

MS D. LEESON: Well, good morning, everybody. Technology is not my strength. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to this
5 public meeting regarding the development application for a cemetery and associated parklands at 166-176 St Andrews Road, Varroville, submitted by the Catholic Metropolitan Cemeteries Trust.

10 The development application includes landscaping of the entire site to provide approximately 136,000 burial plots and memorialisation, approximately 36 hectares of publicly accessible open space, construction of six new buildings including a chapel, administration building, function building, café, ground staff building and gatehouse, restoration of heritage buildings, demolition of dilapidated heritage
15 buildings, heritage interpretation works and construction of public art structures and various civil works to facilitate the proposed development, including stormwater infrastructure and road infrastructure.

20 My name is Dianne Leeson. I'm the chair of this Independent Planning Commission Panel which has been appointed to consider this application. And joining me on the panel are Commissioners Adrian Pilton and Ross Carter. The other attendees are Diana Mitchell and Andrew McAnespie from the Commission's Secretariat, who are assisting the Commission on this project. I would just like to also apologise again for the short notice on change of venue. It was a matter beyond the Commission's control, so hopefully everyone has been made aware of that and will find their way
25 here this morning.

30 Before I continue, I should state that all appointed Commissioners must make an annual declaration of interests, identifying potential conflicts with their appointed role. For the record, we are unaware of any conflicts in relation to our determination of these applications. You can find additional information on the way we manage potential conflicts in our policy paper which is available on the Commission's website. In the interests of openness and transparency, today's meeting is being recorded and a full transcript will be produced and made available on the
35 Commission's website.

40 This public meeting gives the opportunity to hearing your views on the assessment report prepared by the Department of Planning and Environment before we direct the Sydney Western City Planning Panel to determine the application. This meeting is one part of our process. We have also met with the Department of Planning and Environment, Campbelltown City Council and the applicant. We conducted an inspection of the site on Tuesday, 19 February 2019. The Commission may also convene with other relevant stakeholders if clarification or additional information is required on matters raised.

45 Records of all meetings will be included in our report, which will be published on the Commission's website. Following today's meeting, we will endeavour to provide a

direction to the Sydney Western City Planning Panel to determine the application as soon as possible, however there may be delays if we find the need for additional information.

5 Before we hear from our first registered speaker, I would like to lay some ground rules that we expect everyone taking part in today's meeting to follow. First, today's meeting is not a debate. Our panel will not take questions from the floor and no interjections are allowed. Our aim is to provide maximum opportunity for people to speak and to be heard by the panel. Public speaking is an ordeal for many people.
10 Though you may not agree with everything you hear today, each speaker has the right to be treated and heard with respect and to be heard in silence. Today's focus is public consultation. Our panel is here to listen, not to comment. We may ask questions for clarification but this is often unnecessary. It will be most beneficial if your presentation is focused on the issues of concern to you.

15 It is important that everyone registered to speak receives a fair share of time. I will enforce timekeeping rules. As chair, I reserve the right to allow additional time for the provision of further technical materials. A warning bell will sound one minute before the speaker's allotted time is up and again when it runs out. Please respect
20 these time limits. If there are issues you are unable to address or you feel could not completely in the allocated time, we encourage you to provide a written submission to the Commission. Written submissions should be made to the Commission within seven days of this meeting.

25 Though we will strive to stick to our schedule today, speakers sometimes don't show up or decide not to speak. If you know of someone will not be attending, could you please advise Andrew here. If you would like to project something onto the screen, please give it to Andrew before your presentation. If you have a copy of your
30 presentation, it would be appreciated if you would provide a copy to the Secretariat after you speak. Please note any information given to us may be made public. The Commission's privacy statement governs our approach to your information. If you would like a copy of our privacy statement, you can obtain one from the Secretariat or from our website.

35 Audio recording of this meeting is not allowed except for the official recording for transcription purposes. Notes made throughout the day on issues raised will be summarised in our determination report. Finally, I would like to thank everyone present – as that everyone present please turn their mobile phones to silent. Thank
40 you. And I will now call the first speaker. If I can ask David Hoy to come up on behalf of the applicant.

45 MR D. HOY: Thank you, Madam Chair, and Panel members. Good morning. And my name is David Hoy. I'm a town planner representing the Catholic Metropolitan Cemeteries Trust. And today I would like to provide a bit of context in advance of two detailed presentations that will be presented by my colleagues in this matter on behalf of the trust – Florence Jacquet, our landscape architect, and Stephen Davies, our heritage consultant.

This application was made on behalf of the trust who manage public cemeteries across Sydney on behalf of the Crown. They operate cemeteries at Rookwood and at Liverpool as examples. They're one of four trusts that operate Crown cemeteries across the metropolitan area. This proposal that has been put to – before the
5 Commission today was in response to a looming critical shortage of interment space in the Sydney metropolitan area which was identified by the Cemeteries & Crematoria New South Wales, the Government's prime agency responsible for managing cemeteries throughout not just New South Wales but throughout metropolitan Sydney, as well.

10 Cemeteries are recognised as key social infrastructure in the Greater Sydney Region Plan and the complementary district plans. This proposal before you today delivers this essential infrastructure that is geographically and economically accessible and that accommodates for diverse cultural backgrounds. This is a public cemetery
15 accessible to people of all faiths and all non-faiths. This development application was lodged with Campbelltown Council in October 2017 following consultation and engagement with the community that informed the design and layout of the proposal. The proposed development is permissible with consent under the Campbelltown LEP with special provisions provided in clause 7.8A and they being the proposal - - -

20 MS: Excuse me. Could the speaker use the microphone a little more effectively? It's - - -

25 MR: Can't hear

MR: It just left it on

MS: Thank you.

30 MR HOY: Is that better?

MR: Yes.

35 MS:

MR HOY: Thank you. If I can just repeat the last point. This proposed development is permissible with consent under the Campbelltown Local Environmental Plan with special provisions inserted into the LEP under clause 7.8A enabling the proposal and also requiring the proposal to address a number of
40 considerations to demonstrate its technical merit. It has been designed to accommodate the scenic qualities of the site, in fact, the scenic qualities of the site are one of the very reasons why my client chose this site. It aligns with their vision for a landscape garden cemetery, which will be explained by Florence shortly. The design includes and has had regard to complementary landscape and scenic qualities
45 of the site, with a high emphasis on maintain existing views and vistas from within and external to the site, minimising the built form, providing a light touch on the landscape with structural elements both in terms of landscape and built form - - -

MS: You're mumbling again.

MS: Speak into the microphone, not beside it, please.

5 MR HOY: I'm reading. Thank you.

MS: That's beside it.

MR HOY: I need to read.

10 MS: start again - - -

MS: Perhaps in this instance - - -

15 MR HOY: How about we just put that - - -

MS: - - - if we turn the lectern - - -

MR:

20 MS: That's better. Thanks, David.

MR HOY: Thank you very much. The proposal has been subject to community and stakeholder consultation both run by our client themselves during the pre-application and pre-lodgement phase but also through the statutory consultation phase run by council and approval authorities. It has had – received input from key agencies including Cemeteries & Crematoria NSW, The Office of Environmental Heritage, Rural Fire Service, Roads and Maritime Services, council, as well as the local Land Council. The design has been modified and refined as a result of this consultation and this process and approach is standard and commonplace with any development application in New South Wales.

It enables applicants to engage with approval authorities to ensure that the right outcome is ultimately met. It results in improved design and fundamentally reflects an approach to collaboration and consultation that's aligned with the need for this particular facility in this location and service in metropolitan Sydney. I would like to introduce Florence, our landscape architect, and Stephen, our heritage consultant, to provide more detail on the design alterations that have been made as a consequence of the assessment process, particularly in regard to landscape design, the visual elements, and heritage conservation. Before doing so, though, I would just like to point out that there is a concurrent process which the IPC is aware of regarding the consideration of an extended curtilage around Varroville House.

The IPC can form its own views on that particular issue but I would like to close by noting that at present there is no extended curtilage and the recommendation to list was made in October 2017 and there is still no listing that has been made despite a review – a separate review by the IPC. Accordingly, the listing could not in any way

be regarded as certain. The preservation of heritage has been well catered for in this development application. If the owners of Varroville had wanted consideration of the curtilage and, in particular, the curtilage study that was prepared by the Phillips and Orwell study, to be a part of an amended development application then that
5 should have been provided to my client for consideration during the consultation process as part of this DA.

Instead, as detailed in the Department of Environment – Department of Planning and Environment’s development application assessment report on the IPC website in
10 relation to this issue, the report was not made available upon request at a stage when it could have been considered and its findings incorporated into an amended development application. The IPC has made it clear that the review of the DA is completely separate from the review of the need of the extended curtilage. Therefore, any discussion on the need for an extended curtilage is not part of the IPC
15 review of this DA. As I say, before Stephen and Florence present, the process that we followed has been robust.

