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24 November 2021

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

Dear Mr Lusher,

CATHOLIC METROPOLITAN CEMETERIES TRUST SUBMISSION - CEMETERIES AS STATE SIGNIFICANT DEVELOPMENT

The Catholic Metropolitan Cemeteries Trust (CMCT) thanks the Department of Planning, Industry and Environment (DPIE) for the opportunity to comment on the proposed amendment to State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) to identify large scale cemeteries as State Significant Development (SSD), as presented in the currently exhibited Explanation of Intended Effect (EIE). This submission has been prepared by Urbis on behalf of CMCT.

The Catholic Metropolitan Cemeteries Trust

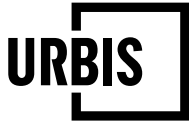
CMCT is a not-for-profit organisation committed to providing and maintaining burial space across the Sydney Metropolitan Region. CMCT is a Crown Cemetery Trust appointed and regulated under the *Crown Land Management Act 2016* and the *Cemeteries and Crematoria Act 2013*. CMCT manages cemeteries throughout Sydney including Crown cemeteries at Rookwood, Liverpool and Kemps Creek, together with Catholic Cemeteries at North Rocks and Greendale.

As one of the largest cemetery operators in New South Wales (NSW), CMCT is familiar with the challenges associated with the operation and management of new and existing cemeteries. Having recently obtained approval for two major cemeteries at Varroville (Campbelltown LGA) and Wallacia (Penrith LGA), CMCT is also acutely aware of the shortcomings of the current local planning pathway and is thus uniquely placed to comment on the EIE.

Support for State Significant Designation for Cemeteries

CMCT strongly supports the proposal to enable a state significant development (SSD) pathway for large scale cemeteries. The proposed amendment has the potential to provide an apolitical, streamlined development assessment pathway for an essential land use that can only be regarded as essential social infrastructure.

Cemeteries perform a societal role not dissimilar to schools and hospitals and both of these examples benefit from some form of state significant approval process to facilitate their timely delivery and



recognising that their function involves catering for population catchments that often extends beyond local government boundaries.

A State Significant approval pathway will assist CMCT to fulfil its core remit - providing additional burial space in the Sydney Metropolitan Region. This submission outlines the need for and the benefits of this important planning reform. It is also supported by economic assessment prepared by Urbis that provides advice on the appropriate threshold (number of burial plots) at which a cemetery should be classified as SSD, refer **Attachment A**.

Explanation of Intended Effect

The exhibited EIE identifies that cemeteries should be assessed by the planning system in the same way as other essential social infrastructure such as schools and hospitals.

The proposed amendment to the SRD SEPP implements a recommendation of the *11th Hour, Solving Sydney's Cemetery Crisis* (11th Hour report) which was prepared following a comprehensive review of the cemeteries and crematoria sector. The report recommends that cemeteries and crematoria be recognised as SSD, reflecting their status as key social infrastructure.

The move seeks to provide a consistent, environmental assessment process for cemetery operators to support the supply of new burial spaces. This move will seek to overcome uncertainties in the planning system which, as identified in the 11th Hour report can serve to put off new cemetery operators.

The SSD pathway will provide a co-ordinated and consistent approach to the assessments of larger cemetery proposals. The proposed change would enable new or expanded cemeteries with a minimum of 20,000 burial plots to be considered as SSD.

While the amendment to the SRD SEPP has been initiated to respond to a shortage of burial space in Greater Sydney, it is proposed to apply throughout the state.

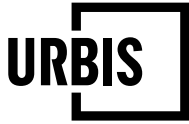
Background and Need for Reform

The shortfall of land available for new and existing cemeteries was highlighted in the 11th Hour report, which identifies that based on present levels of supply, interment space in Metropolitan Sydney will be exhausted in 2051.

With a backdrop of diminishing supply of burial space across Sydney the NSW government has been placed on notice to simplify and speed up the planning pathway for large scale cemeteries, to unlock much needed new supply. The significant time required to identify suitable sites, acquire sufficient land and gain planning approval for new greenfield cemeteries, currently places a significant brake on the efficient delivery of additional burial space.

To provide economies of scale for financially viable development and operation, cemeteries are also increasing in size, drawing on demands generated by wider catchments. As cemetery footprints increase, so do the commensurate impacts and the requirement for broader, strategic planning consideration that extends beyond the arbitrary boundaries of local government areas. Cemetery planning and capacity has become a critical issue which extends well beyond LGA boundaries.

