



Dr Eddie Jackson  
Chief Executive Officer  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC, NSW 1871

Dear Dr Jackson,

**Planning proposal PP-2021-3702 to amend Liverpool Local Environmental Plan 2008**

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 prohibit cemeteries and crematoria in the suburb of Wallacia.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should not proceed for the following reasons:

- The proposal is inconsistent with the Greater Sydney Region Plan and Western City District Plan, in particular Planning Priority W3 which identifies the need for additional land for burials and cremations in Greater Sydney;
- There is insufficient evidence to demonstrate the supply of cemeteries and crematoria will not be impacted;
- There is insufficient evidence to demonstrate that cemeteries and crematoria will adversely impact scenic and rural values, or agricultural activities in Wallacia; and
- It will create an undesirable precedent that restricts the land available in Greater Sydney for cemetery and crematory purposes.

I have not taken this decision lightly and I can assure Council that I have closely considered all the planning merits and advice. The Department of Planning, Industry and Environment's (the Department) is happy to provide further guidance on an alternate proposal that would apply specific controls to ensure scenic and cultural landscape values are protected in any future cemetery development applications.

The Department's Policy team has recently concluded a 5-year Review of the operations of the *Cemeteries and Crematoria Act 2013*, which is a statutory requirement. The review titled 'The 11<sup>th</sup> hour - Solving Sydney's Cemeteries Crisis', was tabled in Parliament on 19 February 2021 and is now publicly available at

[https://www.industry.nsw.gov.au/data/assets/pdf\\_file/0008/353087/Statutory\\_Review\\_of\\_the\\_Cemeteries\\_Crematoria\\_Act.pdf](https://www.industry.nsw.gov.au/data/assets/pdf_file/0008/353087/Statutory_Review_of_the_Cemeteries_Crematoria_Act.pdf)

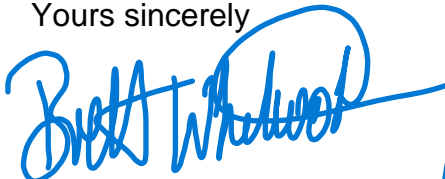
Key findings of the review are:

- Sydney is running out of burial space and sooner than previous timeframes had indicated;
- This shortage has major implications for NSW; and
- This risks burials becoming unaffordable for some sections of the community.

One of the recommendations is to prepare a strategic study to address the future cemetery needs for the Sydney Region. The Department's Cemeteries Review Taskforce is working 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, please contact Adrian Hohenzollern, Director (Western) on 9860 1505

Yours sincerely



**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney Place and Infrastructure**

12 July 2021

Encl: Gateway determination

cc. Greg Woodham, Greater Sydney Commission