



## **CROWN CEMETERY DEVELOPMENT, VARROVILLE**

### **Presentation from the Scenic Hills Association at Public Meeting of the Independent Planning Commission, 25 March 2019 (Copy provided 26 March 2019)**

I am the Convenor of the Scenic Hills Association (Association) as well as an owner of state listed Varroville Homestead which this cemetery proposal completely surrounds. I am speaking here as the Convenor of the Association though at times I will, of necessity, refer to issues that my husband and I are more involved in. We oppose this Development Application.

#### **Trust and Confidence in the Process**

Unlike the Wallacia cemetery proposal, also being considered by the Planning Commission, cemeteries are and were prohibited in the Scenic Hills E3 Environmental Protection Area, when the Catholic Metropolitan Cemeteries Trust (or CMCT) took out an option on this land at 166-176 St Andrews Road Varroville and applied for a spot-rezoning. It is now almost six years that the community has been fighting this proposal, during which time there has been a notable lack of integrity in the planning process at every level of government, starting with a questionable land deal at the heart of this proposal involving a land developer and certain people on our own Council, that has left us without any trust in the planning system - such that if this cemetery is approved as currently recommended by the Department of Planning (DOP), we will not leave any stone unturned in getting this whole saga investigated by whatever means. We have supported various proposals put to us over the last year – from an integrity commission with powers to investigate past projects (during the Kaldas Review of Governance in the NSW Planning System) to a Royal Commission into the Planning System proposed by the Greens at the election last weekend.

The Commission does not appear to be sensitive to how it is adding to this distrust.

On March 1 we wrote to the Commission raising our concerns about a number of matters, including that certain information seemed to be missing. Five days later a swath of reports were uploaded to the system. Last Friday we noticed that part of the missing information that we had sought was contained in a report that had not been uploaded to the system and I emailed and phoned the Commission asking that it be provided immediately – Appendix B of the Response to Submissions Report apparently contained the map showing the road layout. No response was received. This was critical not just to our response to the DOP's Assessment, but a number of others as well.

The Commission states on its website that it *“has an important role to play in building community confidence in the decision-making processes for major development and land-use planning state-wide.”* So why would the Commission set this public meeting for the Monday immediately following the NSW 2019 Election - knowing that, in the month prior, the community and local media would be diverted by

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that election and Associations like ours would have difficulty trying to get the necessary information out to the community. The Commission further added to that by not contacting those who had already made submissions opposing this cemetery during the DA's public exhibition, until we emailed the Commission, our Council and our MPs complaining about it. Then right on the election weekend it changed the meeting venue.

Added to that is the dog's breakfast of reports appearing in a haphazard way on the Commission's website, such that even those who are a little more *au fait* with the process have found it hard to track what is what. This proposal has had so many iterations that we, and we suspect the Commission, cannot tell what the DA actually is anymore. It's hard to imagine how much more difficult the Commission could make it for people to have their say.

Most importantly the Commission cannot be impervious to the perception that it is fast-tracking this DA ahead of a decision to put most of the proposed cemetery land on the State Heritage Register (SHR) as a curtilage extension for Varro Ville Homestead, that would allow the Heritage Council to veto anything that would adversely impact on the state significance of the site. In pushing ahead with this DA in so much obvious haste, with the accompanying mishaps in its management, the Commission appears to be taking advantage of the fact that advice to the Heritage Minister on the curtilage from another panel in this Commission remains sealed and inactionable due to the intervening elections. We have already written to the Commission about the inappropriate and biased sequencing of these two projects. Everyone, including the Planning Minister, Heritage Minister and Chair of the Commission has avoided dealing with this issue, such that it now resides with this panel to correct the perversion of process and systematic bias it represents. The Heritage Minister's delay in approving and gazetting this curtilage constitutes blatant political interference in the planning process favouring a developer, an entity of the Sydney Catholic Archdiocese, and is in breach of the *NSW Heritage Act 1977*. It is breathtakingly arrogant for the government and its agencies to break the law that we citizens are obliged to uphold simply because they can and there is little that we in the community can do about it.

