

Department of Planning and Environment

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Explanation of Intended Effect

Proposing an exempt and complying development framework for cemeteries

October 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Explanation of Intended Effect: Introducing an exempt and complying development framework for cemeteries

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Introduction

The NSW Department of Planning and Environment (the department) is proposing to create simpler planning pathways for low-impact works within cemeteries by amending the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

This proposal acknowledges cemeteries as critical social infrastructure that would have the same status in the planning system as other forms of social infrastructure such as schools and hospitals. Cemeteries meet an essential community need to inter deceased members of our communities. Increasingly, they also provide parklands, habitat, and public places of reflection.

Unlike other examples of critical social infrastructure, there are no fast-track planning approval pathways in the NSW planning system tailored to support the ongoing function of cemeteries. An exempt and complying development framework is proposed, which will provide operators with fast-track pathways so they can carry out maintenance and other minor works within existing cemeteries without the need for a development application.

This will also free up council resources to focus on other crucial local development applications, such as for housing and employment.

This explanation of intended effect (EIE) provides an overview of the proposal and invites the community to provide feedback.

Context

A review of the cemeteries and crematoria sector

The proposal responds to a 2020 statutory review of the *Cemeteries and Crematoria Act 2013* (C&C Act) and the report that followed: *The 11th Hour - Solving Sydney's Cemetery Crisis* (11th Hour Report). Recommendation 7.16 of the 11th Hour Report identified opportunities to improve the planning approvals process for cemeteries.

Recommendation 7.16

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* be amended to identify all low environmental impact operational works specific to cemeteries and crematoria across NSW as exempt developments. These ancillary operational works be included in a specific provision for cemeteries or crematoria land use.

The 11th Hour Report identifies several types of “low impact works” essential for the long-term management of cemeteries, as required by the C&C Act. It noted cemetery operators must obtain planning approval to deliver these works, often through a development application under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and that the assessments, timeframes and costs associated with development applications often do not reflect the low impact nature of these works.

Cemeteries are critical social infrastructure

The cemeteries and crematoria sector is significant in NSW. At the time of writing, there were 1,498 cemeteries and 61 crematoria in NSW. Their services are essential to our communities, providing important burial spaces along with opportunities for remembrance and reflection. Every person in NSW has the right to a respectful burial in line with their religious and cultural beliefs.

However, unlike other forms of social infrastructure, such as schools and hospitals, there are no fast-track planning approval pathways tailored to support the ongoing operation of cemeteries.

Importance of minor ancillary works to cemeteries

Maintenance and other ancillary works are necessary for cemeteries to remain operational and in the best possible condition throughout their life cycle. Cemeteries should be maintained to ensure they are safe, accessible and provide visitors with a positive sense of place.

Minor ancillary works identified by the 11th Hour Report as low impact but essential for the operation of cemeteries include access ramps, ash gardens, burial lawns, driveways, hardstand areas, carports, retaining walls, fencing, landscaping works, memorials, sculptures and artworks, minor building alterations, sheds, signage, toilet amenities, and water features.

These works are also required to help operators meet their obligations under the C&C Act, which recognises the importance of respecting internment rights through the maintenance and upkeep of cemeteries. A key object of the Act is ensuring careful and ongoing management of these assets.

Existing approval pathways create challenges for operators

Under the current planning framework, cemetery operators are often required to submit a development application to undertake minor ancillary works. The detailed assessments, costs, and timeframes associated with the development application process do not always reflect the scale or environmental impacts of these works.

A review of sample development applications submitted to councils in recent years shows the majority of applications were for minor works such as the construction of columbariums and associated landscaping. The works were generally located well within the boundary of the existing cemetery and away from residential properties. Despite no major issues or impacts being identified by council assessments, the average assessment timeframe for these applications was approximately 3 months.

Cemetery operators are also concerned about the impact of complex planning approval processes on the efficient delivery of essential minor works and the sustainability of cemetery operations.

Existing planning pathways

The NSW planning system provides fast-track pathways for minor works through exempt and complying development frameworks, which remove the need for a development application.

Exempt development is minor low-impact development that can be undertaken without the need for planning or building approval, if the relevant development standards are met.

Complying development is a combined planning and construction approval for straightforward development that can be approved through a fast-tracked assessment by a local council or a registered certifier, if the relevant development standards are met. A CDC can be issued in as little as 10 days.

