

24th November 2021

Mr Ben Lusher
Director Systems and Productivity Policy Planning & Assessment
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124

Online submission

Dear Mr Lusher

Cemeteries as State Significant Development

I write in relation to the Explanation of Intended Effect – proposed Amendment to State and Regional Development SEPP to identify large scale cemeteries as State Significant Development (EIE) prepared by the Department of Planning, Industry and Environment, which has been made available for industry comment until 24th November 2021.

The Urban Taskforce supports the proposal contained in the EIE as it introduces a positive change to the planning system that will better facilitate cemetery development across NSW. In particular, we support the proposed amendment to the State and Regional Development SEPP which will enable cemeteries to be recognized as State significant development (SSD).

The SSD pathway for cemeteries with more than 20,000 burial places will be providing a level of certainty for the industry, which in turn, can drive the much-needed investment and assist in the delivery of this important social infrastructure. We note that this is consistent with the key objectives of the Cemeteries and Crematoria Act 2013 which aim to ensure the rights of all individuals, should they choose, to a dignified and respectful interment, as well as promoting affordable and accessible interments.

While cremation is a popular mode of disposition in many areas, all relevant projections confirm there is a continuing strong demand for burial interments. This is supported by, amongst other drivers, the ageing population and religious affiliations of many communities across NSW. Urban Taskforce is advised by our members that the projected death rates demonstrate that demand will exceed the availability of burial spots, thereby creating a range of issues.

The specific that beset cemetery development are compounded by a range of inefficiencies in the planning system, such as long processing times for rezoning and development applications. Our members advise that the process for securing an approval for a new cemetery development can take almost a decade. Enabling an SSD pathway will significantly improve the approvals process, provide the much needed certainty for developers and benefit current and future generations.

The Urban Taskforce welcomes the findings of multiple Government reports which have identified ways to address the issues by introducing changes to the planning system. The 11th Hour report, commissioned by the NSW Government, recommends a reform in the planning system which will override the current LEPs and unlock new opportunities for

cemetery developments. The report concludes that "[t]he need for cemeteries and crematoria to receive SSD status [...] is not in question."¹

It is noteworthy that the same conclusion was reached by the Greater Sydney Commission, in their Strategic Planning Considerations for Cemeteries report in 2019, which also suggested simplifying the approval process for new cemeteries by declaring these developments as SSDs.

The new flexibility in the planning system, proposed by the EIE, will also support better maintenance in the cemetery sector. Existing cemeteries often struggle to obtain additional planning approvals needed for minor works on their sites because many of those works are not considered exempt and complying development.

Addressing this issue is not only important for maintenance but will also support innovation. As the 11th Hour report notes, the sector needs "to adapt its products and services for a customer base with increasing ethnic and cultural diversity" and this adaptation is necessary for the commercial sustainability of the cemeteries. The innovation in the cemeteries and crematoria sector needs to be supported by a flexible and fast planning pathway.

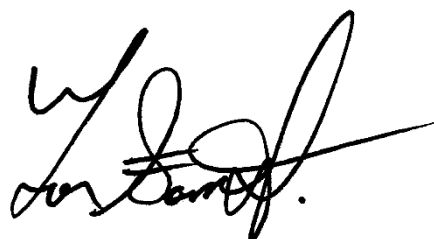
Further, Urban Taskforce acknowledges that cemeteries should be elevated to an SSD level for the nature of the development and the services they provide. Potential cemetery land is deemed suitable if the communities it serves are 40 minutes away. As such, the burial services are used by multiple LGAs in a region, including people who will need to travel for longer than the preferred 40 minute trip.

Also, large modern cemeteries have contemporary design which allows them to be integrated in the local landscape and offer community amenities. By providing open space and parklands, in addition to offering burial services, modern cemeteries serve a variety of communities over a wide region. Being a critical social infrastructure that services communities much beyond the local government area in which they are located in, cemeteries should be treated as SSDs.

The Urban Taskforce strongly supports the proposed amendment to the State and Regional Development SEPP and suggest the legislative changes are introduced, as outlined in the EIE.

The Urban Taskforce is always willing to work closely with the Government to provide a development industry perspective on improving the efficiency of the NSW planning system.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', with a stylized flourish extending to the right.

Tom Forrest
Chief Executive Officer

¹ NSW Government (2020), "The 11th Hour: Solving Sydney's Cemetery Crisis", statutory review of the Cemeteries and Crematoria Act 2013, prepared by Whitella Consulting.