Waste Management Plan
 - e. Community Consultation and Complaints Handling.
54. The Applicant must:
- a. not commence construction of the development until the CEMP is approved and
 - b. carry out the construction of the development in accordance with the approved CEMP.

Other Approvals

55. The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met prior to construction.
56. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.