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Submission following the IPCN public meeting on 25 March 2019 re the Catholic Metropolitan Cemeteries Trust (CMCT) Varroville Cemetery DA

Note: This submission supersedes that of 26 March 2019. Please discard our earlier version.

The Carmelite nuns recognise the need for cemeteries as essential infrastructure. We consider that they should be planned for with foresight rather than as afterthoughts facilitated by 'spot rezoning', which is a failure of planning. We acknowledge that there is a looming shortage of burial space in Sydney in the next 30 years. Nevertheless, we are opposed to the Varroville Cemetery because it is incompatible with the Campbelltown Local Environment Plan 2015 planning controls for the Scenic Hills in general and for the site at 166-176 St Andrews Road, Varroville, in particular. We oppose it because the selection of this highly constrained site is both unjustified and unjustifiable. If approved, the development will result in irrevocable adverse visual impacts on the scenically-protected amenity and pastoral beauty of the area and on State-significant colonial heritage in its heritage landscape context. There will be serious adverse traffic and noise impacts on nearby sensitive land uses (monasteries, Retreat Centre, parish church and high school), requiring compensation for loss of the Retreat Centre and remediation for other buildings. There will be permanent disruption and destruction of ecology on the site.

Incompatibility with CLEP 2015

In February 2019 I represented the Scenic Hills Association at the Commission's visit to the site of the Varroville cemetery. It is a beautiful landscape which, because of its beauty and land instability, was scenically protected in 1973 and excluded from development. There are vast panoramic views from high points and birds' eye views of the site itself. If the cemetery is approved, nobody visiting the site in the future will see it as we saw it. It will become a network of primary and secondary roads lined with parked cars, access ways, car parks, telegraph poles, burial rooms and headstones. The Assessment Report states that 'The development will involve landscaping the entire site...' (Table 3, p.24). The land will be graded for roads and burial areas. The dams will be 'remodelled'. The Visual Impact Consultant admits that: 'The internal character of views... will be *significantly changed* [italics ours]...' (Appendix HH, p.47). The Assessment Report (Table 3, p.24) does not acknowledge truthfully the visual impact of the cemetery, not only on those viewing from outside the site but on visitors viewing from within it. An accurate assessment shows that the cemetery is incompatible with the Campbelltown Local Environment Plan (CLEP) 2015 development

controls for the Scenic Hills (Clause 7.6 (1) and (3)). We raised this fundamental objection in our submission of 23 March 2018. The Response to Submissions report, which is selective rather than comprehensive in its choice of responses, ignored our objection.

CLEP 2015 Clause 7.8A applies specifically to this site. The cemetery does not comply with this clause, which states (among other things) that:

- (2) Development for the purposes of a cemetery is permitted with development consent, but only if the consent authority is satisfied that:
 - (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, and
 - (b) the development will not adversely affect the visual or physical qualities of the site, and
 - (c) the development will cause minimal effect on the existing landform and landscape, and...

Is the Commission satisfied that the cemetery complies with these controls? We are not. When viewed from *within* the site (a viewpoint not excluded by the wording of Clause 7.8A) it is impossible that the development will not adversely affect the visual and physical qualities of the site. Its effect on the existing landform and pastoral landscape will be devastating.

Clauses 7.6 and 7.8A exemplify the problems of spot rezoning. Even though Clause 7.8A applies specifically to this site, its intent cannot be to override or negate the general planning controls for the Scenic Hills (Clause 7.6). To assume otherwise is disingenuous.

The Preliminary Construction Management Plan (November 2018) misrepresents the nature and impact of this development:

1.1 Background

CMCT (the proponent) has submitted a development application for the construction of *lawn cemetery, parklands and recreational space* at 166-176 St Andrews Road, Varroville (p.4, italics ours).

This is not, and never was a lawn cemetery. There will be headstones (low 0.3m and high 1.2m) covering about half of the site (Burial plan, attached). Such misrepresentation and selective use of slides at the public meeting possibly constitute misleading advertising.

Since the DA does not comply with CLEP 2015 we consider that the Commission is obliged to recommend against approval.

Public Parklands

Clause 7.8A (2) (d) of CLEP 2015 requires that development of the site for the purpose of a cemetery shall include publicly accessible passive recreation space. This seems to have been

the sweetener intended to 'sell' the development to the public. We have not been able to find delineation of the public parklands on the plans accompanying the DA. There is already ample passive recreation space across the road from the site at Koorringa Reserve, which runs between Varroville and Kearns. We question the benefit of passive recreation space on the site of a cemetery. After initial fanfare, the public parklands are now being downplayed: already the walking trail up Bunbury Curran Hill has been removed from the DA (Supplementary Response to Submissions Report (SRTS), p.8) because it is unsafe on account of landslip and erosion, rendering this part of the parklands *inaccessible* to the public. The parklands along St Andrews Road will be affected by traffic noise. Removal of roadside vegetation to improve sight distances for the access points will further detract from this public parkland, much of which could be resumed if/when the road is widened and put through to Camden Valley Way to service the cemetery.

