



PP_2017_PENRITH_003_00 /IRF20/5355

Mr Warwick Winn
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Mr Winn

Planning proposal PP_2017_PENRITH_003_00 to amend Penrith Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to remove cemeteries as a permissible use in the E3 Environmental Management zone and prohibit cemeteries and crematoria in the Mulgoa valley and parts of Wallacia under the Penrith Local Environmental Plan 2010.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should not proceed for the reasons outlined in the enclosed Gateway determination and below:

1. The proposal is inconsistent with the Greater Sydney Regional Plan and Western City District Plan, in particular Planning Priority W3 which identifies the need for additional land for burials and cremations;
2. Progression of the planning proposal prior to preparation of a regional strategy which identifies additional lands for new cemeteries to serve the Sydney region, may prevent development of an orderly and holistic strategy for the region;
3. There is insufficient evidence to demonstrate that cemeteries and crematoria of all scales and in any location will adversely impact on the historic and scenic values of Mulgoa Valley and Wallacia; and
4. There is insufficient evidence to demonstrate the capacity and capability of the lands zoned RU2 and RU4 to accommodate cemetery developments within the Penrith LGA into the future.

I have not taken this decision lightly and I can assure Council that I have closely considered all the planning merits and advice, including the advice of the Greater Sydney Commission (GSC) and Heritage NSW.

Heritage NSW has indicated that while it recognises the heritage values of the Mulgoa Valley and Wallacia, it is appropriate that potential heritage impacts are assessed through a site-specific assessment.

The Department of Planning, Industry and Environment's (the Department) Policy team has recently concluded a 5-year Review of the operations of the *Cemeteries and Crematoria Act 2013*, which is a statutory requirement. A Cabinet submission titled 'Report on the Statutory Review of the Cemeteries and Crematoria Act 2013', was tabled in Parliament on 19 February 2021 and is now publicly available.

The recommendations confirm a role for GSC in preparing a strategic study to address the future cemetery needs for the Sydney Region. The Department will work with the GSC over the next month to better understand the scope and timing of the study, including opportunities for councils and the community to provide input into this important study.

Should you have any enquiries about this matter, I have arranged for Ms Jane Grose, Director Central (Western) to assist you. Ms Grose can be contacted on 9274 6070.

Yours sincerely



24 March 2021

Brett Whitworth
Deputy Secretary
Greater Sydney Place and Infrastructure

Encl: Gateway determination