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Ms Sam McLean
Executive Director
Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Dear Ms McLean,

CROWN CEMETERY PROPOSALS– WALLACIA AND VARROVILLE

I am writing to you on behalf of our client, Catholic Metropolitan Cemeteries Trust (CMCT) and in response to recent correspondence posted on the IPC website relating to its DA for a new cemetery at Wallacia. The contents of this letter apply equally to both above DAs currently before the IPC.

My client wishes to express its significant concerns over the Premier's instruction to the Greater Sydney Commission (GSC) to undertake a strategic review of cemetery provision in metropolitan Sydney at a time when the IPC is otherwise proceeding to finalisation of its review of both DAs in accordance with the Minister for Planning's delegations dated 4th June 2018 and as per Section 2.4 of Environmental Planning and Assessment Act (the Act). In other words, the IPC is undertaking the Minister's delegated functions – the function of the Minister. We understand that those delegations remain current and on-going. Furthermore Section 2.7 of the Act states that the IPC *is not subject to the direction or control of the Minister* reinforcing the IPCs independence.

It is our view that this very recent instruction to the GSC, seeking a strategic review of the cemeteries is not necessary as it potentially undermines the perceived independence of the IPCs assessment of the two CMCT DAs currently before it, particularly when:

- Both DAs have been “in the system” for well over 12 months. (DA 3293/2017/DA-C for the Varroville site was lodged on 17 October 2017 and DA 17/1092 for the Wallacia site was lodged on 3 November 2017).
- Both DAs are responding to a looming critical shortage of interment space in metropolitan Sydney as identified by Cemeteries and Crematoria NSW (CCNSW). For example, both the Islamic and Jewish communities will run the serious risk of running out of burial space before a new cemetery is approved in the Sydney region.
- Both cemetery projects have been subject to extensive community and stakeholder consultation both pre and post-lodgement. This consultation has included input from key agencies including CCNSW, OEH, RFS, RMS, relevant local Councils. Local Aboriginal Land Council engagement is following adopted Codes of Practice and Guidelines.
- Ongoing consultation has been undertaken with the Department of Planning and Environment (DPE) with regard to land availability, particularly in response to the land zoning. This resulted in an amendment to the *Campbelltown Local Environmental Plan 2015* to enable the use of the

Varroville site for the proposed cemetery. In this case, the NSW Government itself, via its Planning Panel, supported an amendment to planning controls to facilitate cemetery development on that specific site.

- In relation to the Wallacia site, a cemetery is a permitted use on the site under the provisions of the *Penrith Local Environmental Plan 2010*.
- Most notably, the NSW Government, via the work of the GSC has already acknowledged the strategic imperative for additional interment space in its Greater Sydney Region Metropolitan Plan, where the GSC itself states:

Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking. (Greater Sydney Region Plan 2018, GSC, p.54)

- This statement by the GSC is repeated in all 5 complementary District Plans that the GSC also released in 2018.
- In establishing this policy position, the GSC engaged with CCNSW who had undertaken a strategic review of cemetery capacity and demand across Metropolitan Sydney, referencing their “Metropolitan Sydney Cemetery Capacity Report 2017”.
- Acting on this clear evidence base, Strategy 6.1 of the GSC’s Greater Sydney Region Plan states:

Deliver social infrastructure that reflects the needs of the community now and in the future. (p.54)
- In short, CMCT is at “delivery” stage, consistent with the GSCs own strategy quoted above. It is therefore entirely reasonable and appropriate that the DAs proceed to determination.

As per any DA, the IPC is required to take account of matters for consideration under section 4.15 of the Environmental Planning and Assessment Act (the Act). In our opinion, both DAs are statutorily complete and are supported by a comprehensive suite of studies prepared by a range of industry leading specialists that have collectively demonstrated the suitability of both sites to support the developments proposed in accordance with s.4.15(1)(c) of the Act. This conclusion was clearly also reached by the DPE who in their review of both DAs recommended to the IPC that both DAs could be approved subject to appropriate conditions. Notably, the Executive Director of Key Sites and Industry Assessments at DPE stated in their letter to the IPC dated 13th March 2019, that both projects have been considered on a broader strategic context having regard to the Metropolitan Sydney Cemetery Capacity Report and relevant State, regional and local planning controls as part of the assessment process by the DPE.

As part of its assessment of the DA, section 4.15(1)(e) of the Act requires the consent authority to take account of the “public interest”. In both cases, the public interest is clearly recognised by the above-mentioned critical shortage in interment space, alignment with adopted public policy, i.e. Metropolitan and District Planning Strategy, coupled with demonstrable site suitability.

Good planning practice necessitates regular strategic reviews of key issues impacting the use the land such that our cities and communities can continue to evolve in a sustainable manner. However, such reviews do not come at the expense of curtailing the assessment of projects that are permitted under existing planning controls. To do otherwise would effectively stop any development across NSW.



This places at risk the very certainty that our long-established zoning system provides all members of the community.

The "community" must be considered in the broadest of senses. It includes organisations such as CMCT, whose decisions to invest in new cemetery infrastructure at both Wallacia and Varroville are very much based on its mandated role to provide for affordable interment spaces for people of all faiths and non-faiths. Both projects are critical social infrastructure that are being provided in response to a need identified by the Government itself through the GSC and its lead agency CCNSW but perhaps more tellingly by the communities such as the Jewish and Islamic faiths whose own needs have been made aware to the IPC via its submissions to the DAs.

Given the above, any attempt to influence or delay the functions delegated to the IPC in its consideration of these DAs is, in our opinion, improper. My client is looking forward to attending the scheduled public meetings on both its projects next week prior to the IPC finalising its consideration of both CMCTs projects.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Hoy", written over a faint, illegible printed name.

David Hoy
Regional Director

cc. Catholic Metropolitan Cemeteries Trust