It has been consultative and it has led to modifications and refinements that are presented – that will be presented to you today that have sought to better mitigate the
20 effects of the proposal and its relationship to the landscape. This approach between applicant and approval authorities is commonplace and as is the case here, in our opinion, otherwise supports a suitable use for the site. Thank you.

MS LEESON: Thank you, David. If I can now ask Florence McIver-Jacquet.
25

MS F. McIVER-JACQUET: My name is Florence Jacquet. I’m the landscape architect for the project. When I want the next slide, do I just say “next” or do I have a - - -

30 MS Mitchell: Just give me a nod.

MS McIVER-JACQUET: Okay. Now worries. Next. I just wanted to start by saying that our client’s vision is clear and it’s very ambitious. It’s to redefine the way cemeteries are designed in Australia. It is not another Rookwood. Since the
35 urgent need for burial space has been established and since the permissibility of this cemetery has been confirmed, it’s now a matter of refining the proposal to best fit the site’s constraints and response to the DPE Department of Planning and Environment’s comments and assessment. So in answer to your request, Madam Chair, I will narrow my presentation today to the progression of the master plan, the
40 responses to the feedback we received, and the changes incorporated along the way.

Next. The first master plan shows – which was done in 2013 – shows a cluster of building at the foot of the hills and just to point out the differences that I will point out along the way, just if you can try to remember them now – the road network
45 north-east of Varroville House cuts through what is now known as the vineyard remnants trenches area and we have, on this proposal, two dead-ends on – south of Varroville House – one that leads to the outbuilding and the other one that services

the graves below Varroville House. So this plan was taken to public consultation – next, please – in September 2013 and there were areas of concern, first that this was an inappropriate development which has since been ruled against by the JRPP.

5 There were concerns of traffic, heritage, ecology and visual impacts. There was some scepticism relating to the transparency of the consultation process and possibly the accuracy of information presented. Some of the positive feedback we received was that the community accepted the benefits in relation to burial supply. They appreciated the support and supported the parklands, waterways and walkways that
10 we provided in the proposals and it was seen as a very green proposal and well integrated into the scenic hills. Next, please. In 2015, the client ran a design competition for the buildings as a further step towards design excellence and FJMT, leading Australian architects, were appointed and encircled in red you can see the changes to that master plan basically relates to the building. The road network
15 remains the same.

The advantage of this proposal was that the buildings are no longer in a cluster and that reduced their visual impact. We went through another round of public
20 consultation pre-DA lodgement in June 2017 and all the comments from that consultation are summarised in the landscape design response document at the back and there's two pages of it. Next, please. And, yes, everybody is welcome to read of this. This is publicly available as part of the DA package. Next. In 2017 – this is the master plan that was provided for DA lodgement. Circled in red is all the modifications that we applied to the previous master plan based on the feedback we
25 had received and other internal decisions. So around the buildings there was some modification. One of the building – the function centre was moved to this dam.

The roads were modified around the natural burial area. This area here was turned
30 into single road to minimise its visual impact; the same for the loop behind or below Varroville House. We can see that the road no longer cuts through the vineyard area and goes around it. We also, with the assistance of Dr Richard Lamb who was in charge of the visual assessment, moved this road past the dam lower so that its visual impact from Minto was minimised and because we had comments from RFS, the Rural Fire Service, that the two dead-ends that we had provided were not compliant
35 with bushfire regulations we came up with the loop road – what we call the loop road at the back of the outbuildings and that also satisfied the requirement from the LEP from council that the road be not visible from the township.

Next. That was put again to another round of public consultation which lasted
40 almost five months – part of the DA lodgement process. 37 submissions were received on the position generally relating to concerns around the heritage conservation, the visual impact, the land stability on the escarpment, traffic and acoustics and whether this was in the public interest or not. 30 were in support, generally agreeing with the need for burial land in the area, appreciating the
45 additional open space and the quality of the design.

Next. So to demonstrate the details of the changes made during the DA process, I will use the site plans for two reasons. First is, they show a lot more detail than the master plan – the rendered master plan – but also this is where we record all the revision. So this is the plan that was lodged at DA stage. Next. This is the one at
5 the end of the DPE – Department of Planning and Environment’s assessment period and you can see the bubbles in red, which mark the amendments, revision A or revision B, and I will go through them in detail.

10 Next. Revision A relates to the council RFI, request for information, which occurred in June 2018. There was confusion about the colour that we had used to mark what was impacted – or the CPU, Cumberland Plain Woodland impacted. It was orange; we were asked to mark it as a clearer colour, so it was put as a fluorescent pink. Nothing else changed apart from a colour. We were asked to remove the path on the
15 escarpment – there was a network of pathways through that open space area – in response to concerns from the Aboriginal stakeholders that it might disturb artefacts, so we agreed to remove that, but noting that the removal of this pathway makes that piece of public open space a bit less accessible.

20 Next. This is some other examples of areas where the colour of the CPU has changed. Next. One of the main change was the alignment of the main entrance, which is labelled on the proposal Access B. On the right-hand side there, you can see what is used to look like. In the DA – on the DA plan, it has a bigger curve down here and this is the new layout. It’s much straighter and it comes at a point where there is a crest in the road, which is up here. You can see the contours are higher
25 here and that is to comply with the RMS requirement or guidelines for sight lines at that exit point, so we realigned it. So just to point out the next slide – to explain the next slide, there is – sorry – go back – you can see that the riparian zone here is quite large and here it has been reduced because of that shifting of the road.

30 Next slide. So a part of the amendment was to offset that loss of riparian zone somewhere else and this is what – where it has occurred. There was also a request to clarify fencing around the playgrounds, which are associated both with the café and the building – the function buildings. That was already written in the report, but it wasn’t clear on the drawing, so we’ve added a clarification note, which is more
35 visible on the enlargement than on this one. Next. There was also a concern about one of the species that we had used as part of the tree planting, so we removed it, and there was a need for clarification on the colours that we had used on the legend for this tree planting, so we changed the colour scheme to make it clearer.

40 Next. We had an analysis report which referred to the soils on the site and it was felt – the council felt that we hadn’t displayed where the Picton soils were, so we’ve added that to our report. It had – it was in the report in terms of text, but it was not on the map, so we’ve amended the map. And then there was a request to reduce the size of one of the sculpture from 10 metres down to nine metres to comply with the
45 height limits on the LEP, which we have done as part of the public art strategy. Next. Revision B relates to the DPE – Department of Planning and Environment

assessment period and the negotiations that took place during that time in October 2018.

5 Next. And revision B here – this part of the site, which is also the escarpment, the original ecological report nominated the vegetation on that escarpment as being Moist Shale Woodland, and there was discussions amongst ecologists that maybe it should be changed to Cumberland Plain Woodland and, in doing so, they agreed with it and, in doing so, that affected our drawing, so all it is, is an update of the colour, which now turns to purple, to match what we had as a colour for the Cumberland
10 Plain Woodland existing, so that was an update of that. Next. Somebody picked that we had one of the shelters that was bigger than the other and we were asked to reduce it, so we did, and the other one was in relation to the dash lines that we had within the riparian zones.

15 There was a need for clarification as to what these dash lines represented. We had them all in the same colour, so we opted to match the colours that were used in the watercourse assessment report, which is the basis for defining those riparian zones. So in blue is the top of the bank from which the riparian width is calculated and in red is the extent of the riparian zone. Nothing changed. It was just a colour
20 clarification and it matches, and it always has matched, what is on the watercourse assessment report. Next. Part of the DPE assessment process was negotiations with Heritage Council and the result of that was major changes.

25 One was, what was referred to as Access C is now an exit only, except for major – during a major event to allow for traffic management as an entry during those times, but most of the times an exit only. That was due to concerns relating to the traffic near Varroville Homestead driveway. The other request was to remove a small carpark that we had, which you can see on the top right up there we had a small carpark associated with these outbuildings. The Heritage Council asked us to
30 remove it and you can see from these two maps – this one here – we've removed it and here as well. That was an extract – the bottom right is an extract from the interpretations strategy.

35 Next. Heritage Council requested during the process details of the landscape furniture to be provided. We felt it was very unusual during a DA process to provide information on furniture, signage and public art. It's too premature, so we agreed that, in due course, Heritage Council will be allowed to comment on all of these aspects. We had also proposed a toilet block within the footprint of the dairy building, which is one of the buildings around the outbuildings, which is not of
40 significance, but Heritage Council asked us to reconsider and to try to keep the dairy building and house the toilets within, which we have agreed to consider, if it is safe to do so and if the materials allow us to do that.

