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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1011281

INDEPENDENT PLANNING COMMISSION

MEETING WITH GREATER SYDNEY COMMISSION

**RE: CROWN CEMETERY DEVELOPMENT VARROVILLE
CROWN CEMETERY DEVELOPMENT WALLACIA**

PANEL: **DIANNE LEESON
ROSS CARTER
ADRIAN PILTON**

ASSISTING PANEL: **DIANA MITCHELL**

**GREATER SYDNEY
COMMISSION:** **GREG WOODHAMS**

LOCATION: **IPC OFFICES
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES**

DATE: **1.57 PM, TUESDAY, 2 APRIL 2019**

THIS PROCEEDING WAS CONDUCTED BY TELEPHONE CONFERENCE

5 MS D. LEESON: Thanks, Greg. Good afternoon and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders past, present and emerging. Welcome to the meeting today on the development applications from the Catholic Cemeteries Trust for the cemetery proposals at Wallacia in the Penrith Local Government area and Varroville in the Campbelltown Local Government area.

10 The Minister for Planning has delegated his functions to the Independent Planning Commission under section 2.4 of the Environmental Planning and Assessment Act to assess this application. The Commission is responsible for the finalisation of the assessment of this application prior to directing the Sydney Western City Planning Panel, who are the consent authority, to determine the application.

15 My name is Dianne Leeson. I am the chair of this IPC panel. Joining me on the panel is Ross Carter, via telephone, and Adrian Pilton. The other attendees of the meeting are Greg Woodhams from the Greater Sydney Commission and Diana Mitchell from the Commission Secretariat. In the interest of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

25 This meeting is one part of the Commission's process of providing advice. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its advice. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you are asked a question and you are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. We will now begin.

35 MR G. WOODHAMS: Good.

MS LEESON: Thank you, Greg, for your time this afternoon. We have a short agenda in front of us, and Ross is on the phone and hopefully has it in front of him.

40 MR R. CARTER: Yep.

MR WOODHAMS: Hi, Ross.

MR CARTER: Hi.

45 MS LEESON: As - - -

MR CARTER: Yes, I've got the agenda.

MS LEESON: Thanks, Ross.

5 MR: Have you got the agenda?

MR WOODHAMS: I do have the agenda, yes.

10 MS LEESON: As I indicated in the opening remarks, we have two cemetery proposals in front of us to consider and provide advice to the Sydney Western Planning Panel. Quite large cemetery proposals. One in Varroville, one in Wallacia. And what we'd like to talk to the Greater Sydney Commission about this afternoon is the context of those two proposals against the Greater Sydney Region Plan. We also have the Cemeteries and Crematoria New South Wales Strategic Plan of 2015-20 and the Metropolitan Sydney Cemetery Capacity Report. And I think if we can talk to these proposals in that strategic context in the first instance, that will provide some insights for the Commission. And then we'd like to turn, if we could, to the recent letter from the Premier to Lucy Turnbull as chair of the – Chief Commissioner of the Greater Sydney Commission to understand the – your Commission's approach to
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20 dealing with that correspondence so that we can gauge that work and then how our work might sit relative to that.

MR WOODHAMS: I understand.

25 MS LEESON: So I'm not sure what information you have about the two proposals and their location. We can go through some of that if you need to.

MR WOODHAMS: I am aware of them.

30 MS LEESON: Okay. Then what we might do, in the interest of time, is turn straight over to you to take us through your thoughts around these two proposals relative to the Greater Sydney Plan and that strategic context.

35 MR WOODHAMS: Okay. So at the outset, I should say that the Greater Sydney Commission deals with strategic planning at the metropolitan level. We have no remit to deal with individual applications either of the planning proposal or specific development applications unless they are specifically referred to the Commission by the Premier or the Minister for Planning under section 10 of our Act. So there is no role that we would play in advising the government on these matters. The relevance
40 of these applications to the Greater Sydney Region Plan is that the region plan does have a statement about the importance of cemeteries as social infrastructure. So the region plan categorises cemeteries as social infrastructure, along with other social infrastructure needs that are important to be delivered, both geographically and economically serving different cultural needs across Metropolitan Sydney.