Project need

This matter has not been adequately dealt with in the SRTS Report. The CMCT has repeatedly side-stepped the facts concerning the need for *this* cemetery and asserts in the Report that the case for it is established. It is not.

Our objection has been met with a cut-and-paste generic response, not with the seriousness it deserves. We accept that cemeteries are essential infrastructure and that there is an impending shortage of burial space in Sydney by the 2050s. However, the CMCT has not acknowledged that the NSW Government's CCNSW Metropolitan Sydney Cemetery Capacity Report (November 2017) states that within the Metropolitan Area, SW Sydney is the area best supplied with cemetery capacity and should not be taking overflow from other areas (pp.34, 39). There is time to identify suitable sites for a cemetery elsewhere in the Macarthur region. Even if this were not the case, an overstated claim of urgency does not justify putting a large cemetery on such a constrained site: a scenically protected, landlocked site subject to land instability, with heritage landscape surrounding one of NSW's significant heritage houses, and close to four sensitive land uses (two monasteries, a retreat centre and a school). The case for *a* cemetery has been established but the case for a cemetery *at Varroville* has not been established.

We ask the Commission to examine critically this repeated assertion by the CMCT.

European heritage

We are not sufficiently knowledgeable to speak about heritage. However, we wish to record our objection to a cemetery despoiling the heritage landscape that was the original context for State-listed Varro Ville Homestead. Before they purchased their properties, both the CMCT and the owners of Varro Ville Homestead knew from due diligences of plans dating from 2000 to expand the curtilage. In October 2017 the Heritage Council recommended that much of the site be listed as expanded curtilage for the Homestead so as to restore the house and its estate

to its original coherence. The ministerial decision on this is more than a year overdue. The CMCT is exploiting this delay to have the DA decided. If they succeed, present and future residents of Campbelltown and NSW will lose forever a highly significant part of their colonial patrimony.

We ask the Commission not to jeopardise State-significant heritage, but instead to defer its recommendation until after the curtilage expansion has been decided.

Traffic and Noise

The SRTS Report mentions the noise generated by traffic on St Andrews Road, in particular from Access B, and its impact on the Retreat Centre and monasteries nearby. We are pleased to see that traffic flow within the site has been redesigned to respond to this concern. However, the Report does not distinguish the Carmel of Mary and Joseph from the Retreat Centre. The Mount Carmel Priory (residential and place of worship) is not mentioned. We pointed out in our submission that it is not only traffic noise that will impact on the Carmel of Mary and Joseph, but also construction and operational noise because our site is elevated above the development site. This comment did not receive a response. Construction is to take 30 months (two and a half years). Its impact on our three houses of prayer will be devastating. The Retreat Centre has been operating for 50 years, was fully refurbished eight years ago and completed only the year before the cemetery proposal was launched in 2013. If the DA is approved, will the CMCT compensate the Retreat Centre for loss of patronage for 3 years?

We ask the Commission to request a plan showing distances as the crow flies from both Access A and Access B (and the cemetery buildings) to the Chapel of the Carmel of Mary and Joseph and to the Mount Carmel Retreat Centre and the Mount Carmel Priory. Noise should be assessed at each of these receivers. So far, the response to our concerns has been inadequate. We add that it is unacceptable for the CMCT to expect the Our Lady of Mount Carmel parish church (a sensitive land use) to close its windows and install air conditioning to mitigate the effects of traffic noise from the development. We note, too, that there has been no response to the noise exceedances predicted in the classrooms at Mount Carmel Catholic College.

Affordability

At the public meeting on 25 March 2019 at least four speakers in favour of the DA (Jewish, Muslim and two Filipinos) commented on a desperate need for affordable burial space in the Macarthur region, giving the impression that the Varroville Cemetery operated by a not-for-profit Trust (and not a private operator) will meet this need. The CMCT did not provide any figures to support this claim. For transparency, we ask the Commission to request from the CMCT information about projected pricing of burial plots at Varroville.

A telephone survey (and internet, for Rookwood cemetery) conducted on 2 April 2019 yielded the following information:

Cemetery	Operator	Cost of double depth grave (\$)	Interment fee (\$)
Rookwood	CMCT	8,513	2,516
Liverpool	CMCT	12,742 (Anglican) 12,395 (Orthodox)	2,856
Forest Lawn (Leppington)	InvoCare	6,270	2,805
Kemps Creek	CMCT	4,455 (minimum)	2,773

We ask if there is any truth in hearsay that the CMCT is soon to cease being a Trust operating on behalf of the Crown and will be privatised. If so, what will this mean for affordability?