Codes SEPP

The majority of exempt and complying development pathways are provided under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

Cemeteries have limited access to these frameworks for the following reasons:

- many minor ancillary works – such as columbaria, ash gardens and vaults - are development types unique to cemeteries and not identified as exempt or complying development by the Codes SEPP
- where relevant development types are identified by the Codes SEPP, the associated development standards are often not well suited to the unique operational requirements of cemeteries

- many cemeteries include site constraints such as heritage listing or flood or bushfire affectation, which often switch off exempt and complying development pathways.

Transport and Infrastructure SEPP

In addition to the Codes SEPP, the Transport and Infrastructure SEPP also provides streamlined approval pathways for specific types of infrastructure development undertaken by public authorities.

Many cemetery operators cannot utilise these provisions because they are not a public authority or the development types and standards specified are not tailored to the unique requirements of cemeteries.

Proposed exempt and complying development framework

Overview

The proposed exempt and complying development framework will create tailored, fast-track approval pathways for minor ancillary works within existing cemeteries. This will make it easier for operators to carry out minor works to support ongoing maintenance and operations.

The proposal will also assist councils by freeing up planning resources that would otherwise be committed to the merit assessment of these straightforward development applications. Instead, council resources will be able to focus on other crucial local development applications such as for housing and industry.

To ensure the works specified are minor and of low impact, corresponding controls and site requirements are also proposed. These include:

- overarching standards applying to both exempt and complying development pathways
- general standards for each development pathway
- specific standards for each development type.

The proposed standards ensure potential impacts on sensitive land or land of special character are managed. If the relevant standards are not met, the development cannot be carried out as exempt or complying development and a development application will be required. The final development standards may vary from those identified in this EIE in response to the feedback received and legal drafting.

The proposed framework will apply to all cemetery operators and all existing cemeteries. Crematoria within existing cemeteries will also be able to use the proposed exempt and complying pathways. The framework does not apply to stand-alone crematoria as these operations do not face the same operational barriers or maintenance pressures as cemeteries.

It is proposed that the pathways that currently may apply to cemeteries in limited circumstances (for example, under the Codes SEPP or Transport and Infrastructure SEPP) will remain available to operators. This will ensure that the new framework supplements what is currently in place and does not have the unintended effect of restricting existing flexibility in relation to certain works or matters.

General standards for all exempt and complying cemetery development

The framework contains overarching controls and site requirements that must be met by both exempt and complying development. The controls ensure complex development that warrants merit-assessment cannot utilise the fast-track pathways.

- The proposed general standards applying to both exempt and complying development for cemeteries are that the development:
 - must relate to an existing cemetery and be for the purposes of supporting the existing operations of the cemetery, including crematoria located within an existing cemetery
 - must not increase the number of patrons or burial capacity except for the interment of ashes, where specified in a development consent
 - must not be designated development
 - must be structurally adequate and adhere to the relevant requirements of the Blue Book, Australian Standard and the Building Code of Australia
 - where applicable, must be installed in accordance with the manufacturer’s specifications or a professional engineer’s specifications
 - must not involve the removal of native vegetation
 - must not involve the removal or pruning of a tree or other vegetation that requires a permit or approval, unless the removal or pruning is undertaken in accordance with a permit or approval
 - must not unearth or disturb the remains of any person
- where any removal of asbestos is involved, must be undertaken in accordance with the relevant standards.

Exempt development for cemeteries

An exempt development pathway is proposed for minor ancillary works that do not require planning or construction approval from a council or private certifier, would not impact services or building elements regulated by the National Construction Code and would not pose a risk to public safety.

The proposed general and specific standards for exempt development ensure the works, individually and cumulatively, result in neutral or minor environmental impact. The standards align with those already provided by the Transport and Infrastructure SEPP and the Codes SEPP.

The proposed general exempt development standards are that the development must not:

- interfere with the functioning of existing drainage fixtures, redirect flow of any surface water or ground water or cause sediment to be transported onto an adjoining property
- be carried out on land that is in a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under the Part 7A of the *Fisheries Management Act 1994*
- be carried out on land in a wilderness area within the meaning of the *Wilderness Act 1987*.

