

26 November 2021

Contact: *Stuart Little*
Telephone: [REDACTED]
Our ref: *D2021/122564*

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

RE: Cemeteries as State Significant Development

I refer to the public exhibition of the Explanation of Intended Effect (EIE) that proposes to amend *State Environmental Planning Policy (State and Regional Development) 2011* (the SRD SEPP) to list large scale cemeteries as State Significant Development (SSD). The proposal will enable new or expanded cemeteries with a minimum of 20,000 burial plots to be considered as SSD. This will help overcome the critical shortage of new burial capacity, particularly within Greater Sydney.

We note that a burial plot threshold number has been selected in preference to an area-based SSD threshold due to matters such as site constraints, buffers and design. While 20,000 burial plots could be accommodated in a 10 ha site based on contemporary design approaches, the size of the site alone is not an accurate measure of burial capacity. WaterNSW is supportive of this approach as site constraints such as proximity to waterways, topography, soil porosity and permeability, will influence the capacity of land for cemetery-related development.

Our main interest in the reforms concerns the effect of the proposed amendment on water quality within the Sydney Drinking Water Catchment (SDWC) and the interaction of the SRD SEPP with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP).

Under the SDWC SEPP, all development within the SDWC, including SSD, is required to have a neutral or beneficial effect (NorBE) on water quality. Cemeteries can present water quality risks to groundwater from body decomposition and the associated leaching of organic material, nutrients, pathogenic bacteria, viruses and other materials. Any large-scale cemetery proposal in the SDWC would need to give detailed consideration to water quality impacts and controls and meet the NorBE requirement when preparing the required Environmental Impact Statement (EIS).

The SDWC SEPP also requires new development to incorporate WaterNSW's current recommended practices (CRPs) and standards, or adopt practices and standards that will achieve outcomes not less than those standards. We acknowledge that there are currently no WaterNSW-endorsed CRPs and standards for cemeteries. While the normal requirements of the SDWC SEPP for development to obtain concurrence from WaterNSW does not apply to SSD¹, WaterNSW provides water quality advice on SSD through the public exhibition of the EIS for such development.

¹ See section 4.13(2A) of the *Environmental Planning and Assessment Act 1979* and clause 11(4) of the SDWC SEPP.

The EIE is silent as to whether *industry*-specific Secretary's Environmental Assessment Requirements (SEARs) will be prepared for large scale cemeteries. If such SEARs are envisaged, we request to be involved in their development given the potential risks of cemetery-related development to water quality. In the absence of *industry*-specific SEARs, we request that the Department consult with us in the preparation of the *project*-specific SEARs and in any options analysis or concept development applications for large scale cemeteries proposed in the SDWC.

Overall, WaterNSW has no objection to the list large scale cemeteries as SSD. The number of new large-scale cemeteries required in the SDWC is likely to be low. Also, there are proposed safeguards under the SDWC SEPP, such as the NorBE requirement, to ensure water quality is protected.

Should you have any questions regarding the issues raised in this letter, please contact Stuart Little at [REDACTED]

Yours sincerely

A handwritten signature in blue ink that reads "Daryl Gilchrist".

DARYL GILCHRIST
Manager Catchment Protection