Reports

Notwithstanding the years and money the CMCT has spent on this development, we call on the Commission to set those considerations aside as irrelevant to your assessment. We ask you to assess accurately and critically the impact of the development.

It will be difficult for you to do this because of obfuscation generated by the multiplicity of reports, making it virtually impossible to know what is current, what has been modified and what has been deleted from the DA. For example, the development is now to be constructed in four stages, not five, and the first stage is much larger in area than originally proposed. The Assessment Report (Table 2, p.6) mentions crypts for burial, whereas we were told on the site visit that the crypts have been deleted. If they still exist, they appear to be located in an area of moderate instability. We know that for Occupational Health and Safety reasons, roads cannot be more than 100m apart (SRTS, p.3) yet we do not know the location of secondary roads and access ways. We do not know where the electricity substation will be located.

The Traffic Impact Assessments (TIA) exemplify the difficulties of interpreting the reports accompanying the DA. The first TIA, by GTA Consultants (7 October 2015) assessed the impact only for Stage 1 (see p.11), which at that time was much smaller in area than it is now. No consideration was given to safety of the proposed access points. The possibility of an upgrade of St Andrews Road and its linkage to Camden Valley Way was mentioned. The second TIA, by The Transport Planning Partnership (TTPP, 9 August 2017) briefly acknowledged all stages of the development (p.23) and noted that estimates of traffic generation are 'overly conservative'. Modelling was done only for Stage 1 (p.24), again a much smaller area than currently proposed. TTPP also mentions a probable link of St Andrews Road with Camden Valley Way in the longer term and provides sensitivity testing for the volume of traffic predicted as a result of this linkage (approx. 800 vehicles per hour in peak periods on weekdays, p.29-30). Finally, TTPP provided a Supplementary TIA (11 September 2018)

responding to Campbelltown City Council's Request for Information. The Supplementary TIA considers safety concerns (sight distances) and notes that 'Council has advised that [the link to Camden Valley Way] will not now be implemented.'

We do not know the source or reliability of this advice. Who gave it? Is the RMS aware of it? Is it authoritative and definitive? If it is, then the cemetery will be effectively landlocked with all access to it via suburban streets. If the advice is not definitive, then the Scenic Hills will be severely compromised and all residents along St Andrews Road will lose their amenity and tranquillity, which the monasteries, Retreat Centre and parish church rely upon.

We provide this example (one among many) to demonstrate confusion among the reports and the need for close attention to detail when interpreting them.

In order for the Commission to make its recommendation, it must be confident that its assessment is based on reliable information. Therefore, we suggest that you require from the CMCT a complete set of up-to-date reports specifying clearly and in detail what currently comprises the DA and its supporting documentation. Superseded reports and plans should be marked as such and set aside. For transparency, documentation certified as current and accurate should have been made available before the public hearing on 25 March 2019. We still need to see it.

We have stated repeatedly in our submissions that there is minimal cross-referencing between Consultants' reports. This serious deficiency has been ignored in the SRTS Report. So, for example, the Visual Impact Assessment does not comment on short-spaced (30m) telegraph poles required by the Bushfire Report (how many poles will there be?) nor does it comment on the impact of removal of roadside vegetation required for adequate sight distances by the Traffic Impact Assessment.

There are other unanswered questions: e.g. how does land instability (Appendix R, Appendix F), the exceptionally diverse soil and bedrock profile found in the Geotechnical study (Appendix K, U) and the soil hardness measured in some test pits in the Landslip Report (Appendix F), impact on the excavation of graves? Is it possible to excavate 136,000 graves on this site with the small machines used in cemeteries? And if it is, what will the impact of this excavation be on the stability of the land and on stormwater drainage?

The Assessment Report does not *integrate and collate* the findings from the Consultants' reports. As such, it is inadequate as a summary document. More seriously, its evaluation and conclusion are both unreliable. Therefore the DA and consultants' reports need close scrutiny by the Commission for an informed recommendation to be possible.

Procedural concerns

There have been many procedural irregularities in the assessment of the Macarthur Memorial Park proposal. We list only the most egregious here.

The proposal was launched publicly by the CMCT in August 2013 without prior notice given to the owners of Varro Ville Homestead who stood to be most affected by it. The Carmelite friars were given advance notice and asked to maintain confidentiality, which they did in good faith assuming that the same courtesy shown them had been extended to the owners of Varro Ville Homestead and the Carmelite Nuns. It had not.

