

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

3 MAY 2021

Application Number:	RZ-2/2021
Proposal:	Planning proposal to amend Part 7 of Liverpool Local Environmental Plan 2008 to prohibit cemeteries and crematoria in Wallacia
Property Address	Suburb of Wallacia
Legal Description:	N/A
Recommendation:	Proceed to Gateway determination
Assessing Officer:	Kweku Aikins, Strategic Planner

1. EXECUTIVE SUMMARY

The planning proposal amends Part 7 (Division 2) of Liverpool Local Environmental Plan 2008 (LLEP 2008) to prohibit 'cemeteries' and 'crematoria' in the suburb of Wallacia.

Wallacia is predominantly characterised by rural allotments (with the minority being large residential lots). The subject area is predominantly zoned RU1 – Primary Production with the Nepean River being zoned W1 - Natural Waterways, and minor portions being zoned RU4 – Primary Production Small Lots and R5 - Large Lot Residential.

Over many years, Council has received development applications for cemeteries and crematoria in rural areas. During the assessment of these applications, residents have raised concerns regarding these proposals. In response, Council raised a notice of motion emphasising the importance of preserving the significant rural landscape, agricultural qualities, and cultural heritage values of Wallacia. Accordingly, at its meeting of 24 February 2021, Council resolved to:

- 1. Direct the CEO to bring to the April Council Meeting a planning proposal similar to that of Penrith City Council seeking to amend our LEP prohibiting cemeteries and crematoriums within Wallacia;*
- 2. Write to Wollondilly Council informing them of Penrith's planning proposal and Liverpool's proposed amendment and requesting the same; and*
- 3. Notes its opposition to DA-1059/2020, a proposal for the construction of a cemetery at 1290 Greendale Road, Wallacia, housing 775,000 burials.*

The planning proposal has been drafted (see **Attachment 1**) as required by the above Council resolution. It is envisioned that cemeteries and crematoria would be prohibited in the suburb of Wallacia, thereby maintaining large parcels of land for primary industries.

Determination of strategic merit and site-specific merit has been assessed in accordance with A guide to preparing planning proposals, as updated and published by the NSW Department of Planning, Industry and Environment in 2018. The proposal has been submitted pursuant to Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the proposal is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act 1979.

On the basis that the planning proposal demonstrates strategic and site-specific merit, this report recommends that the planning proposal proceeds to a Gateway determination.

