

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

Website: <http://www.crag.org.au/>

Face Book: <https://www.facebook.com/CRAG-Camden-Residents-Action-Group-Inc-1805705173088888/>

PO Box 188

Camden NSW 2570

Email: admin@crag.org.au

Phone: 0415 617 368

NSW Independent Planning Commission (IPC)
Level 3, 201 Elizabeth Street
Sydney 2001
Email: ipcn@ipcn.nsw.gov.au

31 March 2019

Dear IPC,

**Catholic Metropolitan Cemeteries Trust (CMCT)
A085-18 Crown Cemetery 136,000 Grave Development, Scenic Hills
St Andrews Road, Varroville**

On 25th March 2019 the IPC convened a public meeting to ascertain community views on the above proposed cemetery development. Four committee members attended this meeting, and what we heard consolidated and confirmed our stand on this issue. Please accept this submission as an addition to our previous objection of 21 March 2018 (attached) and as representing the views of many residents of the area.

This proposal, for a cemetery for 136,000 graves to be developed on 113 hectares of rolling pastures surrounding state heritage listed Varroville Homestead (SHR No. 00737), is an affront to the value of heritage for future generations, and will directly impact upon the nearby monastery, retreat and spiritual activities of the Carmelite communities and seriously detract from the rural tranquillity and beauty of the Scenic Hills enjoyed by all residents of the Macarthur region. The Greater Sydney Commission has acknowledged the importance of liveability, conservation of our iconic landscapes and specifically noted the need to conserve the Scenic Hills. Campbelltown Council has long believed in their protection, and reflected the community's position. The Scenic Hills are intrinsic to the area's identity. They are its green lungs, provide a natural buffer between Camden

and Campbelltown and visual relief for an outer Sydney area in which trees and open space are rapidly being replaced by acres of roofs and concrete.

The long process, since the CMCT purchased the Scenic Hills land in 2013, that has brought us to this point has resulted in numerous documents and many amendments. As a community group we are familiar with the planning process and its information requirements, but find the documents on the IPC site do not make it clear as to what exactly is being proposed.

However, if a cemetery is needed it is self-evident that it should not be at the expense of heritage and our environment. It is clear that there is a fundamental incompatibility between the proposal and the conservation of our heritage and emblematic landscapes and the points raised in our objection of 21 March 2018 remain relevant.

The CMCT has pursued development of this particularly special and long protected landscape, despite its zoning and the opposition of the NSW Heritage Council and National Trust. Surely more suitable land can be found on the outskirts of Sydney.

The community must question why the CMCT purchased land that was prohibited for use as a cemetery and its subsequent pursuit of rezoning, and how we came to this point in the assessment process with no definitive and objective assessment of the proposal's impact on our heritage.

REZONING PROCESS

The Scenic Hills, in indication of their value to the community, are zoned E3 Environmental Management¹ and the proposed cemetery is a prohibited land use. An application by the CMCT to spot rezone land for the cemetery was rejected by Campbelltown Council in 2014. In September 2016 an appeal to the Sydney West Joint Regional Planning Panel (JRPP) was successful despite compelling evidence in community submissions and unanimous bipartisan opposition of Campbelltown Council². Two Campbelltown councillors (one retired in 2016 and one re-elected in 2016) appointed in 2012 to sit on the JRPP overturned their own Council's decision about the cemetery and its long-held position of protection of the Scenic Hills shortly before their Council term was up. This was not disclosed until after the 2016 Council election.

We question the process and an outcome that is contrary to the stand taken by elected representatives of the affected community. We question how documentation and research³ into the

¹ Campbelltown LEP 2015 Part 2 Permitted or prohibited development Land Use Table

² Jess Layt 27 October 2016 *Mayor reaffirms opposition to Scenic Hills development* Macarthur Advertiser <https://www.macarthuradvertiser.com.au/story/4254395/mayor-reaffirms-opposition-to-scenic-hills-development/>

³ For instance: Paul Davies Pty Ltd in association with Geoffrey Britton (Environmental Design Consultant). October 2011. *Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands*

special nature and meaning of the Scenic Hills to the community, past, present and future, can be so summarily disregarded.

ASSESSMENT PROCESS

Varroville Curtilage Extension

On 29 May 2017 the Heritage Division met with CMCT to discuss proposed curtilage options to Varroville Homestead.

On 5 July 2017, the State Heritage Register Committee of the NSW Heritage Council resolved to advise the Heritage Division on the preferred option and to issue to affected owners, including CMCT, a Notice of Intention to Consider Listing. The resolution noted those directly affected by the extension as Varroville homestead owners, CMCT Pty Ltd and Campbelltown City Council as a lessee. Two of those directly affected are on record as being opposed to the cemetery or any inappropriate development in the Scenic Hills.

On 8 August 2017 we wrote to the NSW Heritage Council in support of the curtilage extension.

On 28 September 2017 the State Heritage Register Committee⁴ resolved to recommend to the Minister that extended curtilage be added to the State Heritage Listing for Varroville and the Heritage Division negotiate site specific exemptions for Varroville and its extended curtilage on the CMCT land.