**The need to re-establish proper process and the rule of law is enough reason for this panel to reject this DA, and force the applicant to do what it should always have done, that is to submit it as an integrated development requiring approval of the NSW Heritage Council, following the approval and gazetting of the curtilage expansion.**

### **The Integrity of the Assessment Report**

The DOP has acted throughout this project with a demonstrable lack of integrity, starting with the PreGateway Review that overthrew 11 out of 13 Councillors' vote to *not* allow the spot rezoning. Despite the findings and recommendations of the recent Kaldas Review, the DOP has not taken steps to ensure that it has acted with integrity in this assessment. In addition to the numerous misstatements of fact in the assessment report, which I will deal with later, the DOP has taken decisions without apparent recourse to the Panel that threatens the independence of the Commission, as follows:

The CMCT, the applicant, made it clear (in the media and at the Commission's recent review of the curtilage respectively) that it did not want Campbelltown Council (Council) to assess this proposal and it

did not want the heritage study by Orwell & Peter Phillips (OPP16)<sup>1</sup> commissioned by my husband and me taken into account. This study was part paid for by a NSW Heritage Grant and informed the NSW Heritage Council's recommendation of 31 October 2017 to the Heritage Minister to expand the curtilage for Varro Ville Homestead and Estate on the State Heritage Register. Whether intentional or not, the DOP has breached process in giving the CMCT the outcome it wanted.

1. With regard to Council, Council had sent the CMCT a letter detailing its concerns and requesting further information. The DOP asked the CMCT to respond to the letter but, according to the transcripts of the Commission's meeting with Council, Council was apparently not given the opportunity to review the CMCT's response in accordance with the process of consulting other agencies. Instead the DOP decided *for* Council that its concerns had been addressed, yet our review shows that they have not. The community needed to have all agency responses in order to further respond to this assessment, particularly Council's given its deeper involvement in the process.
2. With regard to the OPP16 study, my husband and I included it as part of our submission, and asked that we be contacted if it needed to be made public. We were simply trying to protect heritage identified in the study that was not yet protected by the Heritage Act. The DOP clearly acted outside its remit and, we feel, dishonestly, when it decided to exclude our study on the false basis that it had *not* been made available to the applicant upon request. Firstly, the study had been available at Campbelltown Council since March 2018 along with all the other DA documents in compliance with the *Government Information (Public Access) Act 2009* (GIPA Act), and we had received no request from the Commission to arrange access for the applicant. This has now been negotiated with the panel and the panel has undertaken to consider our study in its assessment...but how can it, given the impact it has on other key studies, including the overall design of the cemetery, as advised by the Heritage Division in its submission to the South West Joint Regional Planning Panel (JRPP) during the rezoning of the land?<sup>2</sup>

The panel cannot effectively keep its undertaking to us on this without the study going back to the DOP for assessment and the applicant responding to its impact on these other studies.

**The DOP should not have completed its assessment without allowing Campbelltown Council to review the applicant's response to its issues and without including our study. The DA should be refused, or as a minimum sent back to the DOP to re-do the assessment and re-advise the various agencies.**

I note that the CMCT's consulting firm, Urbis, has also not told the truth in its Response to Submissions of 21 June 2018 when it continuously claimed that our study has *'not been made publicly available or*

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<sup>1</sup> *Curtilage Study Varro Ville*, Orwell & Peter Phillips, May 2016 (OPP16)

<sup>2</sup> *'The Heritage Division has awarded Ms Jacqui Kirkby a heritage grant to prepare a Heritage and Curtilage Study for Varroville. The findings of this study are due but yet to be received. These findings are considered to be crucial in determining the appropriate curtilage of the Varroville House [sic] and any Planning Proposal should not proceed before these findings are available. The reports supporting the Planning Proposal such as the draft CMP and Visual Impact Study and Design Master Plan may all need revision and alteration as a result of cross-comparison with this study.'*

*formally adopted by any government agency.*’ The study had been publicly available since March 2018 (as noted) and had been formally adopted by the Office of Environment & Heritage and the NSW Heritage Council, a position the latter recently reaffirmed in the Commission’s review of the curtilage.