2. SITE DESCRIPTION AND LOCALITY

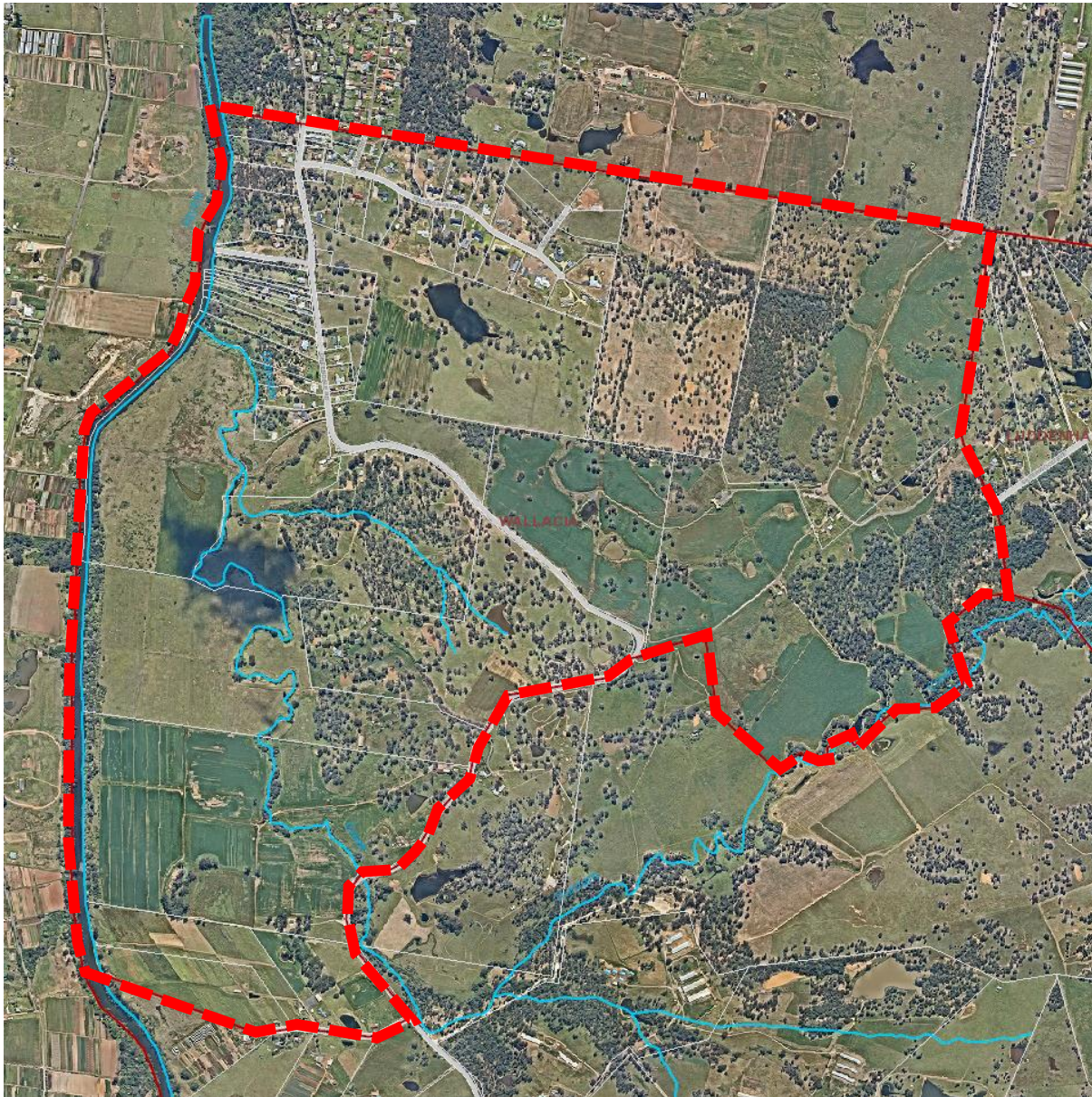


Figure 1: Aerial view of subject site (Nearmap Oct 2020)

The suburb of Wallacia lies across the boundaries of the Penrith, Liverpool and Wollondilly local government areas (LGA) and is located approximately 70km west of the Sydney CBD and 23km west of the Liverpool city centre. The subject portion of Wallacia (i.e. within the Liverpool LGA) has an area of 676.92ha and is bound by the Nepean River to the west, the Penrith LGA to the north, the suburb of Greendale to the south and the suburb of Luddenham to the east. The subject area is predominantly characterised by rural allotments (with the minority being large residential lots) and is largely serviced by 3 roads and a tributary of the Nepean River (Duncan's Creek)