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So at the largest level, the region plan acknowledges the need for burial space, additional burial space and, insofar as a development application, needs to turn its

mind to the region plan. That's the only guidance the region plan provides. In terms – if there was a planning proposal, then the district plan has some more words, but it predominantly reflects what's in the region plan. And in terms of a head of – matter for consideration, the district plan must be considered by a planning proposal. It
5 must give effect to a district plan when there's a new LEP or rezoning considered. Now, that's not the case in this instance. Varroville did go through a process previously for a planning proposal, but that was prior to the adoption of the district plan, so it wasn't a head of consideration at that time.

10 So what these applications – these are development applications, so they are not a head of consideration. The district plan is not a head of consideration for these development applications. If there's a subsequent planning proposal for these sites – and I understand that there are legal questions about the permissibility of uses on one of the sites – then that may be – that may trigger the council preparing a planning
15 proposal that will then have to consider the district plan.

MS LEESON: Is that for both sites that the district plan is not a head of consideration because they preceded adoption?

20 MR WOODHAMS: That's right.

MS LEESON: Yes.

MR WOODHAMS: So Wallacia was not – was a development application for a
25 permissible use, so it has not involved any planning proposal, whereas the Varroville proposal did involve - - -

MS LEESON: Okay.

30 MR WOODHAMS: - - - a planning proposal some years ago.

MS LEESON: Okay. Thank you. Thanks. Okay.

MR WOODHAMS: So I think that's predominantly the role of the GSC in terms of
35 implementing the region plan and the district plan. We would say to councils through – they have a current proposal process that they're going through, the local strategic planning statement, and they have to turn their mind to the district plan in preparing a local strategic planning statement. So Penrith and Campbelltown do need to turn their mind to a – the provision of cemetery or burial space in the local
40 strategic plan that they're preparing, that will then update their LEP. That's not, though, instructive for their assessment of this development application, or those development applications.

MS LEESON: Thanks. And then in the – the time frame for the preparation of
45 these local plans? Is there a - - -

MR WOODHAMS: Yes.

MS LEESON: - - - time frame for those?

MR WOODHAMS: So by regulation, they're required to be on exhibition by the middle of this year, by July, the draft local strategic planning statements. Then by
5 the end of the year, by December, the GSC has a function to endorse or not endorse those local strategic planning statements that then serve as the basis for updating their LEPs, council updating their LEPs.

MS LEESON: And they are required to turn their mind to cemeteries?
10

MR WOODHAMS: Yes.

MS LEESON: Okay. Thanks.

MR WOODHAMS: So in the preparation of the district plan or the regional plan, we received submissions, and there were comments about the importance of cemetery space. In the earlier drafts of the district plan, we were more, how might I say, directive in the first draft of the district plan, saying that councils must have regard to the provision of burial space. We – in the light of submissions that we
20 received, we didn't proceed with that instruction. It was more a statement about the importance of burial space and the need to consider the strategic provision of burial space across the Greater Sydney Region when we prepared the final region plan and the district plan. So it was not a watering-down, it was just a restating from what was a more instructive statement in the first draft to more of a – more strategic
25 statement in the second draft, the final draft.

MS LEESON: Right. Okay. Okay. All right. Ross, do you have any questions around the Greater Sydney Region Plan in the context of these two proposals?

MR CARTER: No. No.
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MS LEESON: No.

MR CARTER: I'm fine with - - -
35

MS LEESON: Okay.

MR CARTER: With that, thanks, Greg.

MR WOODHAMS: Okay.
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MS LEESON: Okay. Then that gives us that context. Thank you. Can we then turn to the Premier's letter and the Greater Sydney Commission's approach to dealing with the matter and likely timeframe.
45

MR WOODHAMS: Yes. So the issue of cemetery space across Greater Sydney has been raised through submissions on the region plan and the district plan. We're also

aware of proposals such as Varroville, the previous Fernhill proposal, the Wallacia proposal. There's one, I think, under consideration of St Bartholomew's at Blacktown – Blacktown area. So we have been aware of several applications involving cemetery space. We're also aware of the metropolitan capacity study that
5 was prepared.