45 Next. Then the DPE came with a list of conditions of consent, some of which I will just graphically represent and I can explain where we're happy to comply. One of the issues has been with Heritage Council that, although we had already reduced the width of the road from an eight-metre requirement for bushfire access to a six and a

half, which is what came – or went into the DA plans, we were asked to continue to negotiate with RFS. We had not been able to get them to come any narrower than that, but, lately, we have had verbal agreement from them in light of the new upcoming legislation that's about to come out that, under that new legislation, they
5 will be happy to reconsider, and therefore we are happy to consider a further reduction of the road width from six and a half down to five and a half for most of the roads.

10 The ones to which this does not apply is what is called the perimeter road, which is marked in red, behind the chapel house. That has to remain as eight metre wide; there is no compromise on that. And the roads marked in green are the ones that we had already highlighted as single driveways, which will remain at 3.5 metre wide. Next. One of the conditions of consent is to the deletion of the loop road and we have agreed to that. Next. One of the other conditions of consent is to stage – or to
15 phase the stage 1 construction with the loop road below Varroville Homestead to be constructed last. We've agreed.

Next. One of the conditions of consent is to provide 36 hectares or 32 per cent of the total area as public open space available to the public and accessible from dawn to
20 dusk. Obviously, we agree with this, since it is part of our original proposal. It has always been part of the DA, so we do not have a problem with that. Next. This is the list of conditions of consent. There's about 54 of them. And this has been summarised. You can see that we agree with most of them. Some of them are with condition, which is just about rewording of it.

25 And next – the next phase of it is – so the whole table gives you an idea of what was required and how much – to what extent we agree to it. And, in conclusion, I will say I hope that we've adequately demonstrated that – well, our ongoing negotiations and flexibility over the last six years and that due process was followed and that
30 every effort was made to accommodate the vast, vast majority of comments and requests that were put to us. Thank you.

MS LEESON: Thank you, Florence. If I can now ask Stephen Davies to come up. Stephen, do you need the screen, as well?

35

MR S. DAVIES: I do.

MS LEESON: Okay.

40 MR DAVIES: Yes. Thank you.

MS LEESON: We will take a short break because we have a lot of speakers this morning and it will be quite long. So I will just cover that now. We will probably take a break after speaker number 6 – Jacqui Kirkby. So we will have a 10 minute
45 break then. We might if there are going to be other presentations swing this table around so the panel can actually see the screen. So apologies that we're not sitting

where you can see us more clearly but it's important for us to be able to see the screen and hear the presentations. Stephen.

MR DAVIES: Good. Thank you very much. Can you hear me through that?

5 Thank you. My name is Stephen Davies. I'm a heritage consultant and director at Urbis and we've been asked to provide the heritage professionalism for the applicant for this site. I would like to start with saying something about professionalism because we have taken – we believe we have taken a very professional view of this proposal. We've also been very mindful of our responsibilities under the Burra
10 Charter which sets quite important guidelines, I suppose, or a process where when you enter the investigation of a heritage site, you have a professional responsibility to firstly determine significance, secondly, to look at the constraints and opportunities and then thirdly think about policies and a way forward.

15 The Burra Charter was established not so much to prohibit change but to ensure that when change occurs, that it occurs in a mindful and respectful way for the cultural heritage of New South Wales. We looked at what is the heritage significant of the Varroville Estate. The important part of this process was very much an underlying establishment of significance. And, as we went through this, we immediately
20 determined that the outbuilding groups – the coach house, cottage slab hut – which had been not included in the original Varroville curtilage, the house curtilage, were in very poor condition but still very much there and very much part of the earlier occupation of this particular site, potential archaeological resource on the site, including a remnant vineyard trenching, remains of the former carriage drive and the
25 view from Bunbury Curran Hill and, in a sense, that landscape. But I think that Florence, going through those changes – but what she probably didn't say to today's hearing is that we were very much reliant on that understanding of the landscape, vegetation and flora – you know, the flora and fauna of this site. So before I could be convinced that this was a reasonable exercise, I really – we really needed to know
30 that the sense of, I suppose, the Scenic Hills and that natural landscape was going to be conserved and respected through this process.

So that has been – that was the underlying basis, I suppose. So it came from the natural setting and then looking at these cultural elements of significance. Next. The
35 conservation management plan was prepared, which underpins every aspect of the Macarthur Memorial Park– excuse me – and the landscape masterplan. And then, as you can see here, through that process, there are stages 1 to 4 ranging from 2019 hopefully to 2170. Next slide. How have we specifically implemented the CMP policy? The CMCT pre-emptively prepared the CMP to guide the design of the
40 landscape masterplan, but in a sense they've come together very closely. And, as Florence has outlined to you, there has been a lot of change through that process as an interactive process, with various parties in this development application.

45 So we believe we're providing for appropriate adaptive re-use of those heritage elements. We're responding to the significant landforms, scenic qualities, rural and cultural landscapes. As you see that landscape, and you – I think you saw it recently, you will really understand that that landscape is not changing. We are not cutting

and filling, we're not making a change to the way that you actually observe that particular landscape, the application of a no build area south of Varroville Homestead and a non-burial zone immediately around the homestead, minimising intervention to vineyard trenching, which Florence clearly articulated with changes to roads and the way that you actually view the site, reinterpretation of the former carriageway, limiting the footprint and sensitively locating development and infrastructure and responding to the site in the architectural design of new buildings.

This is an opportunity to create something I think very special and very high quality in this particular area to both attract people to this area both for its intended use, but also as a recreational area. Response to significant views and vistas – none of those important views and vistas will be lost, in fact, many of them will be enhanced through the upgrading and improvement in the vegetation on the site:

...provides for public access ... preservation/interpretation of the archaeological resource ... retains and conserves natural heritage values –

it is that natural heritage value, I think, that, as I said, underpins – and it underpinned very much my professional view about how we might go forward with this particular proposal:

...ensuring new planting is in keeping with rural character –

and the retention of the dams. And there has been a lot of debate about the dams in various submissions, but we believe that the important dams are being retained and enhanced and respected through this process. Thank you. So the landscape masterplan design is:

...to create a distinctive landscape cemetery that respects and conserves the European and Indigenous heritage values of the place and the important colonial landscape –

and, as you can see from this illustration, this is an accurate representation of what this area will look like in terms of its scenic qualities. Next slide. The restoration of the outbuildings has already started, with consolidation of those buildings. You would have observed recently, conservation works to the outbuildings includes stabilisation, adaptive reuse, in part, for interpretation, and the retention interesting elements for display, example the wool press. So these buildings are to remain, are to be interpreted and will provide, I think, a very useful interpretative future for the overall site. Next slide.

And that is the opportunity now. The site has been very long neglected for the last 40 or 50 years and really very little has happened except agistment grazing and so the site has been very much downgraded both from a landscape point of view and a management point of view, and this is an opportunity to interpret the site with the important areas, such as the vineyard trenching, the original carriage drive, the orchards, outbuildings. And then through bringing people onto the site, through

various devices, whether that's through road naming, storyboard signage, sculptures to actually tell the history of this important area. Next slide.

5 So the masterplan changes in response to feedback – very – Florence has really gone through this but I will just summarise that we've looked at the road to the east of
Varroville, the road between Varroville Homestead and the outbuildings, the
relocation of roads to retain vineyard trenching and the amendments to Access C, the
removal of car parking, the removal of car parking in the vicinity of the outbuildings
10 and the location of new facilities within an existing building to prevent construction of an additional building and the extent of excavation for interpretation purposes.
This is not – at the moment, this DA is not the end of the process. This is an
opportunity to at least establish the use and the master plan and then work through
with the various authorities, particularly, the Heritage Division of the Office of
Environment and Heritage, through those interpretative processes and a way forward
15 to ensure that we all understand, and I believe ultimately very much appreciate, this particular area. Thank you. Right. Yes. I think I've covered that.

MS LEESON: Thank you, Stephen. If I can now ask Anoulack Chanthivong to
20 speak.

MR A. CHANTHIVONG: Good morning, ladies and gentlemen. Thank you very
much for allowing me to speak on this important issue on behalf of our community.
It is my privilege to represent more than 60,000 people in the electorate of Macquarie
Fields. I've been a public representative in this area for 15 years – first on
25 Campbelltown City Council and now as the local member of Macquarie Fields.
During this time it has been abundantly clear that our community wants to protect the
Scenic Hills. This development application or other proposal ideas before it – ones
before it threatens everything that we value with the Scenic Hills. I will speak to this
point shortly.