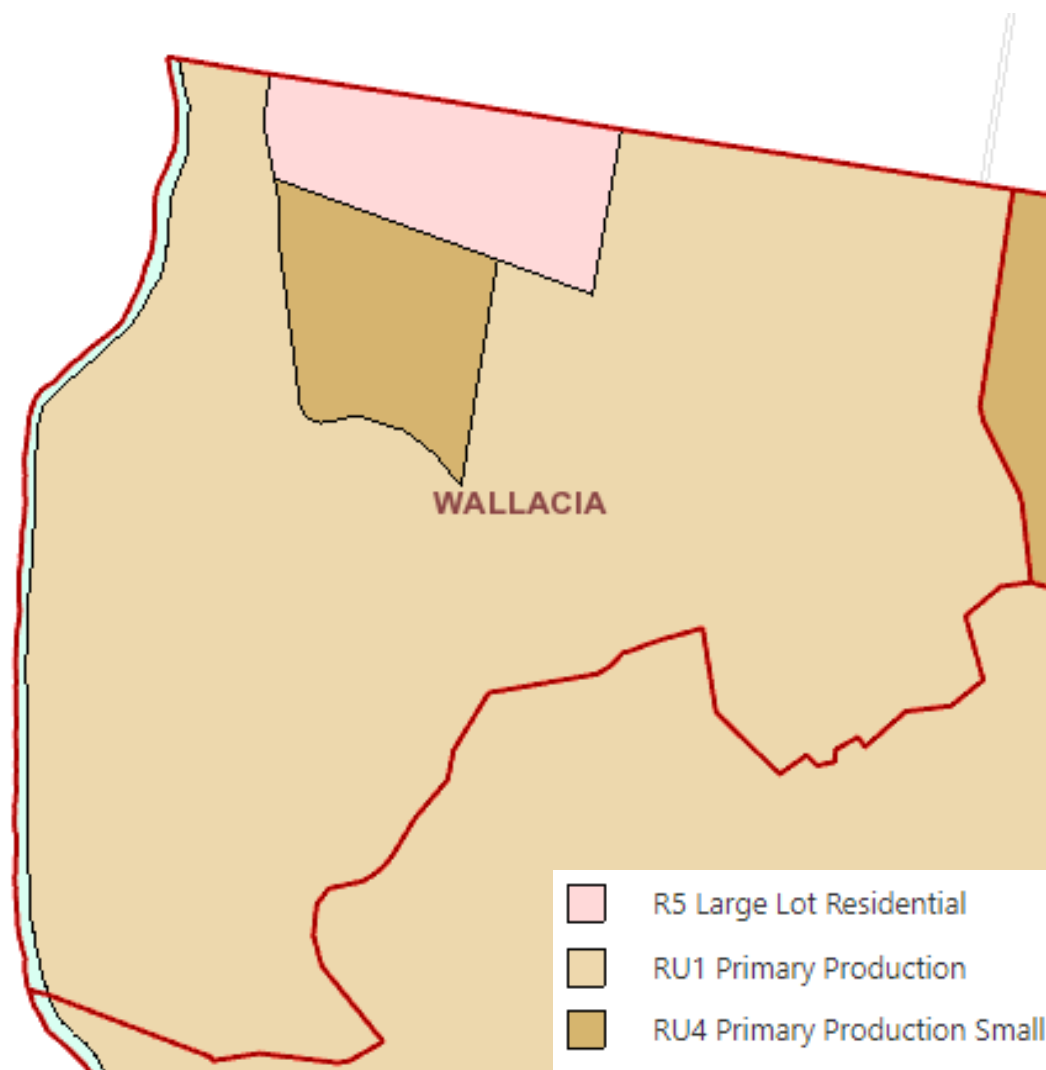


Figure 2: Zoning Map Extract (subject site outlined in red)

3. DETAILS OF THE PROPOSAL

At its ordinary meeting of 24 February 2021, Council resolved to:

1. Direct the CEO to bring to the April Council Meeting a planning proposal similar to that of Penrith City Council seeking to amend our LEP prohibiting cemeteries and crematoriums within Wallaceia;
2. Write to Wollondilly Council informing them of Penrith's planning proposal and Liverpool's proposed amendment and requesting the same; and
3. Notes its opposition to DA-1059/2020, a proposal for the construction of a cemetery at 1290 Greendale Road, Wallaceia, housing 775,000 burials.

The planning proposal has been drafted as required by the above Council resolution (see **Attachment 1**).

The Proposal

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The planning proposal amends Part 7 (Division 2) of LLEP 2008 to prohibit 'cemeteries' and 'crematoria' in the suburb of Wallacia.

4. CONSIDERATIONS FOR STRATEGIC MERIT

In summary, the proposed amendment is deemed to have strategic merit as outlined within the planning proposal justification report (**Attachment 1**). The proposal will prohibit undesirable land uses within the subject locality.

The proposal gives effect to the Metropolitan and District Plan, as well as the Liverpool Local Strategic Planning Statement (LSPS). Council staff deem that the proposal will ensure scenic and cultural landscapes are protected and enhanced. Further, the proposal will ensure that that large land holdings in the Metropolitan Rural Area are not sterilised from further cultivation in perpetuity.

It is noted that Objective 6 (*Services and infrastructure meet communities' changing needs*) and Planning Priority W3 (*Providing services and social infrastructure to meet people's changing needs*) both address cemeteries and crematoria:

"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."

This limits the strategic merit of the planning proposal, in proposing to prohibit cemeteries and crematoria from the suburb of Wallacia. Be that as it may, Council staff see strategic merit in prohibiting such uses in Wallacia to ensure scenic and cultural landscapes are protected and enhanced and productive agricultural land is protected.

The proposed amendment has also been assessed against the current zoning objectives of the site and considered the DCP controls applying to the locality. Finally, consideration has been given to the relevant 9.1 Ministerial Directions and State Environmental Planning Policies to confirm consistency.

5. CONSIDERATIONS FOR SITE SPECIFIC MERIT

In summary, the proposed amendment is deemed to have site specific merit as outlined within the planning proposal justification report (**Attachment 1**). It is noted that the subject area is constrained in regard to flooding, bushfire threat, and land contamination. However, the proposal does not facilitate additional development, rather it seeks to prohibit undesirable land uses. Accordingly, supporting studies will not be required for the proposed prohibition.

6. CONCLUSION

It is recommended that the planning proposal proceeds to a Gateway determination as the proposal has demonstrated strategic and site-specific merit and is consistent with the resolution of Council.

7. ATTACHMENTS

1. Planning Proposal
2. Council Resolution