There was a report prepared by David Harley, and that hasn't been publicly released but it was a report that was engaged by the State Government to investigate issues around the delivery of burial space in Greater Sydney Region, and that – so that
10 report has yet to be released by the government. We've been asked to consider that report in our advice to the Premier, so that will be one of the matters we'll turn our mind to.

MS LEESON: Do you think that David Harley report is likely to be released?
15

MR WOODHAMS: I can't say. I don't know.

MS LEESON: Okay.

MR WOODHAMS: So the direction from, or the request from, the Premier was for
20 us to consider the strategic planning considerations for the identification of suitable burial space in the Greater Sydney Region. So it's not about individual sites or assessment of applications about strategic planning considerations. By that I mean what are the factors, what are the criteria that somebody acquiring a site or the state
25 government or the Cemeteries Trust looking to sites – what criteria would they use to assess the suitability of a site for acquisition.

And, in doing that, we've – we're doing research across national and international jurisdictions to see what other research has been done to develop a set of criteria that
30 will assist council's development applications for assessing what are the criteria, the strategic criteria for proposals, not the local merit applications but the strategic planning considerations, and then also for agencies or private interests who want to acquire properties for burial sites. So that's, in the larger sense, what we've been asked to do.

35 In a more detailed sense, what we're developing is a site – strategic site assessment criteria, and, in that, we will flesh out what are the critical factors, whether it's topography or flooding or access arrangements, ecology, heritage, the geology, topography, those sorts of issues, and then, at this stage, we're thinking about a
40 weighting system or a weighting matrix where different criteria may have greater prominence in different locations, and so where there is an issue about groundwater table, then that may assume greater prominence. Where there's a heritage property on board, that may assume greater prominence in a particular assessment of a site for its suitability.

45 MS LEESON: I think most of those things that you raised then have come up through submissions and - - -

MR WOODHAMS: Yes.

MS LEESON: - - - the development of the proposals by the proponents.

5 MR WOODHAMS: Yes.

MS LEESON: A recurring theme that kept coming up was around accessibility and affordability and the question that, for example, the location of these sites is so far from the greater population base - - -

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MR WOODHAMS: Yes.

MS LEESON: - - - and the notion of a travel-time distance, and we heard from some communities about the need to be close to cemeteries, so that their - - -

15

MR WOODHAMS: Yes.

MS LEESON: Their communities weren't spending a lot of time on weekends or whenever travelling to and from cemeteries.

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MR WOODHAMS: Yes.

MS LEESON: Would accessibility and affordability be likely – or potentially part of those criteria that you would establish?

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MR WOODHAMS: They would be.

MS LEESON: Okay.

30 MR WOODHAMS: So there's – they're two of the criteria that we turn our mind to. How much weight they're given in identifying a particular site depends on the circumstances of a site and whether it's close to a major population centre or whether it's close to a motorway or a rail corridor. So yes. They would be factors that we would consider: similarly, accessibility. Issues about traffic generation in a local sense would not be something we would consider, but its accessibility for access by car would be an issue that we would consider.

35

MS LEESON: Yes. Okay. Okay.

40 MR WOODHAMS: So the three things that we've been focusing on in response to the Premier's letter has been, firstly, research: so a review of all documentation and research that has been done to date, and that includes a review of recent cemetery projects, such as Varroville and Wallacia. So we will be talking to the councils that have been involved, the Cemeteries Trust. We're talking to Aboriginal land councils because the Deerubbin group has large landholdings in Western Sydney, and so they've had some willingness to consider the provision of burial space on their land, and so that's an opportunity to consider what criteria have they used to say that their

45

land is suitable to meet the needs of the Aboriginal people. So we're looking at all of those factors as well.

