

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Erection of 1.8m fence on roadside boundary, Stanley Cemetery, Ross Road East, Stanley

Paper No: 152/10

Date: 24 June 2010

Report of: Environmental Planning Officer/ Head of Policy

1.0 Purpose

1.1 To determine a planning application for a fence at Stanley Cemetery.

2.0 Recommendation

That Executive Council endorses the recommendation from the Planning and Building Committee to refuse this application on the grounds that the benefits of screening the lower part of the cemetery for visitors does not outweigh the adverse visual effects of introducing a stark and unattractive feature into an open local landscape.

3.0 Summary of Financial Implications – none.

4.0 Background

4.1 On 5 April 2010 the Public Services Department submitted a planning application to erect a 1.8m fence on the roadside boundary at the Cemetery, Ross Road East, Stanley. The application was considered by the Planning and Building Committee on 6 May 2010. The Committee was minded to refuse the application. However, under the terms of the Planning Ordinance 1991, applications made by the Crown cannot be refused by the Committee and must instead be referred to Executive Council for a decision.

5.0 The Proposal

5.1 The Public Services Department wishes to replace part of a 1.2m ranch style fence that runs along the north side of the cemetery with a 1.8m solid panel fence. A photo of the new fence is attached, together with photos of the existing fence. The new fence will be approximately 100m in length and screen the eastern half of the cemetery from views from Ross Road East. It will be made of softwood timber with a stained redwood finish. PSD has given consideration to extending the stone wall adjacent to the Cross of Sacrifice eastwards instead of the proposed fence but has concluded that it would be too expensive. The height of the existing wall varies from 1.4m to 1.8m, with an average height of about 1.65m. The wall is at its highest at its eastern end (nearest to the new fence).

Public Consultation

- 5.2 The application was advertised by Public Notice in the usual way. One neighbouring property owner (Lafone House) was also notified. No representations were received as a result of this publicity.

Environmental Planning Officer recommendation

- 5.3 My assessment was that the new fence would be less attractive than the existing low ranch style fence and present a stark and uniform appearance along this part of Ross Road East. However, I did not think that this in itself was sufficient for me to recommend refusal. In addition, the visual impact could be softened by the planting of trees, shrubs and flowerbeds on the side facing Ross Road East. My recommendation was therefore to approve the application.

Consideration by Planning and Building Committee

- 5.4 At the meeting the Director of Public Services advised Members that he had been approached by various people expressing their concerns that they felt exposed when visiting their family's graves and that's why he had submitted an application for the proposed fence. He said that it would be ideal to carry on with the stone wall but that the costs were too high.
- 5.5 Members felt that there should be more public consultation to ascertain the views of the community. They could understand that some families may feel exposed and that maybe something should be done, but overall thought that the proposed fence would change the view too much.
- 5.6 The matter then went to a vote resulting in all Members being against the application on the grounds that the benefits of screening the lower part of the cemetery for visitors did not outweigh the adverse visual effects of introducing a stark and unattractive feature into an open local landscape.

Views of the Lands Committee

- 5.7 The Lands Committee has declined to give a view on the proposed fence on the grounds that, as the cemetery and the grass verge are both managed by PSD, it is not really a Lands Committee issue.

Post Committee public reaction

- 5.8 At the time of preparing this report 26 representations have been received by PSD or myself about the proposed fence. In addition, 11 names were submitted by Team Tranquil on an 'in confidence' basis. Overall, 26 representations support the proposed fence and 11 oppose it - which equates to about 70% in favour and 30% against. It should be noted that all the representations received have been on an unsolicited basis as (apart from the original planning application public notice, which generated no responses) there has been no formal request for views. A copy of written representations is attached to this report (others have made their view known via telephone calls).
- 5.9 Most of those in favour have commented on the lack of privacy the current fence affords grieving relatives from passers by travelling along Ross Road East. In contrast, a common thread made by those opposed to the new fence is that they welcome the

opportunity to see into the cemetery and the final resting place of their relatives when travelling along the road.

- 5.10 Some respondents have also requested that further consultation should be carried out before Executive Council takes its decision.

Conclusion

- 5.11 The public notice for this development generated no representations. Following the Planning and Building Committee meeting unsolicited views have been received from members of the community both in favour of and opposed to the new fence. The majority of responses received support the new fence but this could change if a formal consultation was carried on the proposal.
- 5.12 This is clearly a deeply personal and sensitive issue and whatever decision is reached will inevitably disappoint some people. A compromise solution - to approve the fence but to restrict its height to perhaps 1.3m - is unlikely to satisfy those in favour or opposed to the fence as it would fail to address the core concern of either (a lower fence is unlikely to provide sufficient screening but would still restrict views into the cemetery).
- 5.13 The Planning and Building Committee was unanimous in recommending that the application be refused due to its visual impact.
- 5.14 If Executive Council decides to approve the application it is recommended that it be subject to a condition requiring a landscaping and planting scheme to be agreed between PSD and the Environmental Planning Officer, and be implemented as agreed.

6.0 Financial Implications

Although not a planning issue, the cost of the fence will be met from within the Public Services Department budget.

7.0 Legal Implications

None

8.0 Human Resources Implications

None