30 I wanted to make it clear from the beginning that I'm appalled by the timing of this
public meeting. The Liberal minister referred this development application to the
Commission in June 2018 apparently to ensure the assessment and determination of
this process was not delayed and yet it has taken almost nine months for this public
35 meeting to be held. I called for a public meeting in July 2018 so the Commission
could hear first-hand the devastating impact that this cemetery proposal would have
on our much-loved Scenic Hills. I was informed in August 2018 a Commission was
yet to determine the format of the public consultation. Six months later the
Commission finally made a decision to hold a public meeting. The fact that we are
40 sitting here two days after the state election was held is atrocious.

The Liberal Government was conveniently shielded from public outcry against the
destruction of our Scenic Hills ahead of the election – an issue of utmost importance
for our community. It is no wonder people are so cynical about public consultation
45 and, believe me, there is public outcry on this issue. Local residents have been
desperately trying to preserve and protect the Scenic Hills for decades. I've been
fighting against the destruction of the Scenic Hills since my election to

Campbelltown Council in 2004. I've continued that fight as the local member for Macquarie Fields since 2015, a point I clearly made in my inaugural speech. We are fortunate to have inherited a unique environmental landscape bordered by the Scenic Hills starting from Hurlstone School Farm at Glenfield with a green corridor stretching past Varroville to the west and the Georges River and its surrounding national park to the east.

The Scenic Hills is an essential green buffer in the face of out-of-control urban overdevelopment. The Scenic Hills has long been a cherished and valued area of land deliberately set aside for public enjoyment for decades by the community of Campbelltown for existing and future residents. The Scenic Hills not only provides a unique and beautiful backdrop to our city, it has major heritage significance and provides valuable open space for a growing and vibrant community. The need to protect this environmental asset is a long-held view of our community. I look forward to the council – the need to protect the Scenic Hills, rather, has previously unanimous support from all sides of politics on Campbelltown City Council.

I look forward to council publicly reiterating its long-held position that the Scenic Hills must be protected from development. I note that from the current registered list of speakers council is absent. I am disappointed that council has missed the opportunity to publicly stand up for our community. I cannot be forceful enough in my arguments to this Commission that the Scenic Hills needs to be protected now and forever. Anything less will further destroy this community's faith in our planning system. 136,000 grave sites on the Scenic Hills will forever destroy the heritage value and the unique environmental landscape in metropolitan Sydney.

Panel members need to know that the development application before you is the beginning of the end of our Scenic Hills. Should the Commission take the disastrous decision to approve this cemetery, there will be a devastating domino effect will start. The cemetery proposal undoubtedly has the potential to unlock a tidal wave of new development applications across the Scenic Hills with the green and rolling hills set to be further swallowed up by an extensive road network, function centres and cafes. This insidious incremental nature of this development will forever destroy the Scenic Hills, not enhance it.

The only way to enhance the Scenic Hills is to protect it from development. The true value of the Scenic Hills is not from development but the fact that it is free from it. The appalling action of the Liberal Government has made this protection increasingly difficult to achieve. The New South Wales Heritage Council has strong views on the heritage value of the Varroville Homestead and its surrounding curtilage. In September 2017 it recommended listing an extension to Varroville's curtilage to the State Register. This would be a worthy recognition of Varroville's historic significance not only to Southwest Sydney but also to our state's colonial history. The Minister for Heritage, Ms Gabrielle Upton, has strict obligations under heritage laws to act on the Heritage Council's recommendations within 14 days.

The recommendations made to the Heritage Minister were clear and unambiguous. A decision is yet to be made. I note that the Minister referred this to the Commission for advice in October 2018. That advice was provided on 25 February 2019 – conveniently a week before caretaker conventions came into place. We did not hear
5 a peep from the Minister before the Liberal Government went into caretaker mode for the election. I implore the Commission do not make a decision on this development application until the Minister meets her legislative obligation to make a decision on the heritage listing of the Varroville curtilage. It makes absolutely no sense to decide a DA before this important heritage listing process is complete.

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In fact, finalising this DA before the heritage decision could be seen as circumventing the heritage listing process. Furthermore, ignoring independent statutory advice makes a mockery of our planning system and further erodes public trust. The residents in my electorate are deeply impacted by decisions made by our
15 planning system. They deserve the utmost confidence that the system will listen to their concerns and protect what they value. Last year I undertook a campaign to find out exactly what our community values when it comes to development and what it fears about over-development.

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Every household in my electorate received my survey and the response was overwhelming and emphatic. 98 per cent of people said it was important to retain our green open space and suburban charm; 98 per cent of residents said they had enough of development in their suburbs; 96 per cent of people think developers have way too much power in the planning system; and 88 per cent of respondents believe
25 the Government will not listen to their concerns. The residents listed the loss of green space, traffic jams and general overcrowding as their top three concerns about over-development. This is overwhelming evidence that residents in my electorate are fed up with the obliteration of our green space.

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First was the sale of Hurlstones, a valuable educational farm, to developers; then the rampant over-development of our area; and now the destruction of our Scenic Hills. People in our community are feeling disenfranchised knowing that the system is stacked against them and they have little or no say on planning decisions. I have had
35 the privilege of calling the local area my home for decades and over that time I have seen the slow creep of development change the face of our community and our suburbs. Sadly, in the last few years, my community has seen that slow creep morph into a stampede that is now out of control.

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I have seen too many master plans, glossy brochures and well-designed marketing presentations, all of which had the intention of preserving environmental heritage in their DA. I have yet to see one of those come true. The Scenic Hills is one of the last remaining open spaces in our area. The Commission must abide by the wishes of our community and protect the Scenic Hills from this development application. I
45 thank you for your time.

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MS LEESON: Thank you very much. If I could now ask Vic Alhadeff. I'm sorry if I've pronounced that incorrectly.

MR V. ALHADEFF: Members of the Commission, good morning. Thank you for the opportunity to present. The New South Wales Jewish community faces a critical shortage of burial space in New South Wales. We have worked in close consultation with the current and previous New South Wales Governments to respectfully ensure
5 that all faith communities which require permanent burial capabilities such as specifically the Jewish and Muslim communities remain able to do so.

And it is now imperative that new cemetery space be approved to continue providing the critical social infrastructure to meet the needs of Sydney's growing communities
10 for the next 100 years. Several potential cemetery spaces in New South Wales have not come to fruition and the approximately six year lead time in finding appropriate land and making it available for burial has compounded the urgency of the situation for the Jewish community. It is noted that Macarthur Memorial Park has been in discussion for the last five years and a DA has yet to be approved. The Jewish
15 community seeks the right to continue to bury its dead in a lawful and dignified manner in accordance with Jewish religious law and practice.

The Catholic Metropolitan Cemeteries Trust Development Proposal to establish a new cemetery and parklands at 176 St Andrews Road, Varroville, is the only viable
20 option available to the Jewish community to enable that to happen. On present estimates without the approval of this development application by approximately 2024, a mere five years away, there will be no available graves available for sale for Jewish burial at any of the cemeteries where land is currently consecrated for Jewish
25 burial. As you are no doubt aware, the Jewish faith forbids cremation and requires permanent and perpetual burial.

We acknowledge the need to balance heritage concerns with a need for burial space and we support the proposed site exemptions to allow the cemetery to proceed and to facilitate the offsets required by the conservation management plan. There is no
30 incompatibility between approving the cemetery proposal and protecting the Homestead outbuildings, dams, remnant vineyards and original driveway and the important historic value of Varroville House. The construction of a multi-faith cemetery is the most sympathetic proposal available to the community to retain the significant history of the property.
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We expect that there will be no visual impact on views to and from the property as the monumentalisation is minimal and low height and sympathetically incorporated into the landscape. Recreational space for the community covering around one-third of the site is included in the proposal. This will include historical walks and
40 interpretations commemorating the rich Aboriginal and the European history of the site and an art and sculpture walk in an interpretation of the property.

In addition, recreational space for the community covering about one-third of the site is included in the proposal. This will include historical walks commemorating the
45 Aboriginal history of the area. The Jewish community appreciates the heritage concerns but urgently requires the right to bury at Varroville. We seek a sensible balance between the heritage concerns and the need to be able to continue to bury our

dead after – within – after the expiry of the available land in approximately five years time. Thank you very much for the opportunity.

MS LEESON: Thank you, Vic. If I can now call Jacqui Kirkby.

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MS J. KIRKBY: I am – can you hear me? It's this one. Okay. I am the convenor of the Scenic Hills Association, as well as an owner of State-listed Varroville Homestead, which this cemetery proposal completely surrounds.

10 MS LEESON: Pull the microphone closer.

MS KIRKBY: Can you hear me now? 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. I want to speak
15 about 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, which I will refer to as the CMCT, took out an option on this land at 166 to 176 St Andrews Road, Varroville, and applied for a spot
20 rezoning.

It is now almost six years that the community has been fighting this proposal, during which time there's 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
25 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, which I will refer to as the 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
30 over the last year, from an integrity commission with powers to investigate past projects during the Kaldas Review of governments in the New South Wales planning system, to a Royal Commission into the planning system proposed by the Greens at the last election at the weekend.