5 So stakeholder engagement is the second thing that we've said to the Minister – the
Premier that we would like to engage in, and that's talking to everybody from the
Department of Planning to Cemeteries & Crematoria New South Wales – so all the
state agencies – the Office of Strategic Lands, OEH, as to what are the constraints
that they've been considering when looking at applications or planning proposals or
10 when new proponents have brought burial proposals or, sorry, cemetery proposals to
them, so that we're factoring all of the possible factors that they've had to consider in
dealing with those sorts of things, and one of the interesting observations is that,
overseas, they're shifting more towards multiple-use sites.

15 So it's not just a dedicated cemetery site. There might be multiple uses on that site,
and to – for us to understand how that might play out in the Greater Sydney Region –
so regional open space with a cemetery with, maybe, retail facilities might work in a
particular location. Not saying it would in all locations – but trying to understand
what are the conflicts between a multi-use scenario, as distinct from a single use
scenario.

20 MS LEESON: It probably won't surprise you, but we heard quite some disparate
views on compatibility of different uses with cemeteries and some quite firm views
that recreational open space and cemeteries don't go hand in hand and that people
wouldn't visit them, others saying that they probably would, and so I think some of
25 that stakeholder engagement will be really important in that piece. One of the other
issues that came up – and I don't know whether your research will go into that,
though – has been the notion of impact on property values, and a lot of concern about
people surrounding these proposals - - -

30 MR WOODHAMS: Yes.

MS LEESON: - - - has been about the likely impact on their property.

35 MR WOODHAMS: That's not something that we saw as a factor that we would
turn our mind to.

MS LEESON: Okay.

40 MR WOODHAMS: So strategic planning issues generally don't involve assessment
of the impact on property values. So when there's a rezoning of a residential land to
a commercial property or vice versa, that's not usually a consideration that
planners turn their mind to when they're looking at zoning changes.

45 MS LEESON: Perhaps one of the frustrations of some of the community that we've
heard is what the planning considerations are - - -

MR WOODHAMS: Yes. Yes.

MS LEESON: - - - and what some community members think they ought be. So we've had some free advice on - - -

MR WOODHAMS: Yes. Yes. Okay.

5

MS LEESON: - - - how the planning system might work.

MR WOODHAMS: Yes. I think, whenever there is a change of use, it will always result in a land value change in some way. So it's really the order of magnitude of land change, not that there is going to be a land value change, and that's a site-by-site issue.

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MS LEESON: Yes. I mean, we accept it's a genuine concern from, you know, nearby people - - -

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MR WOODHAMS: Yes. Yes.

MS LEESON: - - - and, you know, it's a valid concern, I think, that – if property values might change, but I understand your point.

20

MR WOODHAMS: Yes. So those were the – research, the stakeholder engagement and preparing an information note that will be a public information note provided, if the Premier agrees to, to agencies and to property owners and proponents to use as a guide to assist them with what those criteria might be. So that's the third thing. Our timing is that we're proposing to report to our Commission by July and then reporting back to the Premier probably in August, depending on if the – our Commissioner is happy with the direction of the report.

25

MS LEESON: So – sorry. First off - - -

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MR WOODHAMS: Greater Sydney Commission.

MS LEESON: - - - a research phase - - -

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MR WOODHAMS: Research phase. We will then - - -

MS LEESON: - - - stakeholder engagement phase.

MR WOODHAMS: Stakeholder engagement phase, drafting up an information note that we may then have peer reviewed and then socialise that with different agencies and different groups, just to see if we missed anything, and then report that to our Commission probably in July and then, subject to the outcome of that report to the Commission, present our findings to the Premier in August.

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MS LEESON: Okay. All right. We will obviously need to give great consideration to the timeliness of us doing our assessment of these proposals. Some people have been waiting a long time - - -

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MR WOODHAMS: Yes.

MS LEESON: - - - for them to be resolved. Some people are suggesting we should wait longer while other matters are resolved, but we will need to take our own
5 thoughts around that. So - - -

MR WOODHAMS: Yes.