### **The Suitability of this site versus need for burial land**

The submissions supporting the cemetery DA, including from the Chair of Cemeteries & Crematoria NSW (CCNSW), have all been about the need for burial space within the Greater Sydney Metropolitan Area. We do not dispute this. We also note that most of the submissions during the public exhibition were clearly using two variations of a form letter, and as per the normal planning practice should have been counted as one submission. Planning authorities cannot have it both ways when it treats our submissions this way.

However the issue here is not about burial capacity but about the suitability of this site for a cemetery.

On 25 February 2019, the NSW Premier copied the Commission on a letter she sent to the Greater Sydney Commission asking it to provide advice and recommendations on the strategic planning considerations for the provision of new cemeteries in the Greater Sydney Region, noting that while there is a need for additional burial land, *‘this does not mean that cemeteries are appropriate in all locations.’*

This is a clear admission by the NSW government that it has not had the right strategic focus with cemeteries. With that in mind, the Commission must assess these sites on suitability, not on the need for burial land. We further note that if the Commission only found that Wallacia was not suitable, but not Varroville, it could be taken that it had acted on inappropriate signalling by the Premier in the lead up to the elections regarding the marginal Liberal electorate of Mulgoa held by Tanya Davies.

This is not a suitable site and the DOP’s response to the Premier’s letter that it had considered the strategic context for the Varroville cemetery *‘based on the information currently available’*, is not true.

Firstly the rezoning was never supported by any strategic study or report as required for planning proposals (though apparently, and incredibly, this is not mandatory). Further in its assessment of this DA, the DOP has ignored the fact that it is *not* in one of the preferred strategic locations outlined in CCNSW’s cemetery capacity report released in November 2017. The preferred locations are in the North and South Regions. According to the report there is no shortage of burial space in the South-West or West-Central.<sup>3</sup>

More importantly however is the sheer complexity of this site for competing planning uses (heritage, scenic protection) and environmental constraints. EDONSW observed to us during the rezoning that it is one of the most environmentally constrained sites for development that it had seen in NSW. It is impossible to make any adjustment in response to one of these issues without adversely impacting on another. The DOP has only achieved this resolution in its Assessment Report by either *not* stating the

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<sup>3</sup> See p.39, [https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0014/143402/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0014/143402/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf)

truth or by deferring the assessment to a later stage of the project, even though this DA is for all stages. To us, it is a patent perversion of process.

Some examples are (and this is not exhaustive):