35 The commission does not appear to be sensitive to how it is adding to this distrust. On March 1st, 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 swathe of reports were uploaded to the system. That was on 6 March. Last Friday, we noticed that a part of the missing information that we had sought was contained in
40 a report that had not been uploaded to the system, and I emailed and phoned the commission asking 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
45 it:

...has an important role to play in building community confidence in the decision-making process for major development and land-use planning statewide.

5 So why would the commission set this public meeting for the Monday immediately following the New South Wales 2019 election, knowing that, in the month prior, the community and local media would be diverted by that election and associations like ours would have difficulty trying to get the necessary information out to the community?

10

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 election weekend, it changed the 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.

15

The presentations today have not clarified that further, I have to say. This proposal has had so many iterations that we – and, we suspect, the commission – cannot tell what the DA actually is any more. 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 as a curtilage extension for Varroville Homestead that would allow the Heritage Council to veto anything that would adversely impact on the State significance of the site.

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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 do not know what the commission has advised. 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.

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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 New South Wales 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 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

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integrated development requiring approval of the New South Wales Heritage Council following the approval and gazetting of the curtilage expansion.

5 The integrity of this assessment report. The DOP has acted throughout this project with a demonstrable lack of integrity, starting with a pre-gateway 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, 10 the DOP has taken decisions, without apparent recourse to the panel, that threatens the independence of the commission, as follows.

15 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 to assess this proposal and it did not want the heritage study by Orwell & Peter Phillips – which I will refer to as OPP from here on – commissioned by my husband and me, taken into account. This study was part paid for by the New South Wales – by a New South Wales heritage grant and informed the New South Wales Heritage Council's recommendation of 31 October 2017 to the Heritage Minister to expand 20 the curtilage for Varroville Homestead & Estate on the State Heritage Register.

25 This curtilage expansion, by the way, had been pending since 2000, long before any of the landowners on the Varroville Estate bought their land, including us, and the Heritage Council had deferred it because they just didn't have enough information, and it was very clear from our first meeting and only meeting with the Catholic Cemeteries Trust that if we didn't do this and put our money into it – even with a grant, we paid a lot more than the grant gave us – that the heritage would not be taken care of on this site.

30 But coming back to what I was saying, whether intentional or not in regard to keeping council's assessment out of this and keeping our report out of it, the DOP has breached process in giving the CMCT the outcome it wanted. We don't know if it was deliberate or just inadvertent. Firstly, with regard to council, council had sent the CMCT a letter detailing its concerns and requesting further information. The 35 DOP asked the CMCT to respond to the letter, but, according to transcripts of the commission's meeting with council, council was apparently not given the opportunity to review the CMCTs 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 40 have all agency responses in order to further respond to this assessment, particularly council's, given its deeper involvement in the process.

45 Secondly, with regard to the OPP 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 – we – 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.

5 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 – or GIPA Act – and we had received no request
from the commission to arrange access for the applicant. This has now been
negotiated with this panel, and the panel has undertaken to consider our study in its
10 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 Southwest Joint Regional Planning Panel during the rezoning of the land? It
stated:

15 *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 not yet received. The findings are considered to be crucial in
determining the appropriate curtilage of the Varroville House, and any
planning proposal should not proceed before these findings are available. The
reports supporting the planning proposal, such as the draft CMP –*

20 conservation management plan –

*and visual impact study and design master plan, may all need revision and
alteration as a result of cross-comparison with this study.*

25 That hasn't happened. 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
30 response to its issues and without including our study. The DA should be refused or,
as a minimum, sent back to the DOP to redo the assessment and re-advise the various
agencies. I note that the CMCTs 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 – sorry. I've just – sorry. It claimed that
35 our study has not been made publicly available or formally adopted by any
government agency.

The study – at that time, the study had been made publicly available since March
40 2018, as noted, and had been formally adopted by the Office of Environment and
Heritage and the New South Wales Heritage Council, a position the latter recently
reaffirmed in the Commission's review of the curtilage. The suitability of this site
versus the need for burial. The submission supporting the cemetery DA, including
from the chair of Cemeteries and Crematoria New South Wales, which I will refer to
as CC New South Wales, have all been about the need for burial space within the
45 greater Sydney metropolitan area. We do not dispute this.

We also note that most of the submissions during the public exhibition, the 30 submissions, 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 that way. However, the
5 issue here is not about burial capacity, but about the suitability of this site for a cemetery. On 25 February 2019, the New South Wales Premier copied the Commissioner 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
10 a need for additional burial land:

This does not mean that cemeteries are appropriate in all locations.

This is a clear admission by the New South Wales Liberal Government that it has not
15 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 electorate of Mulgoa held by Tanya
20 Davies. This is not a suitable site here and the DOPs 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 study was never supported by any strategic study or report as
25 required – sorry – this – the DA was never supported by any strategic study or report as required for planning – sorry – I will just go back. Firstly, the planning proposal – the rezoning – was never supported by any strategic study or report as required for
30 planning proposals, though, apparently and incredibly, this is not mandatory. It would be in any business context. 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 CC New South Wales Cemetery Capacity Report released in November 2017.

The preferred locations are in the north and south regions. According to the report,
35 there is no shortage of burial space in south-west or west central. This cemetery is to take the overflow from other areas, not to provide for our needs. More importantly, however, is the sheer complexity of this site for competing planning uses, in particular heritage and scenic protection, and the environmental constraints. EDO New South Wales observed to us during the rezoning that it is one of the most
40 environmentally constrained sites for development that it had seen in New South Wales. 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
45 stating the 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, and this is not exhaustive. (1) The planned road between Varroville

Homestead and its outbuildings does not comply with heritage considerations, but if it is removed, it will not comply with rural fire service or safe work requirements. The resolution of this has been deferred to stages 3 and 4. It has not been removed as previously mentioned. This is fudging the findings, which is that the cemetery cannot go in this area, because it cannot resolve these conflicts.

Dam safety. A new study by JK Geotechnics, also known as the dam stability assessment, at appendix G to the response to submissions report has determined that nearly all the dams are unsafe and they are in the – and, as they are in the proposed parklands, it has recommended that they will either be removed – be either removed or reconstructed. Not – I think there was some mention of being refurbished or some lesser word, but they will be reconstructed. The DAs own conservation management plan, its CMP, indicates that these dams are part of an early water conservation system that is highly significant and rare.

The New South Wales Heritage Council, on the other hand, has adopted the statement of significance in our report, the OPP study, which identifies the water conversation 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. 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.

The concrete road – the next point – 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. The second – next point – the DAs traffic impact has only past assessment by limiting it to the year 2038, a mere 20 years. It is clear that this DA fails on traffic if it 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 or along it: two schools, two monasteries, the retreat centre, a church, Varroville 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, church would be greatly increased by through traffic. The ongoing closure of this road has been accepted by the growth centres, which has always opposed it. The director of 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.

Point 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 traffic, is for the CMCT to provide air conditioning so 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, as agreed by the growth centres. Finally, despite Campbelltown Council requesting that a noise assessment be made for Varroville Homestead, none has been carried out. The CMCT has simply assumed – or its consultants – have 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. There is no way that the noise from the cemetery is going to be measured – can be measured against the highway noise for us.

Point 7. The DA also fails on the visual impact assessment and is thus not in compliance with clause 7.8A of the Campbelltown Local Environment Plan, which I will refer to as CLEP15. 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, ie, it has decided that as long as no buildings are visible

in the view lines, then it's fine, but cars, roads, grave markers do not matter. It has further redefined "complement" as will not significantly alter or degrade. We're 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, 19 years ago, by Geoffrey Britton, which was an overview of heritage properties on the Cumberland Plain. Geoffrey Britton is the landscape consultant and principal author of the OPP study of 2016 where he substantially revised the view lines based on a detailed assessment of the heritage significance of Varroville Homestead and Estate. It is clear that from papers received under an informal GIPA request that the Heritage Council was not made aware of this at the time, that these view lines were not consistent with our report. It was not made aware of it 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 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 – I don't believe he has any relationship to Stephen Davies. He co-authored the visual and landscape analysis of Campbelltown 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 clause 7.8A(2)(a) of the CLEP.

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 from a spot rezoning such as that proposed by the cemetery.

Approximately two-thirds of the land to which this DA applies was identified as unstable land by the New South Wales Geological Survey documented in a report by Pogson and Chestnut 1968. I would like you to – can you just go back – sorry – could you just go back one? I would like you to take a look at that because this may be the last time you see this magnificent landscape view with Varroville Homestead

in the background. Next. We had the New South Wales Geological Survey maps that appeared in Pogson and Chestnut overlay – we overlaid it with Google Maps and, as you can see, the first map is the whole of the Campbelltown area and so you can see where the unstable land goes, right through the Scenic Hills, mostly, but the
5 second map shows this site. So you can see what was identified as unstable land.