In March 2014, a large majority of Campbelltown City councillors (11-2) voted against the proposal. Two councillors (one of whom voted for it) were appointed to the Joint Regional Planning Panel (JRPP) that undertook the Pre-Gateway review that considered 'a site-specific rezoning to permit a *lawn* cemetery as an additional permitted use on the site [italics ours].' This misrepresentation of the proposal as a *lawn* cemetery was allowed to persist in the public domain. The proposal was unanimously approved by the JRPP to proceed to a Gateway Determination. The Pre-Gateway panel's recommendation in favour of allowing a *lawn* cemetery has been taken ever since as approval of rezoning for *any* cemetery. As recently as November 2018, Nettcorp, acting for the CMCT, described it as a *lawn* cemetery (Preliminary Construction Management Plan, p.4), although approximately half the site will be covered in headstones 0.3-1.2m in height if the DA is approved.

In April 2013, the then Minister for Primary Industries (and Crown cemeteries) imposed Ministerial conditions of sale on the site; namely, that the rezoning and development application be approved before the sale could proceed. Then, almost at the end of the extended public exhibition period for the rezoning application (late November 2015- late March 2016), a GIPAA search revealed that the conditions of sale were lifted by the Minister on 23 November 2015 (i.e. before the proposal was placed on public exhibition) and that the CMCT acquired the site in the first week of January 2016. The Department of Planning did not inform the public of these significant changes to the status of the proposal when placing it on exhibition. Since the site was acquired by the CMCT (whose sole business is cemeteries) during the exhibition period, it appeared that the outcome of the rezoning was a foregone conclusion. The public exhibition was not what it seemed and was effectively invalid.

A public meeting in August 2016 was so poorly managed by the SWJRPP that some registered speakers could not enter the Council chamber but were instead corralled in the basement car park of the building where they could not hear the proceedings.

The most recent failure of proper process occurred over the curtilage expansion for Varro Ville Homestead recommended to the Minister for Heritage by the NSW Heritage Council on 31 October 2017. The then Minister for Heritage failed to sign off on the recommendation within the two-week period required by the *Heritage Act 1977*, and continued to be in breach

of the *Act* for more than a year until the recent State election, enabling the developer to proceed unimpeded with assessment of the DA until now.

All these abuses of process have favoured the developer (CMCT). Understandably, public confidence in the Department of Planning has been eroded to the point that trust no longer exists.

This present consultation is the last opportunity for the IPCN to restore some confidence in the planning system. We urge the IPCN to assert its independence by considering the merits of this DA without fear or favour and by recommending accordingly.

Conclusion

In our earlier submissions we drew attention to lack of transparency and manipulation of process that has enabled the Macarthur Memorial Park proposal to proceed as far as it has. Failures of process have continued in this latest consultation, with inaccurate, incomplete and outdated reports comprising the documentation made available on the Commission's website. We ask you to require the applicant to provide a complete set of accurate up-to-date reports to enable the Commission to make an informed recommendation. For transparency, a set should also be made available to the public.

We accept that cemeteries are essential infrastructure and that there is an impending shortage of burial space in Sydney by the 2050s. We do not accept that a case has been made for a cemetery at Varroville since SW Sydney is adequately supplied for 30 years. There is time to identify suitable sites elsewhere in the Macarthur Region.

The site at Varroville is highly constrained. If the Varroville cemetery is approved, it will irrevocably destroy the topography, natural scenic beauty, pastoral landscape and State-significant heritage of the site and will negatively impact upon its ecology. It will also have a devastating effect upon the amenity of the area, which supports the religious communities on St Andrews Road and brings joy and solace to local residents and visitors from near and far.

It will be a Planning disaster, overturning the long-upheld intention of the zoning, namely, to preserve the Scenic Hills of Campbelltown for present and future generations.

For these reasons, the Carmelite Nuns continue to oppose this development.

A large black rectangular box redacting the signature of Sister Jocelyn Kramer.

Sister Jocelyn Kramer

3 April 2019

RURAL ZONES:	
EXPONENTIAL	
NATURAL BURIALS	
LAWN WITH CONCEALED CONCRETE BEAMS	
LOW HEADSTONE (500mm) WITH CONCEALED CONCRETE BEAMS	
HIGH HEADSTONE (1200mm) WITH CONCEALED CONCRETE BEAMS	
TERRACED	
CRYPTS	
DAM	



Issue:	Rev:	Description:	Date:
DA		COUNCIL	18.08.2017
DA		CLIENT	28.01.2018
DA	A	COUNCIL_RFI	15.06.2018
DA	B	DP&E_RFI	22.10.2018

Project title:
MACARTHUR MEMORIAL PARK
VARROVILLE

Drawing title:
BURIAL EXTENT AND TYPES

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Job no:
1210

Drawn by:
OK

Checked by:
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Scale:
1:2500

CAD file name:
L100 OVERALL SITE PLAN.dwg

Plot date:
22/10/2018

Client:



Drw no:
L102

REV:
3

Sheet no:
04