The Minister has not acted on this recommendation at the time of writing. The Heritage Act 1977 (section 34) requires that the Minister must, within 14 days of the recommendation, make a decision whether to list or request the IPC to review the matter, in which case the Minister must make a decision whether to list within 14 days of the IPC report. The Minister does not need to make the report public until after the decision is made about listing (Section 36(2)).

On 12 October 2018, the Heritage Minister requested the IPC review the recommendation made by the Heritage Council to list an extended curtilage for Varroville and provide a report. It seems from the legislation that the listing decision or the referral to the IPC should have been made significantly earlier.

On 25 February 2019, the IPC completed its review and reported to the Heritage Minister. It also seems from the legislation that at the time of the public meeting on 25th March 2019, the listing

⁴ NSW Heritage Council 28 September 2017 *State Heritage Register Committee Minutes*
<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/heritagecouncil/state-heritage-register-committee-minutes-september2017.pdf>

decision should have been made as more than 14 days have elapsed since the IPC report and that its report should have been in the public arena.

It appears that the curtilage extension would affect details of the CMCT proposal. The conflation of the development decision with an assessment of heritage significance raises obvious questions in the minds of the community about due process and rightly or wrongly, political influence.

Our understanding of acceptable practice is that the curtilage decision should be an objective one, made on behalf of the people of NSW, one that is evidentially based on research such as Orwell & Peter Phillips (May 2016) *Curtilage Study Varro Ville*.

It rightly or wrongly appears that progress of the cemetery proposal is intentionally unimpeded by a state heritage listing. In the eyes of the community there is a lack of transparency in assessment of the heritage significance of the land surrounding Varroville homestead. If the curtilage is worthy of protection, which the documentation and National Trust indicates is the case, then the community expects it to be protected.

Cemeteries have many possible locations, our heritage does not.

CMCT Proposal

The CMCT lodged the development application (DA) in question with Campbelltown Council on 17 October 2017, and on 22 December 2017 subsequently referred it to the Minister for Planning for determination. DA approval for the specific cemetery proposal was sought after the Heritage Council issued the Notice of Intention to Consider Listing additional curtilage. It was sought after the Heritage Council resolved on 28 September 2017 to recommend its listing to the Minister. The recommendation to state list the extension to Varroville curtilage is clearly relevant and intrinsic to the cemetery plan and design, yet it has not been determined although recommended for listing prior to lodgement of the DA.

The DA was publicly notified between 7 November 2018 and 23 March 2018, approximately a year later. It is unclear whether site specific exemptions were negotiated by the heritage division. If so, we do not know what they entail in relation to conservation of Varroville and preserving its state heritage significance.

However, on 21 March 2018 in our original objection against the cemetery we observed that the proposal was totally inappropriate in its footprint, scale and range of structures and would result in the loss of the rural and heritage character of the Scenic Hills.

On 29 May 2018 the Applicant was requested to provide additional and amended information.

In June 2018 the Minister for Planning delegated scrutiny of the proposed development to the IPC which will then direct the Sydney Western City Planning Panel, as the consent authority, to determine the application.

On 5 October 2018, the Heritage Division wrote to the Principal Planning Officer, Industry Assessments of the Planning Services Division in the NSW Department of Planning that the proposal did not address recommendations raised by the Heritage Council in its submission of 19 February 2018, which were made to mitigate the adverse impacts on the Colonial farm estate, its intact rural landscape setting and archaeological relics, and that the CMCT proposal is not supported in its current form.

Additional documentation of the CMCT proposal was submitted to the IPC mainly in October 2018.

On 9 November 2018 the CMCT made a supplementary response to submissions on the proposal, including that of the Heritage Council noted above, but it is not clear whether the Heritage Council is satisfied.

On Monday 25th March 2019 the IPC held a public meeting on the DA.

We consider that the public meeting should not have been held without the IPC report on the curtilage extension and other information on any potential exemptions to be made that compromise heritage significance. The convoluted process and interaction between the role of the Heritage Council and those making the final determination is non-transparent at best and it is difficult for the public to understand the reasoning behind it.

The amount of information on the IPC website reflects the complexity and controversy surrounding this proposal. However important information about the curtilage extension is missing. Without this information the community is deprived of its opportunity to voice detailed opinions on the proposal's heritage impacts.

The people of NSW have the right to know how their heritage and landscapes are to be impacted by development proposals and how decisions on them are made. We find there is lack of clarity about this proposal which affects the public's ability to appreciate the impact on our heritage and vital landscape.

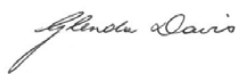
As covered above the process for assessment of this DA is complex and involves a number of government departments and Panels, with different legislative responsibilities. The assessment is drawn out and confusing to those in the community who are trying to understand exactly what the impact of the proposal would be, and this situation necessarily affects their faith in the process and its outcome.

In relation to the curtilage extension of Varroville, as noted above, we question the government's non-compliance with the Heritage Act 1977. Given the potentially devastating impact on our heritage, our experience and expectations are that this proposal should be submitted as an integrated development in which the Heritage Council would have major input.