1. The planned road between Varro Ville Homestead and its outbuildings, does not comply with heritage considerations, but if it is removed it will not comply with Rural Fire Service (RFS) or SafeWork requirements. The resolution of this has been deferred to stages 3 and 4. This is fudging the findings, which is that a cemetery cannot go into this area.
2. Dam safety. A new study by JK Geotechnics (*aka* Dam Stability Assessment) at Appendix G to the Response to Submissions Report, has determined that nearly all the dams are unsafe and as they are in the proposed parklands it is recommended they will be either removed or reconstructed. The DA's own CMP<sup>4</sup> indicates that these dams are part of an early water conservation system that is highly significant and rare. The NSW Heritage Council has adopted the statements of significance in the OPP16 study which identifies the water conservation system (which includes the early dams) as being exceptionally significant and of National as well as State Significance. Yet this report has not been brought to the attention of the Heritage Council, which gave its original advice before this report was tabled. Clearly it is not possible to preserve the heritage significance of this aspect of the property and make it available as public parklands. It should not be approved for use as such. This does not mean that the public can never have access. The land was used as part of the adjoining riding school and available to the public on a supervised basis for decades. This was only terminated after land developers bought the land and shut the public out.
3. Similarly there is a proposal to remove 89 hollow-bearing trees on public safety grounds. Yet these are important habitat for birds which have been an important feature of the Scenic Hills since John Gould visited former owner Captain Charles Sturt in the 1830s and recorded them. We note that the Australian Botanical Gardens at Mount Annan make a feature of retaining hollow trees to educate the public in the importance of not cutting these trees down.
4. The concrete road edging has been found incompatible with heritage considerations. The DOP has accepted this and acknowledged that this means a new Stormwater Management Plan is required, yet it has recommended that this DA be approved without this being in place. The importance of assessing whether this is possible must be determined before this DA is decided given the importance of water management to land stability which I will discuss later.
5. The DA's traffic impact has only passed assessment by limiting it to the year 2038 – a mere 20 years. It is clear that this DA fails on traffic if it is assessed for all stages of the DA, as it must be. The clear assumption is that after 2038, St Andrews Road will be opened up as a through road to Camden Valley Way. Our Association objects to this due to the impact on sensitive land uses all along it: two schools, two monasteries, the Retreat Centre and Church, Varro Ville Homestead and sensitive bushland along the ridge. St Sava College Serbian Orthodox School would lose its playing fields; the noise for the two monasteries, Retreat Centre, and Church

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<sup>4</sup> P. 78, Section 4.2.6 in *Conservation Management Plan Varroville Estate: 166-176 St Andrews Road, Varroville*, prepared for the Catholic Metropolitan Cemeteries Trust by Urbis, in conjunction with Artefact Heritage and MUSEcape Pty Ltd, October 2015.

would be greatly increased by the through traffic. The ongoing closure of this road has been accepted by the Growths Centres which has always opposed its opening. The Director for the Leppington development told me he had received 25 submissions against it including from the Wollongong Catholic Diocese. The road's opening has never been subjected to an EIS and there has been no consultation with the Serbian Diocese or anyone else in regard to it. This DA cannot be approved on this basis.

6. The DA clearly fails on noise. The Assessment Report does not even acknowledge the presence of the two monasteries along St Andrews Road and appears to confuse the Church with the Nuns' monastery, which did have an acoustics assessment. It is simply not acceptable to suggest, as the CMCT has, that the way to resolve the noise levels, due mostly to the increased road traffic, is for the CMCT to provide air-conditioning so that the windows can be kept closed. The grounds of both monasteries are an important part of their way of life.

It would also appear that the background noise assessment has not taken into account that this noise is intermittent due to the road being a non-through road. If the road is opened up, then this would only be due to the presence of the cemetery; the consequent increase in noise cannot be attributed to the developments on the other side of the canal which have been approved without relying on St Andrews Road as a through road.

Finally, despite Campbelltown Council requesting that a noise assessment be made for Varro Ville Homestead, none has been carried out. The CMCT has simply assumed that the background noise of the Hume Highway makes this unnecessary, without observing that the Hume Highway is on the opposite side of the Homestead to the proposed cemetery. We only hear the noise of the highway when the wind comes from that direction. When the wind comes from the other side, as it does for most of the day, there is no highway noise and we experience this as extremely quiet.

7. The DA also fails on the Visual Impact Assessment and is thus not in compliance with cl 7.8A of the Campbelltown Local Environment Plan 2015 (CLEP15). Under CLEP15 the DA can only be approved if the consent authority is satisfied that (amongst other things):

*'(2)(a) the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including the Campbelltown urban area, "Varro Ville" (homestead group at 196 St Andrews Road, Varroville) and the Hume Highway'.*

