



Our reference: InfoStore  
Contact: Danielle Fox  
Telephone: 4732 8022

23 November 2021

Department of Planning, Industry & Environment  
Sent online <https://pp.planningportal.nsw.gov.au/Cemeteries-SSD>

### **Submission – Exhibition of Proposed Amendment to State and Regional Development SEPP to identify large scale cemeteries as State Significant Development**

I refer to the proposed amendment to State Environmental Planning Policy (SEPP) (State and Regional Development) 2011 (the SEPP), regarding an amended development assessment pathway for cemeteries that was exhibited on Tuesday 12 October 2021 for public exhibition until 24 November 2021. This letter provides a submission which was endorsed by Council at its Ordinary meeting of 22 November 2021.

Council acknowledges that the exhibited Explanation of Intended Effects (EIE) has been informed by the *11<sup>th</sup> Hour – Solving Sydney’s cemetery crisis* report (the Report) and seeks to address matters relating to the critical shortage of burial space in Greater Sydney and across NSW. As outlined in the EIE, the proposed amendment seeks to:

- address uncertainty within the existing development approval process, as it is viewed as a key impediment to the development of new cemeteries,
- recognise cemeteries as key social infrastructure, allowing these developments to be considered in the same way as other types of social infrastructure, such as schools and hospitals,
- create a State significant development (SSD) pathway to provide a consistent approach to the assessment of larger scale cemetery proposals across different parts of Sydney and NSW. A SSD pathway facilitates a predictable whole of government approach through stronger coordination of agency views and inputs on matters such as associated infrastructure needs.

Council requests the Department of Planning, Industry and Environment (DPIE) to consider the matters provided below as part of our submission.

#### **1. State-led regional strategy to be finalised before amendments to the SEPP.**

The State-led regional strategy to address the need for land for cemetery development in the Greater Sydney region, needs to be prioritised. This will ensure cemetery development is approached in an orderly and holistic manner, and in the appropriate locations. Amendments to the SEPP prior to this regional strategy would be pre-emptive and should only be considered when this strategy is finalised.

In recent years our Council has had large scale cemetery development imposed on our special scenic and environmental areas of Mulgoa Valley and Wallacia. On 28 August 2017, Council endorsed a Planning Proposal to prohibit cemeteries and crematoriums in Mulgoa Valley and parts of Wallacia.

On 20 December, 2017, DPIE advised Council that any current planning proposals that seek to amend or prohibit existing cemeteries and crematoria uses will not proceed to Gateway until the review (and strategic planning options) into the need for land for cemeteries and crematoria in the Greater Sydney region has been completed.

Although DPIE's advice would result in the delay in the progress our Planning Proposal, it did suggest that work would begin on a State led strategic study into cemetery planning that would potentially provide guidance on the appropriate locations for cemetery development.

Our Council has strongly advocated that the need to acquire land for cemeteries to meet future demand is an issue requiring a broader / regional strategic approach, and therefore the planning of cemeteries may be better considered at the Greater Sydney level. A regional strategic approach is needed to plan for large scale cemeteries rather than imposing them on local communities in an ad-hoc manner.

On 24 March 2021, DPIE issued a Gateway determination advising that the cemeteries Planning Proposal should not proceed. One of the reasons included,

*Progress of the planning proposal prior to preparation of a regional strategy which identifies additional lands for new cemeteries to serve the Sydney region, may prevent development of an orderly and holistic strategy for the region;*

Council has not had any updates from DPIE or the Greater Sydney Commission on the status of this study. Council has not been provided the opportunity to provide any input into this work.

## **2. The need for local assessment of large-scale cemetery development in Mulgoa Valley and Wallacia or the E3 Environmental Management zone is critical.**

Cemeteries considered as key social infrastructure and included in the SSD planning pathway (based on a capacity threshold) should only be supported in areas outside the E3 Environmental Management zone and/or Mulgoa Valley and Wallacia.

In addition to triggers or thresholds where burial plot capacity captures cemetery proposals as SSD, excluding locations from the operation of the proposed amendment to the SEPP would continue to allow cemetery development in these areas to continue to undergo a local assessment.

Past assessments of cemetery development in our special areas like Wallacia, has highlighted significant local impacts that are best dealt with by a Council-led local assessment.

The proposed amendment has the potential to encourage cemetery development in locations that may or may not be appropriate due to the alternate assessment pathway that proposed amendment allows.

Council appreciate the opportunity to provide feedback in relation to this matter. If you have any further questions on Council's submission, please contact Abdul Cheema, City Planning Coordinator by email at [Abdul.Cheema@Penrith.City](mailto:Abdul.Cheema@Penrith.City) or by phone on 4732 8120.

Yours sincerely



Natasha Borgia  
**City Planning Manager**