CMCT has recent experience in navigating the currently complex and difficult local development application planning pathway to gain approval for two new cemeteries. In July 2019 CMCT obtained development consent from the Independent Planning Commission (IPC) for the Macarthur Memorial Park in Varroville. At the same time, the IPC directed the refusal of another CMCT application, Wallacia Memorial Park. In May 2021 the Land and Environment Court upheld an appeal against this decision, and approved the DA.



Both cemetery projects were subject to extensive community and stakeholder consultation prior to and post DA lodgement. They were also supported by a comprehensive suite of specialist studies that demonstrated the suitability of both sites to support the developments proposed. Despite this, both applications faced extensive community and political opposition

In the case of Wallacia Memorial Park, where cemeteries have been a long established permissible land use, the level of opposition was such that Penrith City Council attempted to actively block the project with a planning proposal to prohibit cemeteries and crematoriums in the Mulgoa Valley and parts of Wallacia. The opposition shown by local government against technically robust, permissible proposals for cemeteries demonstrates the consequences of political activism interfering in the planning process. These consents were hard won – and their protracted assessment paths, summarised in **Table 1** provide strong evidence of the need for an SSD pathway for cemeteries. It should be noted that these timeframes below exclude up front site search/due diligence and acquisition processes.

Table 1 CMCT Cemetery Applications

	Macarthur Memorial Park	Wallacia Memorial Park
	Campbelltown 136,000 burial plots	Penrith 40,000 burial plots
Key dates	2013 - LEP Amendment process commenced to permit cemetery use February 2017 - LEP amendments gazetted to facilitate the proposed cemetery use. October 2017 – DA lodged July 2019 - IPC directs Sydney Western City Planning Panel (SWCPP) to approve DA	November 2017 – DA lodged. July 2019 – IPC directs the Sydney Western City Planning Panel (SWCPP) to refuse the DA. November 2019 – Class 1 appeal lodged in Land and Environment Court. March 2021- Land and Environment Court approves DA.
Time taken for approval	4 years to achieve rezoning 3 years for DA approval	3.5 years

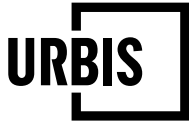
Social Value of Cemeteries

Cemeteries are critical social infrastructure. They provide the services and spaces crucial to the practice of people’s religious, cultural, and spiritual identities. The ability for people to access such services and spaces contributes towards the sustained mental and spiritual wellbeing of the people and communities of NSW.

Cemeteries have long operational time frames – accommodating multiple generations of families and providing significant material backdrop within our communities as places of reflection and memory.

Contemporary cemeteries are places that reflect and accommodate the religious, cultural, and spiritual diversity of the people of NSW.

NSW is one of Australia’s most culturally diverse communities, with people from 307 ancestries practising 146 religions and speaking more than 215 languages. The forecast shortage of burial space is expected to disproportionately impact communities and individuals where burial is required or



preferred to cremation. Cemetery operators must cater for the particular interment needs of these groups to meet the objects of the *NSW Cemeteries and Crematoria Act 2013*.

Beyond their core services of interment, religious and spiritual practice, well-planned cemeteries of contemporary design contribute to environmental preservation and are capable of being used as public open space. This helps weave cemeteries into communities.

Both Macarthur Memorial Park and Wallacia are landscaped parkland cemeteries of modern design with lakes, walkways and open space to function as places of memorial within a parkland. This approach ensures that the multiple and changing needs of the community are met. The potential for cemeteries to perform this dual role, particularly in constrained urban areas, reinforce their importance as regional scale social infrastructure that should be delivered via a consistent, state-wide planning process.

Benefits of State Significant Development Process

Recognising large scale cemeteries as SSD will have several key benefits, chief of which the opportunity to speed up the approval process. The lead time for approval and development of new cemeteries is significant, as demonstrated by CMCT's experience with Macarthur Memorial Park and Wallacia Memorial Park. Other benefits provided by the SSD pathway are:

- **Strategic oversight:** Cemeteries are multi-generational infrastructure assets with operational lifespans of over 100 years. This is well beyond the typical local government strategic planning cycle. DPIE has an understanding of the strategic need for cemeteries and this should drive improved management of cemetery applications.
- **Depoliticising of proposals:** Cemetery projects will continue to evoke strong community sentiment and the right for community input and contribution is duly recognised and supported. However, it needs to be balanced against a broader backdrop of planning need. Under the SSD process, Councils will still be able to provide technical comment and feedback to inform the assessment process, However, the responsibility for the assessment and determination will reside with DPIE.
- **Clear environmental assessment parameters:** As per other SSDs, the environmental assessment of cemeteries would be undertaken in accordance with DPIE issued statement of environmental assessment requirements (SEARs). The scope of the assessment required will established from the outset, reducing the chance of new issues arising during the assessment process. This includes standard approaches to community consultation and social impact for which State Significant Development Guidelines exist.
- **Co-ordinated, expert assessment:** Cemeteries are large and complex land uses requiring consideration of many environmental factors- encompassing groundwater, biodiversity, heritage, visual impact, traffic and others. Even if Council staff have the relevant expertise, this draws resources away from the assessment of other development applications. Access to a dedicated technical team within DPIE would facilitate co-ordination of feedback from other Government agencies and faster communication of technical issues to proponents.

Economic Assessment of proposed SSD threshold

Urbis has undertaken an economic demand assessment and demographic analysis to test the appropriate threshold for cemeteries to be categorised as SSD. The complete assessment is included as **Attachment A** to this submission.

It is noted that new cemeteries currently proposed or approved in Metropolitan Sydney are generally large sites of over 20 hectares with capacity to accommodate over 40,000 burial plots. These proposals would already meet DPIE's proposed threshold and would be considered SSD.

The purpose of the assessment then, was to test whether at the sub 20,000 burial plot scale a cemetery draws upon a population catchment beyond local government area boundaries. Using data provided by CMCT, Urbis compared the number of burials in CMCT operated cemeteries with their suburbs of residence, to highlight the geographic 'draw' of the CMCT cemeteries. The key findings are as follows:

- Of the 2,739 burials in the last 22 months, only around 375 (or 14%) were living in the same LGA as the cemetery they were buried in.
- In the same time period, across all CMCT cemeteries most burials were people who lived further than 5km from the cemetery.
- Smaller cemeteries (such as the 18,700 plot Kemps Creek cemetery) recorded more than two thirds of burial demand from outside the LGA in the last two years. This highlights that even smaller cemeteries in Western Sydney have a strong regional role.

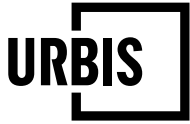
The assessment also consider the spatial distribution of available burial space across Sydney against projected burial demand and found:

- Due to competing demands and high land values there are unlikely to be any major new cemeteries completed in Eastern and Central Sydney. Demand for burial space from areas with no supply will have to be absorbed by large scale cemeteries elsewhere in Sydney.
- The Liverpool and Campbelltown LGAs have the highest relative provision, each with a ratio of around 20 plots per required burial (over the next 20 years). The Hills, Parramatta and Fairfield LGAs each have virtually no supply within the LGAs resulting in a ratio of under 0.5 plots per required burial.
- Blacktown City Council (the most populous in Metropolitan Sydney) has projected demand over the next 20 years for over 16,000 burials from residents.
- A cemetery of 16,000 plots will have an operational lifespan exceeding a local Council's strategic planning horizon. Due to shortage of burial space elsewhere in Sydney, particularly in the highly developed inner city, a cemetery of this size will also draw demand from beyond the Blacktown LGA.

Recommendations

Based on the findings of the assessment, Urbis recommends the following amendments be made to the proposed SRD SEPP amendment to ensure the proposed changes have the intended impact:

- New cemeteries in Metropolitan Sydney with a burial capacity of over 15,000 plots (or additions to an existing cemetery of more than 15,000 plots) be categorised as SSD. Very few new cemeteries in Metropolitan Sydney have been developed in the last 20 years and it is important that cemeteries above 15,000 plots are assessed in the context of their wider regional and state significance.
- The proposed 20,000 burial plot threshold for areas outside of Metropolitan Sydney should be retained.



While beyond the gamut of the SRD SEPP amendments, the assessment also indicates that future cemetery development should be targeted towards the North West region of Sydney as it is relatively undersupplied when compared to the West and South West regions.

Conclusion

On behalf of CMCT we again thank the DPIE for the opportunity to provide our comments and support for this significant planning reform which is a step towards meeting the future burial needs of Greater Metropolitan Sydney. The proposed amendment to the SRD SEPP recognises the role and significance of cemeteries as critical infrastructure essential to the social sustainability of NSW.

We look forward to the progress of this legislation and would welcome the opportunity to engage further with DPIE on any aspect of this submission. If you have any questions please don't hesitate to contact either the undersigned at the details below or Rosie Sutcliffe rsutcliffe@urbis.com.au or 02 8233 9913.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Hoy".

David Hoy
Director
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Attachment A Cemetery Demand Analysis - Urbis