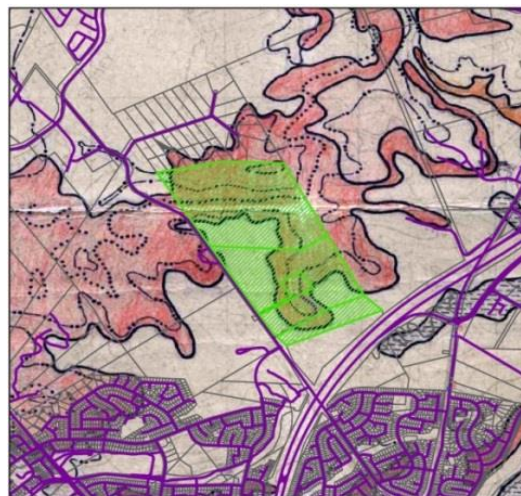
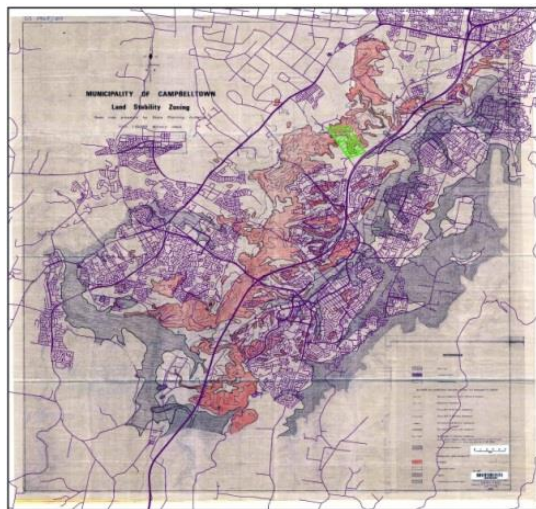
The DOP has falsely claimed that the DA passes this assessment by simply changing the criteria for deciding this: i.e. it has decided that as long as no 'buildings' are visible in the view lines then it is fine, but cars, roads, grave markers etc. do not matter. It has further re-defined 'complement' as 'will not significantly alter/degrade'. We are advised that the legal definition of 'complement' is 'make better'.

In response to submissions, Campbelltown Council requested the Additional Visual Impact Assessment, dated 3 December 2018. However this Assessment is based on outdated view lines. These were taken from a study co-authored in 2000 by Geoffrey Britton, which was an overview of heritage properties on the Cumberland Plain. Geoffrey Britton is the landscape consultant and principle author of the OPP Study of 2016, where he substantially revised the

view lines based on a detailed assessment of the heritage significance of Varro Ville Homestead and Estate. It is clear that from papers received under an informal GIPAA request that the Heritage Council was not made aware of this at the time it considered the DA, nor was the most recent Visual Impact Assessment brought to its attention. Further the consultant did not, as claimed, request access to the Homestead but in any case none would have been given. The views were thus taken from the Homestead's fence line and show clearly that roads, grave markers, parked cars will be in full view. Further, since the Heritage Council requested that the trees be removed along the roads to retain the heritage landscape view, the roads with cars parked on both sides and travelling along them will now be visible from the Homestead, the Highway and the Campbelltown Urban Area. This is clearly not consistent with the preservation of the colonial landscape nor does it make the views better. Geoffrey Britton is also qualified to provide a visual impact assessment and co-authored with Paul Davies, the **Visual and Landscape Analysis of Campbelltown's Scenic Hills** commissioned by Campbelltown Council as input to the preparation of CLEP15. He has made clear in a letter to us, included with our submission, that the DA fails to meet cl 7.8A (2)(a) of the CLEP15.

### Land Stability

The DOP has not listed 'land stability' as one of the key assessment issues. We note that in the transcript of the Commission's meeting with the DOP it claimed it did not consider it because Campbelltown Council had not. This is untrue. In its letter to the applicant, Campbelltown Council had requested an assessment of land slip risk in areas of moderate and high stability risk. The limitation of the assessment to moderate and high risk appears to be a bureaucratic one based on the current CLEP15. However that plan did not foresee that there would be intensive development such as that proposed by this cemetery. Approximately two thirds of the land to which this DA applies was identified as unstable land by the NSW Geological Survey, documented in a report by Pogson and Chesnut 1968<sup>5</sup>.