The instability of the land was part of the rationale for not allowing development there 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
10 report by Douglas Partners into land stability included with the DA at appendix R, which further risk rated the whole site. While most of the site in that report was designated low risk, the authors noted that this weighting only applies:

...unless major changes to site conditions occur –

15 and they asked the CMCT to come back to them to advise them about their plans. We’ve got no evidence that that ever happened. The new study by JK Geotechnics at appendix F in the response to submissions report looked for evidence of prior
20 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
25 flow and retention across the site for around 200 years. It has been estimated in the OPP study to cover more than 20 hectares.

30 Could you put the next one on. Okay. I – first of all, I’m showing you a photograph of what this looks like above ground. Where this photograph has been taken – all of his agricultural trenching will be dug up for graves because the only bit that the CMCT acknowledges as worth saving is the bit on the hill where it can’t put graves.
35 But it is going to dig up this. Now, this is extremely unique within – this is unique within Australia. And we’ve checked not only with our own consultants but with other well-known consultants, like Dr James Broadbent, and he is not aware of this type of trenching anywhere in Australia. We note that the heritage consultants for the CMCT are now using the word “trenching” but they didn’t know what it was.
40 They called it vineyard terracing, which it clearly wasn’t. And our report demonstrates the difference between terracing – vineyard terracing and trench.

45 Next. Okay. This is the extent of it around Varroville House. The cross marks the homestead. So you can see that it is a very extensive area. Now, the CMCT’s heritage consultants say it has degraded so it’s not worth keeping. Well, the extent of it is regarded as part of its uniqueness, but, secondly, when it comes to land stability, it’s still there under the ground. You may not be able to see it on the surface, but it’s still there, according to our consultants and it’s still doing its job of keeping an even
distribution of water over that site. As a consequence, any disturbance to this area may have unpredictable results, impacting on the site’s heritage. But, given the extreme rain events we experience at Varroville, could also cause a disaster or could

it – I’m not saying it could – could it also cause a disaster similar to that experienced at Riverside Cemetery, Queanbeyan in 1974 following a major flood event?

5 Next. Okay. This is what happened after a major flood event in a cemetery. Next. This is what happened. I won’t read out the gory details of how they found bodies distributed everywhere, in trees, and that it is believed that they ended up in Lake Burley Griffin. I’ve given a link in our submission, so you can read that for yourself. But I think land stability has to be a critical issue in cemeteries, not just for the heritage but also for the cemeteries and the families of people who are buried there.

10 The CMCTs heritage consultants have never understood what the agricultural trenching is. Our consultant oversaw a dig with us on the Carmelite Friars land where similar and associated trenching occurs, which he identified in our study and believes it is associated with the Varroville trenching. Next. Okay. So he actually did diagrams of it to show what this actually is. It is not simply about terracing a hillside. It’s about retaining water in the hillside. And we believe that this trenching was done using bullock-drawn – a bullock-drawn implement to create it, which is why you see it meandering the hillside so it’s not in straight lines.

20 Next. There’s another example of it. We actually had several of these. I’ve just shown you two by way of example and I’ve included them in this submission. This came after our report was submitted to the Heritage Council, so we didn’t actually have that in the report. The trenched area rated in OPP and adopted by the Heritage Council is rated as being of both state and national significance. The issue of land stability, in our view, has not been satisfactorily addressed in this DA. Compliance with World Heritage Organisation guidelines for cemeteries.

30 A further issue has emerged in our review of the new land stability study. We note that the consultants were JK Geotechnics – used a 30 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 – that report does, however, cover the issue of erosion. The report’s data are apparently in direct contradiction to its conclusions.

40 We often find this with consultants reports, by the way. Their recommendations and findings, you – to find the real information, you need to go back through the findings where they’ve covered themselves, just in case. I’m not suggesting that happened here. It may have been an error. But this seems to be the case, so we recommend that the panel get an expert to have a look at this. We’re not experts. 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 Travis 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 in 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 JRPPs pre-Gateway review recommendation of 24 August 2014 that the land rezoning application be put forward
5 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 or WHO.
10

Figure 3 of that report shows the test pit locations and soil depths before striking rock. Notably, none of the pits within the CLEP15 Varroville curtilage or the proposed SHR curtilage reaches even standard grave depth of 1.8 metres or more.
15 They range from .7 to 1.55. In fact, it appears that hardly any part of the site meets WHO standards for burial depths. We're not experts in this manner, but our further investigation with cemetery operators and those with some knowledge of soil and geotechnical issues raises two critical concerns that have not been addressed. (1) We understand that 35-tonne excavators, or even 20-tonne excavators, cannot be used in
20 cemeteries. Graves are not pre-dug in advance, but at need.

Large excavators on Caterpillar tracks would decimate gravesites such that, normally, a five-tonne excavator or backhoe would be used. If correct, how will this cemetery deal with the fact that so many of the graves will be dug into rock,
25 particularly on the hillsides around Varroville Homestead and its outbuildings. (2) If we are correct, how did this proposal get this far without complying with the first condition of the pre-Gateway review? We looked back over the planning documents and saw that the language for this requirement changed so that it merely became about groundwater and any reference to standards, particularly of the WHO, were
30 dropped, only recently re-emerging in one report that I saw.

In our investigations, we referred to a study by – and I'm not sure how to pronounce this – Üçisik and Rushbook 1998. That requires burial pits maintain one metre of subsoil below the bottom of the burial to avoid contamination of groundwater. The
35 Varroville Cemetery proposal clearly cannot meet this requirement and, even in the majority of the preferred burial areas, the CMCT will be burying almost immediately on top of rock. Even the WHO recommendations for emergency burials, ie, the lower 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
40 claiming that, because the site will not be operating under pressing limitations of emergency, the CMCT should not have to meet those lower standards. These appear to be non-arguments. Boyd Dent, nevertheless, advised in that report that the site:

Represents a very suitable location for the development of a cemetery.
45

One of the arguments put forward by Boyd Dent to defend his conclusion was that 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, eg, 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 CEO, Peter O'Meara, spoke of putting
5 down bores to resolve the need for water to maintain a lawn cemetery.

I also sat on AGLs Camden Gas Project Community Consultative Committee for five years where this was discussed at length in relation to AGLs proposal to extend its coal seam gas field through the scenic hills. I recall that one argument put to us was
10 that the water in the aquifers were slow moving and that, though it eventually reaches Sydney Harbour, it would take 200 years. Either there is groundwater or there is not. Clearly, this 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
15 Boyd Dent's and Douglas Partners' reports stress that they are preliminary and 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 studies and we could be forgiven for being cynical, that is, that consultants with the most interesting findings are not re-
20 engaged. I include the landscape consultant from MUSEscape who does not appear to have been re-engaged to assess compliance of the DA with his conversation policies, nor has he been engaged to critique the OPP 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. In conclusion, this DA should not be approved on the
25 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
30 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 Varroville Homestead. The assessment report contains, similarly, false claims relating to heritage. For example, one, that there has been a European archaeological impact assessment when there has not – there has
35 been an Aboriginal one, but not a European one – even though the DACMP required one as part of any DA and (2) that the Heritage Council is:

*Satisfied the CMP and associated development management plan submitted with a DA provide an appropriate framework for ongoing management of the
40 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
45 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's approving and whether any authority can possibly supervise its implementation to ensure compliance.

5 Certainly, it cannot defer any resolve – you cannot defer any resolved 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, which we acknowledge, 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.
10 Thank you.

MS LEESON: Thank you, Jacqui. We will take a short 10-minute break now so everyone can stretch their legs. There's coffee at the back of the room and the amenities – I think the gents is down the hall and to the left and the ladies is down
15 the hall and to the right. So we will take a 10-minute break. We will commence again at 10.45. Thank you.

RECORDING SUSPENDED [10.35 am]
20

RECORDING RESUMED [10.50 am]

25 MS LEESON: Thank you, everybody. If you can come back to your seats as soon as you have an opportunity. In the meantime, in the interests of time, I will ask the next speaker to come to the microphone. So Elizabeth Michie – Michie. I won't say that. Thank you, Elizabeth.