Enabling low impact works while protecting heritage values

More than one quarter of cemeteries in NSW are heritage listed and potential impacts on these values need to be carefully managed. The proposed framework protects heritage values by requiring all exempt development to have no more than minimal impact on heritage significance and be in accordance with any existing heritage management documents.

This is similar in approach to the management of heritage impacts for other social infrastructure under the Transport and Infrastructure SEPP.

For development with a higher likelihood of potential impact to heritage significance, additional development specific heritage standards are applied. In many instances, operators may benefit from the input of a heritage expert to ensure the standards have been met. This will provide operators with additional certainty when undertaking works near heritage items.

For State heritage items, the proposed framework does not remove the requirement to obtain separate heritage approval under the *Heritage Act 1977*. If the development is subject to a site specific or general heritage exemption issued under that Act, the corresponding requirements of the exemption must also be met.

The proposed exempt development types and the corresponding development standards are outlined in **Table 1** below.

Table 1: Summary of proposed exempt development types for cemeteries

Development type	Exempt development standards
<p>Accessible entrances</p> <p><i>includes pathways and access ramps constructed to provide accessible paths to the ground floor of buildings or other structures.</i></p> <p>Supports cemeteries in catering for the elderly and anyone with restricted mobility.</p>	<ul style="list-style-type: none"> • Must comply with AS 1428.1-2009, <i>Design for access and mobility – General requirements for access – New building work.</i> • Ramp structures must not create a traffic or pedestrian hazard. • If the accessible entrance forms part of a heritage item – must be designed so it can be installed and removed without damaging building fabric that has identified heritage significance.
<p>Ash gardens</p> <p><i>includes gardens for interment of ashes and associated works including the erection of monuments and grave markers, maintenance and landscaping.</i></p> <p>Facilitates a unique, industry specific development type with no existing exempt development pathway. These are a common, low-scale feature of cemeteries and crematoria.</p>	<ul style="list-style-type: none"> • Must take care not to unearth or disturb the remains of any person who is buried in or the ashes of any person which are contained in an article. • Monuments, grave markers, structures, sculptures and memorial stones must comply with standards for <i>Vaults, Crypts, Sculptures, Artwork and Columbarium.</i>

Development type	Exempt development standards
<p>Decks, terraces and pergolas</p> <p><i>includes construction, installation or replacements.</i></p> <p>Enhances visitor experience by providing outdoor amenity, viewing platforms and shading. It provides spaces for the gathering of people.</p>	<ul style="list-style-type: none"> • Maximum size of any deck, terrace or pergola: <ul style="list-style-type: none"> – footprint – 25 m² (maximum 200 m² for all such structures on the land) – height of floor above ground level (existing) – 1 m – height of structure – 4.5 m. • Minimum 3 m setback from boundary of residential or business uses. • Must not be located within the curtilage of a heritage item. • Must be constructed of low reflective materials to the extent it is comprised of metal components. • For a replacement, must: <ul style="list-style-type: none"> – use equivalent or improved quality materials – not increase the size or height of the existing structure by more than 5 % if larger than the standards above.
<p>Demolition</p> <p>Supports the undertaking of other development types specified in this framework.</p>	<ul style="list-style-type: none"> • Must relate to any development specified by this framework. • If it is associated with a heritage item or draft heritage item – must not involve significant fabric or must be works specified in an exemption under the Heritage Act (if applicable). • Must be carried out in accordance with AS 2601 – 2001, <i>The demolition of structures</i>.
<p>Driveways, hardstand and carparks</p> <p><i>includes resurfacing, renovation and landscaping of existing parking areas as well as the construction of small parking areas.</i></p> <p>Supports operational and maintenance requirements by allowing for works to support cemeteries that involve surface works and hardstand areas. This development helps facilitate movement of people to and through cemeteries.</p>	<ul style="list-style-type: none"> • New car parking areas or alterations to existing car parking areas must not exceed 50 spaces if paved. • Total car parking area must not exceed 10 % of the site area. • Design and layout of parking areas, driveways and access roads must comply with AS 2890.1, <i>Off-street car parking</i>. • Not permitted within the curtilage of a heritage item.
<p>Earthworks</p> <p>Supports landscaping requirements and the undertaking of other</p>	<ul style="list-style-type: none"> • Must not result in cut or fill of more than 1 m below or above existing ground level. • If located in or within 3 m of a residential or business zone – must not result in cut or fill of more than 600 mm below or above existing ground level.