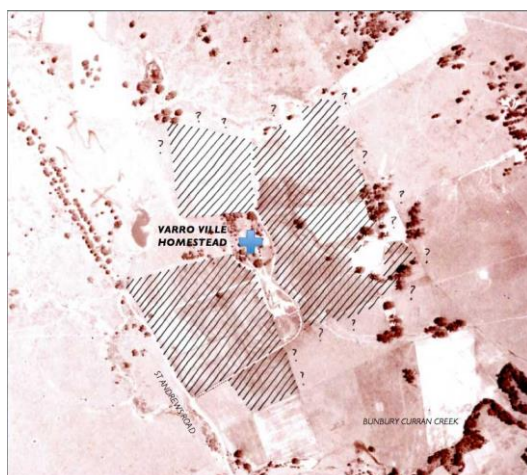


<sup>5</sup> Preliminary geological investigation of land instability in the Municipality of Campbelltown, Rept. Geol. Survey. NSW, by D.J. Pogson and W. S. Chesnut, GS 1968. This report can be found on the following link: [https://search.geoscience.nsw.gov.au/report/R00013769?q=pogson%20d%20j&sort=score%20desc&t=digs&a=true&p=false&wkt=POLYGON\(\(150.5%20-34.5,150.5%20-34,151%20-34,151%20-34.5,150.5%20-34.5\)\)&s=true](https://search.geoscience.nsw.gov.au/report/R00013769?q=pogson%20d%20j&sort=score%20desc&t=digs&a=true&p=false&wkt=POLYGON((150.5%20-34.5,150.5%20-34,151%20-34,151%20-34.5,150.5%20-34.5))&s=true)

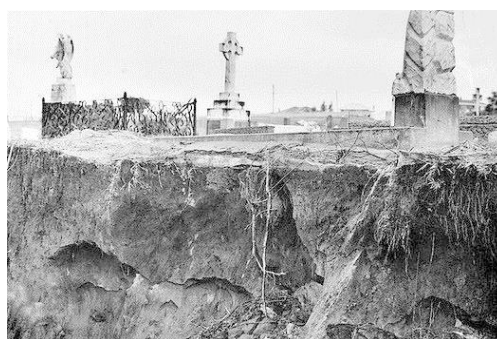
The instability of the land was part of the rationale for not allowing development there (p. 48) in the State Planning Authority's *The New Cities of Campbelltown, Camden, Appin, Structure Plan, 1973*. The survey remains current.

This was confirmed in a report by Douglas Partners into land stability included with the DA at Appendix R<sup>6</sup>, which further risk-rated the whole site. While most of the site in that report was designated 'low risk', the authors noted that this rating only applies '*unless major changes to site conditions occur*' (p. 9).

The new study by JK Geotechnics at Appendix F in the Response to Submissions Report looked for evidence of prior landslip. However, in the absence of any major disturbance to the land, the lack of this evidence is not a guide to what may happen when there is a major disturbance. This is further complicated, as we pointed out in submissions, by the existence of agricultural trenching surrounding the Homestead which has been managing water flow and retention across the site for around two hundred years. It has been estimated in the OPP16 study to cover more than 20 hectares.



Any disturbance to this area may have unpredictable results, impacting on the site's heritage but, given the extreme rain events we experience at Varro Ville, could it also cause a disaster similar to that experienced at Riverside Cemetery, Queanbeyan in 1974 following a major flood event?<sup>7</sup>