30 MS E. MICHIE: Thank you. My name is Elizabeth Michie and – is that working well? Thank you. There is a technique to using microphones and I will be on it. Right. Thank you for the opportunity of speaking here and I speak on behalf of the Macarthur branch of the National Parks Association of New South Wales. We are the longest established conservation organisation in the Macarthur district, being
35 established in 1972, and we consider the Scenic Hills are a very, very special and unique feature of the Macarthur district. And in fact, they were singled out as far back as the 1970s in the Purdon report, and I haven't heard anyone mention the Purdon report today, but that was done so long ago and the hills were so important that they were – it was made clear back then that they were to be retained for
40 Campbelltown to have its unique rural character. The fact that we're sitting here - - -

MS LEESON: Sorry to interrupt, Elizabeth – sorry to interrupt. Would you mind just spelling the name of that report that you referred to.

45 MS MICHIE: Purdon, P-u-r-d-o-n.

MS LEESON: Purdon. Thank you.

MS MICHIE: Yes. The fact that we're sitting here today in 2019 arguing – or discussing – this issue indicates to us that this is really an abuse of the democratic process. A democratically elected local council made the decision back then that the Scenic Hills were to be protected and protected for good, forever, as part of the nature of this area. Now, Anoulack and Jacqui have covered the details. I won't need to go into such depth as Jacqui did. Anoulack put it beautifully, that it is a really important issue that we be able to connect with the rest of the – we be able to say that this is what makes us special and I believe that the process has been twisted and manipulated to enable us to be here today still discussing the fact that we're – someone proposes to put industry into the Scenic Hills.

Now, some accept that a crematorium – a cemetery – is not an industry. I would say that considering the buildings that go along with it, the fact that it takes away from open, undeveloped space means that this is really saying, "Our Scenic Hills are going to be industrialised" and no matter how you twist it, that's exactly what the fact is. It's an intrusion into the hills and we're going to have the crematorium; we're going to have the café, the restaurant, the kiosk – you name it – and we're going to have the lighting that's associated with that and we're going to have the changes to the current scenic, rural outlook altered and that is not what the people of Campbelltown wanted when they voted way back – back in the early days for the council that initially rejected this process.

I'm not going to talk about the values of the Cumberland Plain Woodland there. It is important and it seems to me that we only ever lose Cumberland Plain Woodland; we don't ever actually gain it. And of course it's great that the African olive areas would eventually have to be treated. I will be very quick, but I will make another point now, then. Is – and I don't want to offend anyone here, but think about it: is burial a sustainable process? Because in 100 years time when that area has been filled up, the cry is going to go out, "it's already established. We have a precedent. Let's just extend it a little bit further", and I can see this being the toe in the door.

This is the thin edge of the wedge. The Scenic Hills are at risk. We, the people of Campbelltown, say that we chose to have the Scenic Hills retained. They are part of the nature of Campbelltown. They are important to us and there's not a single person in this room who doesn't believe that when this part – this cemetery is used up that it won't be, "yes, just a bit more, just a bit more." Let's say no. Let's stop it now. And thank you. All the other points have been covered by the other speakers. Thank you for the opportunity.

MS LEESON: Thank you, Elizabeth. If I can now ask Anwar Lutta to come to the microphone.

MR A. LUTTA: Good morning, everyone, and thanks for allowing us to speak. I represent the large Muslim community in the area that has now grown to – from the last census that we've basically collected to approximately between 20 and 25 thousand Muslim people in the area. I'm not going to repeat what everybody else has said because a lot has been covered by before. The only thing I'm going to

say is we're strongly in support of this development because we are desperately running out of burial space for Muslims in the sense that at Riverstone at the moment, we've only got 20 graves left. In the Narellan area, there's a smaller Muslim graveyard and we're running out of space there as well.

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Rookwood for the greater Macarthur region has become totally unaffordable as such and also because of the travelling, etcetera, it has become strenuous on our Muslim families to cart our bodies to Rookwood as such. We at the – and myself being the president of the largest mosque in the area – have now also had an approval to have a washing and shrouding facility that will facilitate the washing and shrouding of all Muslim bodies in the area as such. So we are desperately in need of burial ground as such. So to cut the whole five minutes short to just two minutes or such, I've got to reiterate that we're strongly in favour and strongly support the development as such.

10

15 And really it is out of desperation because we can basically also quote our fight for burial ground going back quite a number of years and yes, it has always been a fight and a fight and a fight which we never basically get to win. So because of our religious beliefs that Muslim bodies can't be cremated, we are desperate for burial grounds. Thank you.

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MS LEESON: Thank you, Anwar. I will now ask Graham Quint to come to the microphone. Graham has sought to have 15 minutes to speak rather than 10 which has been agreed. And similarly, Sister Jocelyn Kramer has asked to speak for 15 minutes rather than 10 and Jocelyn will follow Graham. Thank you.

25

MR G. QUINT: Good morning. In March 2015, the National Trust wrote to the Secretary of the Department of Planning expressing deep concern regarding the planning processes which then appeared to be leading towards facilitating a cemetery development at Varroville. The Trust argued that the proposal would seriously degrade the important curtilage dating from 1810 of the property of Varroville and would damage a long-term proposal supported by the National Trust for statutory recognition of the Scenic Hills environmental protection area.

30

The National Trust urged the rejection of the joint regional planning advice to the Minister for Planning on this development proposal, recommending that it be sent to the planning gateway process. The Trust understood that Campbelltown City Council had already written to the Minister for Planning also requesting that the JRPP advice be rejected. Varroville and its curtilage was listed on the National Trust Register in December 1976. The cemetery development proposal is within the Trust's curtilage. The Trust also understood that the New South Wales Heritage Council had recommended to the Minister for Heritage the making of an interim heritage order over a broader Varroville curtilage in view of damage which was occurring to important historic buildings on the site.

35

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45 The immediate Varroville property had been listed on the State register in 1999 following an earlier 1993 permanent conservation order. The statement of significance for the State Heritage Register listing commenced:

Varroville is a celebrated early farm estate dating from 1810 with early structures, the 1850s homestead layout, agricultural vineyard terracing – terracing, it actually said terracing there – and evidence of early access road. Varroville is rare as one of the few larger estate landscapes remaining in the Campbelltown area with a formerly original grant and the former agricultural use of the estate and its rural character may be appreciated.

Campbelltown City Council had zoned this land environment protection scenic 71 in its earlier local environmental plan. In the draft Campbelltown local environmental plan 2014, the land was proposed to be zoned environmental management as recommended in the Campbelltown Council’s visual study by Davies and Britton in 2010. Commercial cemeteries are prohibited land use under both plans. The Trust also understood that the New South Wales Heritage Council had written to Campbelltown City Council in November 2013 lodging its objections to the cemetery proposal. On March 2017, the National Trust wrote to the regional panel secretary lodging its strongest objections to a proposal to amend the LEP Central Hills to permit a lawn cemetery at Varroville.

While the Catholic Metropolitan Cemeteries Trust is publicly promoting this development as a lawn cemetery, the master plan for the development indicates that lawn burials with plaques and concealed concrete bays are only one of five different burial types which in the National Trust’s view are each progressively more intrusive in nature, ranging from lawn burials to natural woodland burials, monumental lawn burials, monumental graves and family estate blocks.

Lawn burials and natural woodland burials are the only two types of burial that could conceivably be argued to potentially coexist with an environment protection scenic zoning intended to retain the visual character of the historic pastoral landscape. Crypts for nine people and monuments to one and an half metres tall would transform this area from a historic agricultural estate to what is really being proposed here: a massive cemetery.

The conservation management plan confirms that Varroville Estate is of State heritage significance and says that this places an obligation of owners, occupants, operators and users of the site to conserve this identified significance. The CMP also notes that the site is in the vicinity of and inextricably linked to Varroville House, which is in separate ownership on an excised lot within the subject site. Varroville House is listed on the State Heritage Register and is a heritage item on the Campbelltown LEP. The identified significance of Varroville House, the associated must be retained and conserved. This includes significant views and vistas.

The trust strongly agrees with the conservation management plan’s statement that the current statutory curtilage for Varroville is considered to be inadequate to maintain, to retain and protect the heritage values of the place, and the curtilage is for LEP listing, and that the State Heritage Register listing curtilage should be expanded. As argued in the CMP, it was essential to expand the State Heritage Register listing curtilage to incorporate an area around Varroville House comprising the

outbuildings, former drive, remnant vineyard terraces trenching and the majority of the potential Sturt dams.

5 The trust is also concerned that the Catholic Metropolitan Cemetery Trust bought this land before rezoning and development approval, apparently confident that the rezoning and approval would be forthcoming. This does not augur well for the proper operation of the planning system, which should be responsive to the concerns and objections of other local landholders, the local council and New South Wales Heritage Office and the National Trust.

10 The National Trust has twice put in submissions to Campbelltown City Council opposing this DA. The National Trust is a former owner of the Varroville Homestead, which is the subject of the present State Heritage Register listing. At the time of sale by the National Trust, a protective covenant was placed on the property
15 to protect its heritage values. The National Trust had recently successfully argued against a cemetery proposal in the State Heritage Register listed property Fernhill at Mulgoa.