Development type	Exempt development standards
development types specified in this framework.	<ul style="list-style-type: none"> • Must be located at least 40 m from a waterbody (natural). • Must be located at least 1 m from each lot boundary. • Must be separated from any retaining wall or other structural support on the site by at least 2 m, measured horizontally. • Must be located at least 1 m from any registered easement, sewer main or water main. • Any fill brought to the site must contain only virgin excavated natural material (within the meaning of Schedule 1 to the <i>Protection of the Environment Operations Act 1997</i>).
<p>Fencing</p> <p>Allows for both boundary and internal fencing.</p>	<p>Generally</p> <ul style="list-style-type: none"> • Must not include masonry construction to a height of more than 1.2 m above ground level (existing). • If it includes an entrance gate on a boundary – must not have a gate that opens outwards across the road reserve. • If it is located in a core koala habitat or potential koala habitat within the meaning of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> or in a movement corridor used by koalas – must be constructed or installed in accordance with any relevant council policy or guideline under that Policy. • If it is located on bush fire prone land – must be constructed of non-combustible materials or hardwood. • If it is constructed of metal components – must be of low reflective materials. • Must not be an electrical or barbed wire fence. • If it is associated with a heritage item or within a heritage conservation area – design must be supported by advice from a heritage consultant which confirms the development is appropriate for the context and has a minimal impact on the heritage item. <p>Height</p> <ul style="list-style-type: none"> • Height of boundary fencing must not exceed 1.8 m above ground level (existing), in any of the following land use zones or a land use zone that is equivalent to any of those zones: <ul style="list-style-type: none"> – Zone R1 General Residential – Zone R2 Low Density Residential – Zone R3 Medium Density Residential – Zone R4 High Density Residential – Zone R5 Large Lot Residential – Zone RU5 Village.

Development type	Exempt development standards
	<ul style="list-style-type: none"> The height of a fence on land or adjoining land other than the zones listed above must not be more than 3 m above ground level (existing).
<p>Landscaping and landscape structures</p> <p><i>includes establishment of new landscaping, maintenance of existing landscaping and associated works such as gardens, paths, retaining walls and ponds.</i></p> <p>Supports the maintenance of cemeteries as green open space and as a place for interment (including through burial lawns), and the creation of space for remembrance, reflection and peace.</p>	<ul style="list-style-type: none"> Landscape structures (other than retaining walls) must not: <ul style="list-style-type: none"> be higher than 2.1 m above ground level (existing) be not wider than 1.5 m be located at least 900 mm from each lot boundary not comprise masonry construction higher than 1 m from ground level (existing) if it is constructed or installed in a heritage conservation area – be visible from any public road frontage. Must not include retaining walls greater than 1 m above ground level (existing). Water feature and ponds must not have a depth of more than 300 mm or a surface area greater than 50 m². If the sump is covered with a bolted or anchored grate capable of supporting a weight of 150 kg, a pond sump may be placed in a water feature or pond below a water depth of 300 mm. <p>Note – Paths under this section do not include hardstand development. For hardstand paths, refer to <i>Driveways, hardstand, and carparks</i>.</p>
<p>Minor building alterations and additions (external)</p> <p><i>includes painting, cladding, repair and replacement of building fabric, balustrade and handrails, plant and equipment.</i></p> <p>Facilitates general maintenance, building upgrades and the replacement of damaged or deteriorated external fabric where it does not impact on fire safety or change the structure of the building.</p>	<ul style="list-style-type: none"> Must not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight. Must not reduce the existing fire resistance level of a wall or roof. If located on bush fire prone land – must be adequately sealed or protected to prevent the entry of embers, use equivalent or improved quality materials, and not affect any existing fire resisting components of the building. Must not involve the use of external combustible cladding. Must not affect the means of egress from the building in an emergency. Plant and equipment must be screened from view from public roads or reserves and integrated into the existing building design. Must not involve work that reduces the structural integrity of the building. Must not be located within 1 m of an easement. <p>Note – If it is associated with a state heritage item, must be work to which an exemption under the Heritage Act applies.</p>
<p>Minor building alterations (internal)</p>	<ul style="list-style-type: none"> Must not be an alteration to a food preparation area in food and drink premises.