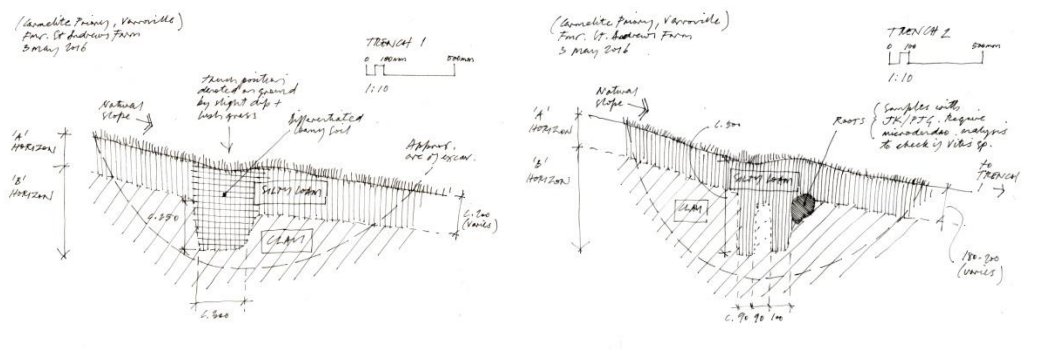


<sup>6</sup> Report on Preliminary Stability Assessment Proposed Memorial Park 166-176 St Andrews Road, Varroville, prepared for Catholic Metropolitan Cemeteries Trust by Douglas Partners, March 2017.

<sup>7</sup> <https://www.abc.net.au/news/specials/curious-canberra/2017-07-17/did-corpse-really-get-washed-from-queanbeyan-riverside-cemeter/8702176> .



The CMCT's heritage consultants have never understood what the agricultural trenching is. Our consultant oversaw a dig on the Carmelite Friars' land, where similar and associated trenching occurs. This confirmed his findings. See diagrams.



The trenched area is rated in OPP16 (and adopted by the Heritage Council) as being of both State and National significance.

**The issue of land instability has not been satisfactorily addressed in this DA.**

### Compliance with WHO guidelines for Cemeteries

A further issue has emerged in our review of the new land stability study. We note that the consultants for JK Geotechnics used a 35 tonne excavator. A passer-by observed that the consultants had originally tried to carry out their investigations using a 20 tonne excavator but the ground was so hard it was pulling the excavator over and the driver had noted that the ground was too hard for a cemetery. We note that the areas investigated cannot be extrapolated to the whole site. However the report does not address the key problem which is the geotechnical issues around the graves. It does however cover the issue of erosion. The report's data are apparently in direct contradiction to its conclusions. The report's data show that erosion is going to be a very big problem and we have been advised that the Final Vegetation Management Plan by Travers Bushfire & Ecology does not appear to have resolved the ongoing concern that there will be a lack of native groundcovers long-term, which encourages erosion.

To see if there were any investigations into the area where the graves are planned, we revisited the study by Red Earth Sciences (Dr Boyd Dent) of November 2014. This was commissioned to respond to Condition 1 of the JRPP's PreGateway Review recommendation of 24 August 2014 that the land rezoning application be put forward for a Gateway Determination.

*'The Panel requires that, prior to exhibition (1) The geological conditions of the site are investigated and it is confirmed that ground water protection can be achieved with reference to compliance with accepted standards for burial plots, such as those for the World Health Organisation[WHO].'*

Figure 3 of that report shows the test pits' locations and soil depths before striking rock. Notably none of the pits within the CLEP15 Varro Ville curtilage or the proposed SHR curtilage reaches even the standard grave depth of 1.8 metres or more. They range from 0.7 to 1.55. In fact it appears that hardly

any part of the site meets WHO standards for burial depths. We are not experts in this matter but our further investigation with cemetery operators and those with some knowledge of soil and geotechnical issues raised two critical concerns that have not been addressed:

- (1) We understand that 35 tonne excavators, or even 20 tonne excavators, cannot be used in cemeteries. Graves are not pre-dug in advance but 'at need'. Large excavators on caterpillar tracks would decimate graves sites such that normally a 5 tonne excavator or back hoe would be used. If correct, how will this cemetery deal with the fact that so many of the graves will be dug into rock, particularly on the hillsides around Varro Ville Homestead and its outbuildings?
- (2) If we are correct, how did this proposal get this far without complying with the first condition of the PreGateway Review? We looked back over the planning documents and saw that the language for this requirement changed such that it became merely about groundwater and any reference to standards, particularly of the WHO, were dropped, only recently re-emerging.