MS LEESON: Okay. Ross, is there any questions from your end about the
10 approach that the Greater Sydney Commission is taking to deal with their request from the Premier?

MR CARTER: No. Look, that was very clear, thanks, Greg, on the steps that you
15 guys are taking.

MR WOODHAMS: Yes.

MS LEESON: Okay.

MR A. PILTON: I just have a quick query whether you will be consulting with the
20 different religious groups, since they seem to have different requirements. You know, like, Jewish people, I think, need someone to sit with the body all through the night before, which then has implications on the lighting and so on and - - -

MR WOODHAMS: Yes. We're – I don't think we're going to go into a lot of
25 detail with the different requirements of – the cultural needs, not in the sense that they're not issues. Those are issues that are generally related to the development of the site-specific characteristics - - -

MR PILTON: Okay.

MR WOODHAMS: - - - rather than the locational criteria. I guess the biggest issue
is generally that there are some religious groups who don't agree with cremation, and so that may affect the suitability of some sites where there's not a crematorium. So
35 the majority of the site-specific criteria relate to the different religious and cultural requirements for the provision of a cemetery on a site, rather than the identification of the site itself.

MR PILTON: Okay. Thank you.
40

MS LEESON: And, Greg, on – in that strategic context, when you look across metropolitan Sydney – and we've got some quite dense areas of population already with some cemeteries that are approaching being full or - - -

MR WOODHAMS: Capacity. Yes.
45

MS LEESON: - - - have only a limited capacity left. Will your report, do you think, go to the extent of nominating areas where additional cemetery space is likely to be required, or it will focus more on just the criteria for site selection?

5 MR WOODHAMS: We've only been asked to look at those criteria. I think if the Premier then wants us to apply those criteria to the different districts, then we might be able to do that as a second stage, but that's not part of our brief. We don't see that's part of our brief at this stage.

10 MS LEESON: Okay.

MR WOODHAMS: Certainly in the work by Cemeteries Crematoria New South Wales, in their report, they've identified where the capacity issues are going to be, and, clearly, the eastern district is one of the hardest areas for additional capacity,
15 and so the western and south-western areas are probably the areas that are going to be the most logical for large-scale cemetery sites, but only in conjunction with good public transport and other services to them.

MS LEESON: Yes. Because that's where the issue of accessibility comes into play
20 - - -

MR WOODHAMS: Yes.

MS LEESON: - - - and the convenience for - - -
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MR WOODHAMS: Yes.

MS LEESON: - - - family members and friends and what have you to get to the cemeteries in the first place.
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MR WOODHAMS: Yes. And so one of the other issues that we've been with – grasping is the need for urban development, urban growth, around Western Sydney Airport, and, at the moment, it's largely paddocks and grazing – so whether there ought to be designation of areas there for cemeteries for the future, but they will be in
35 conflict with future residential zones or industrial zones or other uses. So that's something – we've decided not to go into identifying particular locations unless the Premier then says, "We want you to go to the next step and identify suitable sites." That might be a whole different brief.

40 MS LEESON: Okay. All right. So a report to your Commission around July or thereabouts - - -

MR WOODHAMS: Yes.

45 MS LEESON: - - - and subsequent report to the Premier soon thereafter.

MR WOODHAMS: In August. Yes. Yes.

MS LEESON: Okay. I think that's quite clear. Any more questions from you, Ross?

5 MR CARTER: No. I'm good. Thanks, Di.

MS LEESON: Okay. Thanks, Ross. Adrian.

MR PILTON: No. None from me. Thank you.

10 MS LEESON: No. Well, Greg, thank you very much for coming in. We do appreciate the time you've made the short notice. We will take that all into account. If there are any follow-up questions, Diana will come back – or information that we would like to access - - -

15 MR WOODHAMS: Perfect. Thank you. Yes.

MS LEESON: Diana will come directly to you on behalf of the panel. So - - -

20 MR WOODHAMS: Excellent.

MS LEESON: Thank you. Thanks for your time.

MR WOODHAMS: My pleasure. Good. Thank you.

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[2.20 pm]