Development type	Exempt development standards
<p><i>includes repair and replacement and renovation shelving, racking partitions, joinery.</i></p> <p>Facilitates general maintenance, the upgrade of amenities and the replacement of damaged or deteriorated internal fabric where it does not impact on fire safety or change the structure of the building.</p>	<ul style="list-style-type: none"> • Must not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means. • Must not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area. • Must not affect the load bearing capacity (whether vertical or horizontal) of a building. • Must not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within a building. • Must not affect the path of egress from the building in an emergency. <p>Note — If it is associated with a state heritage item, must be work to which an exemption under the Heritage Act applies.</p>
<p>Rainwater tanks</p> <p>Allows the use of rainwater for groundskeeping to support operational requirements.</p>	<ul style="list-style-type: none"> • If it is on land zoned R1, R2, R3, R4, RU5, E1, E2, or E3: <ul style="list-style-type: none"> – must not have a capacity more than 10,000 L, and – must be located more than 1 m from the lot boundary. • If it is on land in any other zone — must be located at least 10 m from each lot boundary. • Must not rest on the footings of an existing building for support. • Must not require cut and fill of more than 1 m below or above ground level (existing). • Must be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank. • Must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners. • Must have a sign affixed to it with a statement to the effect that the water in the tank is rainwater. • If it is constructed or installed on or in a heritage item or a draft heritage item — must not be visible from any public road frontage. • If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
<p>Sheds and maintenance facilities, carports</p> <p><i>includes waste holding areas.</i></p>	<ul style="list-style-type: none"> • Must be free-standing, prefabricated and constructed of non-reflective materials. • Must not result in a shed with a total floor area exceeding 36 m². • Height must not exceed 3.6 m above ground level (existing).

Development type	Exempt development standards
<p>Broadly covers works required by cemeteries which involve non-habitable buildings.</p>	<ul style="list-style-type: none"> • Minimum 3 m setback from the boundary of residential or business uses. • Minimum 0.9 m setback from any other boundary. • Must not be located on or within the curtilage of a heritage item. • If adjacent to another building – must be located so that it does not interfere with the entry to, or exit from, or the fire safety measures contained within that building. • Carports must be open and unenclosed. • No more than 2 developments per lot.
<p>Signage</p> <p><i>includes the installation of new signage and the maintenance, repair and replacement of existing signage.</i></p> <p>Signage provides onsite information such as entry signage, historical or other interpretive signage and directional signage.</p>	<ul style="list-style-type: none"> • Maximum height – 3 m. • Maximum area – 2 m². • Structures with a height greater than 1 m must be certified by a structural engineer. • Must not be internally illuminated or flashing. • Must not obstruct or interfere with any traffic sign. • Must not include any advertising of goods, products or services.
<p>Vaults, crypts, sculptures (including monuments and memorials), headstones, artwork, columbariums</p> <p><i>includes construction, alterations and additions.</i></p> <p>Facilitates industry specific development types unique to cemeteries and crematoria with no existing exempt development pathway.</p>	<ul style="list-style-type: none"> • Must be structurally sound and securely fixed with any moveable parts securely attached. • Must not give rise to any noise or other nuisance to any adjoining property. • Any structure with a height greater than 1 m must be certified by a structural engineer • If installed on land in a residential zone or within 10 m of land with residential zoned land – must not be more than 3 m in height and must not have a footprint area greater than 9 m². • If installed on land in any other zone – must not be more than 6 m in height and must not have a footprint area greater than 9 m². • If applicable, must comply with AS 4204:2019 <i>Headstones and cemetery monuments</i> and AS 4425:2020 <i>Above ground burial structures</i>.

Complying development for cemeteries

A complying development pathway is proposed for minor ancillary works that require certification or oversight because of their scale or structural features.

The general and specific standards proposed for complying development ensure the works are carried out in accordance with best practice and input from qualified consultants. These are similar to those already contained within the Transport and Infrastructure SEPP and the Codes SEPP.

The proposed general complying development standards are that the development:

- must not be exempt development under this framework
- must convey all stormwater to an appropriate stormwater drainage system
- must comply with the requirements of *Planning for Bush Fire Protection*
- if carried out on a flood control lot, must meet specific flood-related standards to ensure it does not increase the flood risk
- if involving earthworks, must meet specific standards to limit the extent and impact on surrounding areas and ensure structural stability
- if carried out on land near Siding Spring Observatory, must meet specific standards for external lighting.