In our investigations we were referred to a study by Ucisik & Rushbrook (1998) that requires burial pits maintain one metre of subsoil below the bottom of the burial to avoid contamination of groundwater. The Varroville cemetery proposal clearly cannot meet this requirement and even in the 'majority of [preferred] burial areas' the CMCT will still be burying almost immediately on top of rock. Even the WHO recommendations for emergency burials (i.e. the lowest standards when there are pressing limitations) are not going to be satisfied, and the report's arguments on why they fail are less than convincing - in the latter case, claiming that because the site will not be operating under the pressing limitations of an emergency the CMCT should not have to meet those lower standards. These appear to be non-arguments.

Boyd Dent nevertheless advised that the site *'represents a very suitable location for the development of a cemetery'*. One of the arguments put forward by Boyd Dent to defend his conclusion was there was an 'unexpected absence of groundwater' throughout the site. However it does not appear to be consistent with the evidence, and directly contradicts Dent's other comments e.g. the urgency of revegetation on the site to avoid excess groundwater. We also note in the transcripts of the Commission's meeting with the CMCT and its consultants that the CMCT's CEO Peter O'Meara spoke of putting down bores to resolve the need for water to maintain a lawn cemetery. I also sat on AGL's Camden Gas Project Community Consultative Committee for five years where this was discussed at length in relation to AGL's proposal to extend its coal seam gas field through the Scenic Hills. I recall that one argument put to us was that the water in the aquifers was slow moving and, though it eventually reaches Sydney Harbour, it would take 200 years. Either there is ground water or there is not. Clearly the problem of water has *not* been satisfactorily resolved. Either way it causes a problem for this cemetery and is a critical concern.

Finally I note that both Boyd Dent's and Douglas Partner's reports stress that they are 'preliminary' and that further investigation is required. Neither consultant was re-engaged, nor does further investigation appear to have happened.

This is an ongoing problem with the CMCT's studies, i.e. that consultants with the most interesting findings are not re-engaged. I include the landscape consultant from MUSEcape who does not appear to have been re-engaged to assess compliance of the DA with his conservation policies, nor has he been engaged to critique the OPP16 report during the Commission's recent review of the curtilage for the Heritage Minister, despite being more qualified to do so than those who have.

**This DA should not be approved on the information provided.**

### **In conclusion**

It is not possible in the timeframe to raise all the deficiencies in this DA. I have tried to focus on key issues and examples of the inability of this DA to reconcile all the competing elements on such a complicated site, and its failure to meet the requirements for approval, despite the best efforts of the DOP to spin this DA otherwise.

I have barely touched on the heritage issues which I will attempt to do in my presentation as the owner of Varro Ville Homestead. The Assessment Report contains similarly false claims relating to heritage, for example: (1) that there has been a European Archaeological Impact Assessment, when there has not - even though the DA's CMP required one as part of any DA, and (2) that the Heritage Council is '*satisfied the CMP and associated development management plans submitted with the DA provide an appropriate framework for ongoing management of the land*'. The Heritage Council's submission does *not* show this. It has carefully worded its response in anticipation of a listing on the State Heritage Register.

This proposed cemetery has been in progress for six years with so many iterations that *that* alone demonstrates the unsuitability of the site. If the CMCT had chosen a better site, it would have had its cemetery operational in 2015 as it originally claimed it would. Further we have seen, during this time, so much project creep that we question whether the Commission can possibly know what it is approving and whether any authority can possibly supervise its implementation to ensure compliance. Certainly the Commission cannot defer any unresolved issues – such as traffic, heritage, stormwater management, and land stability – to a later stage. Given what will be destroyed by this cemetery, and the current demand for burial space, it would be irresponsible of the Commission to allow this to happen, only to find out later that it was a folly.

We ask the Commission to not approve this DA and instruct the Sydney Western City Planning Panel accordingly.

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