

Liverpool Local Environmental Plan 2008 (Amendment No 36) - Cemeteries and Crematoria

Proposal Title : **Liverpool Local Environmental Plan 2008 (Amendment No 36) - Cemeteries and Crematoria**

Proposal Summary : **The proposal seeks to remove cemeteries and crematoria as permitted uses with consent in RU1 Primary Production, RU4 Primary Production – Small Lots, RE1 Public Recreation and RE2 Private Recreation zones, remove crematoria as a permitted use from B6 Business Enterprise and add crematoria as a permitted use with consent in IN 2 Light Industrial to the Liverpool Local Environmental Plan 2008 Land Use Table.**

A table indicating the land uses currently permissible with consent under the Liverpool LEP 2008 and under the proposed planning proposal is in Documents.

The planning proposal also seeks to add cemeteries and crematoria as an additional permitted use on five (5) sites that are either currently operate as a cemetery or crematoria or have an approval to develop a cemetery or crematoria. These sites are:

- 1. Kemps Creek Cemetery, Kemps Creek – Lot 1 DP 633792;**
- 2. Forest Lawn Memorial Park, Leppington (cemetery and crematoria) – Lot 1 DP 876560;**
- 3. 321 Greendale Road, Greendale (cemetery and crematoria) – Lot 1 DP 599308;**
- 4. 992 Greendale Road, Greendale (crematoria) – Lot 1 DP 520904**
- 5. 41 Greendale Road, Bringelly (cemetery) – Lot 5 DP 252040**

Kemps Creek Cemetery and Forest Lawn Memorial Park are currently operating and the remaining three sites have recently been approved for 79, 212 burial spaces and crematoria (45,120 ash receptacles).

Council also proposes to amend Liverpool Development Control Plan 2008 to provide guidelines, planning principles and siting requirements for cemetery and crematoria development to ensure environmental and health impact of these development are considered in the future.

PP Number : **PP_2013_LPOOL_008_00** Dop File No : **13/19187**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions : **1.1 Business and Industrial Zones
1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones**

Additional Information : **The planning proposal should not proceed as it is considered to be premature at this stage for the following reasons:**

- the planning proposal does not meet the relevant objectives of the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy;**
- shortfall for burial places is expected in the Greater Sydney Metropolitan area in 30 to 40 years;**
- subregional delivery plans are yet to be made;**
- the new Agency for Cemetery and Crematoria NSW which will establish planning strategies and guidelines to address current and future interment needs and codes of practice for cemeteries and crematoria is yet to be created; and**
- crematoria in light industrial zone is an incompatible use.**

If planning proposal proceeds, Council may consider zoning of existing and approved cemeteries and crematoria sites as SP2 Infrastructure rather than to include them as an additional use.

Supporting Reasons : It is considered that the planning proposal should be deferred until the new Agency for Cemetery and Crematoria NSW is created.

Panel Recommendation

Recommendation Date : 19-Dec-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following variations and conditions:

1. The proposed inclusion of 'cemeteries' and 'crematoria' as additional permitted uses on land in Liverpool is not supported and should be removed from the planning proposal. Council should zone the land SP2 Infrastructure or an appropriate alternative consistent with the Department's Practice Note PN10-001 Zoning for Infrastructure in LEPs which identifies Special Use zones as appropriate for the subject land use. Council is to amend the planning proposal to reflect the above approach prior to proceeding to public exhibition.

2. The inclusion of crematoria in the IN2 Light Industrial zone is not supported. The subject land use is considered inconsistent with the intention of the industrial zone and may create land use conflict. Council is to remove this component of the planning proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not sought delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

M. Selman

Date:

20/12/13