If development meets the general and specific standards for complying development, the complying development certificate will include general conditions to ensure works are undertaken responsibly.

Existing provisions protect heritage for complying development

The Codes SEPP sets out requirements for complying development for all EPIs under section 1.17A. These will apply to complying development for cemeteries specified under the proposed framework.

One of the requirements specifies that development must not be carried out on the part of the land with a heritage listing. Notwithstanding, it can be complying development if:

- the development has been granted an exemption under the *Heritage Act 1977*, or
- if the heritage item does not compromise the whole of the cemetery land.

The Department is proposing general conditions similar to those provided under the Transport and Infrastructure SEPP. These conditions include standard construction hours, the requirement for erosion and sediment controls, ensuring sufficient amenities for workers are provided and protocols for unexpected finds.

The proposed complying development types and corresponding development standards are outlined in **Table 1** below.

Table 1: Summary of the proposed complying development types for cemeteries

Development type	Complying development standards
<p>Alterations to existing buildings (internal and external)</p> <p>Facilitates general maintenance, upgrades and replacement of damaged or deteriorated fabric which are more substantial than what is permitted under the exempt development provisions.</p>	<ul style="list-style-type: none"> • The alteration must not result in an increase in the gross floor area of any building within which it is carried out, except if the increase is required for the alteration to comply with the <i>Access to Premises Standards</i>. • If the alteration is to a building used for the purposes of an ‘entertainment facility’ (functions, chapel) – the alteration must not increase the floor area used for those purposes. • If the alteration involves food and drink premises – the alteration must be carried out in accordance with AS 4674 – 2004, <i>Design, construction and fit-out of food premises</i>. • Must meet the fire safety provisions of the <i>Building Code of Australia</i>. • Must comply with any height limits contained in an environmental planning instrument applying to the land or, if there are no such limits, the external works must not be higher than the ridge of the existing building. <p>Note – If it is associated with a heritage item, must not alter the fabric of a heritage item unless the works are subject to an exemption under the Heritage Act.</p>
<p>Construction of new buildings and structures</p> <p><i>includes additions to existing buildings and structures.</i></p> <p>Allows for construction of small buildings such as new toilet amenities, which currently require a DA.</p>	<ul style="list-style-type: none"> • Does not include a new function centre or chapel. • On land zoned R1, R2, R3, R4, RU5, E1, E2, E3, C1, C2, C3, C4 zoned land: <ul style="list-style-type: none"> – maximum footprint – 100 m² – maximum height – 5.5 m – setback from boundary – 3 m. • On land in other zones: <ul style="list-style-type: none"> – maximum footprint – 200 m² – maximum height – 7 m – setback from boundaries generally – 5 m – distance from boundary from residential or business land use – 10 m. • For alterations and additions to an existing building larger than the maximum footprints above, the maximum gross floor area shall not increase by more than 10 %. <p>Note – Must not increase the number of patrons restricted in a current development consent.</p>
<p>Crypts, vaults, memorials (including monuments), shelters and sculptures</p>	<ul style="list-style-type: none"> • Maximum footprint – 25 m². • Maximum height – 7 m.

Development type	Complying development standards
<p><i>includes construction, alterations and additions.</i></p> <p>Facilitates an industry specific development type unique to cemeteries and crematoria with no existing complying development pathway. The scale is larger than what is permitted under the proposed exempt development pathway and certification of compliance with the national construction code may be required.</p>	<ul style="list-style-type: none"> • Distance from boundary from residential or business land use – 10 m. • Not result in earthworks that excavate or fill more than 1 m. • If applicable, must comply with AS 4204:2019 <i>Headstones and cemetery monuments</i> and AS 4425:2020 <i>Above ground burial structures</i> <p>Note – Except for the interment of ashes, must not increase the burial capacity where a cap on the burial capacity is stated in a current development consent.</p>

How to get involved

The department welcomes your feedback on the proposal outlined in this EIE. Your feedback will help us better understand the views of the community and assist us in finalising the amendment outlined in this paper. The final development types and standards may vary from those identified in this EIE in response to the feedback received and legal drafting.

Submissions can be made on the NSW Planning Portal.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. The department will publish all individual submissions and a summary report on all submissions shortly after the exhibition period has ended.