At present we understand that the proposal insensitively surrounds Varroville Homestead with graves located close to its boundary. It also involves destruction of the majority of early vineyard trenching, reconstruction or removal of early dams, removal of the only extant early access road, removal of trees, many concrete and asphalt roads and large parking footprints. Although the aesthetics of building design is subjective, it is our opinion the design presented would not be considered by most to enhance the landscape nor be sympathetic to the Varroville Homestead. Similarly, the examples of public art provided would be seen by most to be in jarring contrast to the purpose and expectations for a cemetery and with the iconic natural landscape. The CMCT proposal would seem to be intent on making a statement that is at odds with the area's agricultural history, natural form and the community's association and identification with the Scenic Hills.

We object to the current proposal in its entirety, and believe that if indeed it is needed within the south west area of Sydney, rather than arguably in the north or west, it should be located in a non-sensitive area. If the proposal is not rejected outright then we request that it be set out clearly in a finalized document that can be read and understood by members of the community. The community particularly expects to be given adequate opportunity to contribute to this planning assessment and decision because, as referred to above, it strongly identifies with the Scenic Hills which contribute so significantly to the amenity of the area.

Yours sincerely,

A handwritten signature in cursive script that reads "Glenda Davis".

Glenda Davis

President

ATTACHMENT

Camden Residents' Action Group
Incorporated
Camden – Still a Country Town

PO Box 188
Camden NSW 2570
Email: admin@crag.org.au
Ph: 0415 617 368
21/03/2018

General Manager
Campbelltown Council PO
Box 57
Campbelltown NSW 2560
Email: council@campbelltown.nsw.gov.au

DEVELOPMENT APPLICATION FOR A 136,000 GRAVE CEMETERY AT VARROVILLE IN THE SCENIC HILLS (MACARTHUR MEMORIAL PARK), 166-176 St Andrews Road, Varroville- FILE NO.3293/2017/DA-C

This submission is to recommend that Campbelltown Council reject the above Development Application (DA).

The proposed cemetery is totally inappropriate in its footprint, scale and range of structures and the presentation to Council at this time is unconscionably premature given that the Heritage Minister's decision is still pending on the NSW Heritage Council (HC)'s recommendations to revise and extend the curtilage of Scenic Hills Varroville Homestead.

The State Heritage Listed (SHR NO.00737) Varro Ville Homestead and surrounding landscape is a unique asset demanding preservation for its heritage values, for the amenity it provides to the local community and in recognition of the essential role the traditional green space of the Scenic Hills area plays, both visually and environmentally, in the broader South Western Sydney Region.

Campbelltown's Local Environment Plan (LEP) 2015 appropriately articulates the objective "to preserve the rural heritage landscape character of the Scenic Hills".

The proposed DA features kilometres of concrete roadways, up to 8m in width to accommodate parking either side in the context of provision of a staggering 350 car spaces in total in the complex. It incorporates a number of large and imposing buildings including a 'chapel' that actually comprises 3 chapels and mortuary, a function building capable of accommodating 300 people, and an 80-seat

cafe which also appears to be in contravention of zoning prohibitions.

Additionally, the Proposal doesn't even pretend to preserve green space by restricting graves to those found in a lawn cemetery, but permits all the grave types- no doubt maximising commercial advantage and also permitting the development of a necropolis densely filled with structures of every imaginable design and numbering a colossal 136,000.

These are but some of the concerning features of the proposed DA that will *ensure* the obliteration of the rural character of Scenic Hills and the loss of yet another treasured vestige of green space in the South West Region.

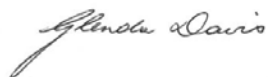
The "rural heritage landscape character" that Campbelltown's 2015 LEP commits to preserving also includes 'built' elements of pastoral agricultural heritage such as dams, vineyard trenching and lines of site to and from road and homestead and its approaches.

While the Catholic Metropolitan Cemeteries Trust (CMCT)'s *own* Conservation Management Plan requires that heritage item's decreed to be of 'high significance' be 'retained and conserved', it is now proposed that the development be approved *before* recommended further archaeological assessment and *before* the Heritage Minister's decision on the Heritage Council recommended increase of curtilage around Varro Ville Homestead. This haste is puzzling and confounding, and surely must not be permitted.

Also, in light of the NSW government's cemetery report released in November 2017, it appears that the CMCT's assertion that this proposed development is addressing an impending burial space crisis in SW Sydney and Macarthur is completely unfounded. On p39 of that report SW Sydney is stated to be currently 'well served' for burial space (until 2056 no less!) and that the shortage lies elsewhere in districts South and North of Sydney. Let land be found and cemeteries located there if and when needed, rather than this region's precious heritage landscape be sacrificed in order to address a 'problem' that isn't even ours.

It is dearly hoped that Council Officers and Councillors alike will reject the above DA. It is, in summary, inappropriate in design, excessive in dimension, premature in its presentation and not needed. Were it granted approval this would represent a deeply disturbing failure of Campbelltown Council to honour its commitment to its community: to preserve and manage the rural heritage landscape character of the Scenic Hills that it professes to value.

Yours sincerely,



Glenda Davis

President