

**DETERMINATION AND STATEMENT OF REASONS  
SYDNEY WESTERN CITY PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	19 July 2019
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald and Nicole Gurrán
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	<p>Councillor Lound declared an interest and advised that he has been involved in Briefings and has also voted on the Varroville Cemetery Development previously in a Council meeting.</p> <p>Councillor Greiss advised that he has voted on this matter numerous times when it first came before council years ago and will not take part in this decision.</p>

Electronic meeting held between 15 July 2019 and 19 July 2019.

**MATTER DETERMINED**

2017SSW060 – Campbelltown – DA3292/2017 AT 166-176 St Andrews Road, Varroville (AS DESCRIBED IN SCHEDULE 1)

**PANEL CONSIDERATION AND DECISION**




The Panel determined to approve the development application as described in Schedule 1 pursuant to the Commission’s Direction dated 15 July 2019, made under section 4.34(1) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

1. The Sydney Western City Planning Panel (**Panel**) is the consent authority for development application 3293/2017/DA-C (Application) made by the Catholic Metropolitan Cemeteries Trust (CMCT) for a cemetery to be established at 166-176 St Andrews Road, Varroville.
2. On 18 May 2018, CMCT referred the Application to the Minister for Planning under section 4.33(5) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* as the Panel had not determined the matter within 70 days after the application was lodged with Campbelltown City Council.
3. On 4 June 2018, the Minister for Planning 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 of the EP&A Act, to the Independent Planning Commission (**Commission**) regarding the Application. This includes the function under section 4.34(1) of the EP&A Act to decide to direct a consent authority to approve, with conditions, a Crown development application.
4. Under section 4.34(2) of the EP&A Act, the consent authority must comply with such a direction if it is made.
5. On 15 July 2019, the Commission issued a direction to the Panel to approve, with conditions, the Application under section 4.34(1) of the EP&A Act. That direction contained detailed reasons that support the Commission's decision to direct the Panel to approve the Application with conditions,

6. The Panel is bound by that direction.
7. As at the date of this determination no alteration has been made to the listing of the heritage item forming part of the site under the *Heritage Act 1977* (as allowed for by the Commissioner's direction).

<b>PANEL MEMBERS</b>	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2017SSW060 – Campbelltown – DA3292/2017
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Construction and use of a new cemetery and parklands, develop a 136,000 burial plot cemetery to be developed over four stages.
<b>3</b>	<b>STREET ADDRESS</b>	166-176 St Andrews Road, Varroville
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant/Owner – Catholic Metropolitan Cemeteries Trust C/- Urbis Pty Limited
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Crown development referred under section 4.33 of the EP&A Act
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Campbelltown Local Environmental Plan 2015</li> <li>○ State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Campbelltown (Sustainable City) Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> </ul>

		<ul style="list-style-type: none"> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Commission's direction to approve the application dated 15 July 2019</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing – 4 June 2018</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Subject to the specified conditions set out in Attachment A