20 The arguments used at Fernhill are the same for Varroville. This development is totally incompatible and is fundamentally in conflict with and destructive of the use of this site as an historic landscape of State significance. The statement of environmental effects – the public interest section, page 70 – argues the proposal will provide needed burial space for the south-west of Sydney. The statement’s strategic planning context, page 44, argues the proposal directly relates to a recognised
25 shortage of burial space across metropolitan Sydney, as identified within A Plan for Growing Sydney and publications released by Cemeteries and Crematoria New South Wales.

30 However, the Metropolitan Sydney Cemetery Capacity Report, a survey of available space in metropolitan Sydney, released by the New South Wales Government in November 2017, has found 300,000 plots available, enough for the next 34 years. In fact, this survey also noted that the Cemeteries and Crematoria NSW Capacity Report predicted a shortage of burial space in Sydney would occur by 2051 if no
35 additional space is made available. This is not the “needed burial space” and “recognised shortage” put forward as justification for the development in the statement of environmental effects. The National Trust supports the considered approach adopted in the Metropolitan Sydney Cemetery Capacity Report that, quote:

40 *The NSW Government has initiated preliminary work to consider the criteria for potential locations for additional cemetery space in the metropolitan area.*

45 The conclusions from the Fernhill Estate, Mulgoa, decision are that cemeteries should not be sited on historical colonial landscapes which are better conserved for heritage conservation and public recreational purposes. The Metropolitan Sydney Cemetery Capacity Report also found that the south-west Sydney region was well-served, with the number of grave plots available at 95,000 at 1 January 2015. Of the six Sydney regions, only the west central region was better served, with a hundred

and forty thousand – forty-five thousand grave plots available. The Greater Sydney Commission’s Western City District Plan includes the Varroville site in Campbelltown City local government area and is a guide for implementing the Greater Sydney Region Plan at a district level.

5

The Greater Sydney Commission states that this 20-year district plan is a bridge between regional and local planning. It is intended to inform local environmental plans, community strategic plans and the assessment of planning proposals. The district plan also helps council to plan for and deliver growth and change and to align local planning strategies to place-based outcomes. The commission’s district plan was finalised in March 2018. The new Greater Sydney Region Plan, objective 13 is that environmental heritage is identified, conserved and enhanced. Strategy 13.1 states:

15 *Strategy for objective 13. Identify, conserve and enhance environmental*
 heritage by engaging with the community early in the planning process to
 understand heritage values, how they contribute to the significance of the
 place, applying adaptive re-use and interpreting heritage to foster distinctive
20 *local places, managing and monitoring the cumulative impact of development*
 on the heritage values and character of places.

In terms of the proposed cemetery development on this State Heritage significant place, the National Trust would contend that the community has clearly articulated the heritage values of this property, how they contribute to its significance and that the development proposal would destroy the distinctiveness of this local place and its rare heritage. The Western City District Plan has planning priority W16, “protecting and enhancing scenic and cultural landscapes”, with its corresponding objective 18: “Scenic and cultural landscapes are protected.” Specifically mentioned in the list of scenic landscapes requiring protection is the Scenic Hills between Campbelltown and Camden. Action 76 states:

30

Identify and protect ridgelines, scenic and cultural landscapes, specifically the Scenic Hills, Mulgoa Valley and the escarpments of the Blue Mountains.

35 Action 77:

Enhance and protect views of scenic and cultural landscapes from the public realm. Responsibility. Councils, other planning authorities and state agencies.

40 In the Trust’s view, the protection of the Scenic Hills as specific actions in the district plan overrides the more general planning priority:

A growing Greater Sydney requires additional land for burials and cremations.

45 The cemetery proposal is totally incompatible with the current Scenic Hills zoning objectives:

To preserve the rural heritage landscape character of the Scenic Hills.

The development application's design statement identifies major new buildings, quote – on the – I've ruled out several new buildings. These buildings and the cemetery development around them would be totally out of character with the Scenic Hills rural heritage landscape.

Varroville was significant to the horticultural development of New South Wales through the laying out of a productive kitchen garden in 1809 noted for its extensive fruit varieties by the early 1820s and the establishment of a vineyard second – said to be second only to that of Gregory Blaxland of Brush Farm, Eastwood. The vineyard terraces – trenching – survive and, together with the early drive, suggest that the present 1858 house occupies the site of the earlier 1810s house. According – accounts relate to Sturt's – Charles Sturt's ownership, 1837-39, indicate the property's continued role in the acclimatisation of plants sourced from as far afield as Calcutta.

In fact, the remnant viticultural trenching is – terracing is, in fact, trenching, and it is within the proposed State Heritage Register listing curtilage extension. Despite its stated high significance and the conservation management plan's requirement for heritage items of identified high significance to be retained and conserved, the development will impact upon the trenching. It should be noted that the areas of trenching is much more extensive than indicated on the plan Burial Extent and Types and even more extensive than indicated as high significance on the site plan showing significant elements. The impacts on the vineyard trenching, a key element of high state heritage significance, totally belies the Heritage Impact Statement's conclusion:

The result is a highly considered proposal that not only retains and conserves but also celebrates the heritage aspects of the place.

The sheer scale of the road network and car parking provisions is, in the trust's view, extraordinary and highly destructive of this early colonial period rural landscape of state heritage significance. There is car parking provision for 350 vehicles as well as kerbside parking on all roads. There will be 8.5 kilometres of concrete roads up to eight metres wide, with provision in the majority of cases for car parking. This is equating to more than 50,000 square metres of concrete roadways. Section 7.6 of the Canberra – Campbelltown Local Environmental Plan, scenic protection and escarpment preservation objectives include:

To recognise and protect the scenic, environmental, cultural, historical qualities of Scenic Hills and the landscape setting, to protect the visual aesthetic amenity and views, to reinforce the visual dominance of landscape over built form, to ensure development on land to which this clause applies is appropriate for the location and located and designed to minimise its visual prominence in the landscape.

On this land, the development proposes major roadworks. While these roads provide access to the lawn cemetery, they also provide access to other general cemetery areas. These roads and their overscaled design are factors for not permitting the current proposed road system in what is indicated on the LEP as a no-build area. On

5 – in November 2013, the Heritage Division of the New South Wales Department of Environment and Heritage provided a detailed comment on the planning proposal for the cemetery, advising Campbelltown City Council of the division's refusal to support the proposal. The letter mentioned the Heritage Division did not believe the:

10 *...proposed concept design for Macarthur Memorial Park will be compatible with the predominantly rural character of the Scenic Hills and the subject land. Formal lawn graves, memorial terraces, car parking, roads, signage, condolence rooms and formal lines of trees are all at odds with the informal character of the subject land.*

15

A subsequent Heritage Division statement – submission said:

20 *The Heritage Division believes that additional cemetery usage of the subject land contradicts the aims and objectives of the existing LEP and the existing zoning. The planning proposal also appears inconsistent with the findings of the visual and landscape analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands Final Report. The Heritage Division maintains that the landscape and the outbuildings surrounding Varroville Homestead is an exceptionally significant part of the heritage of the Varroville Homestead: its remnant estate that explains the creation, siting and where funding originated to build it. Any change of use in this land may substantially change the landscape and identity.*

25

30 Conclusions. The National Trust is firmly of the view that the major centric proposal must not be sited within the State Heritage Register or the agricultural landscapes. The Trust reiterates the strong objection to the development proposal and puts the alternative proposal; cemeteries should be included on the list of land uses considered for Western Sydney Parklands Trustlands bank of operational lands, that is, lands that can be subdivided and sold to generate funds to run the Western Sydney

35

I will conclude by saying that the Varroville Homestead is State Heritage Register listed. Its original surrounding estate has now been recognised by the Heritage Council for its state heritage significance. Recommended the Minister for listing on

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the State Heritage Register and that Heritage Division has lodged an objection to the development proposal. A cemetery development on the Varroville estate is unthinkable. It should be rejected outright. We look forward to due consideration being given to the concerns raised by the Trust. Thank you.

45 MS LEESON: Thank you, Graham. If I can ask Sister Jocelyn Kramer to come – thank you.

SR J. KRAMER: Thank you. Thank you. Last month I represented the Association at the panel's visit to the site of the Varroville Cemetery. It's a beautiful landscape which because of its beauty and of land instability was scenically protected in 1973 and excluded from development. There are vast panoramic views
5 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, access ways, car parks, telegraph poles, monuments and burial rooms. The assessment report states that:

10 *The development will involve landscaping the entire site.*

And we heard that repeated this morning by Mr Hoy. 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. The
15 assessment report has failed to acknowledge truthfully the visual impact of the cemetery, not only on those viewing from outside the site but for those viewing from within it. An honest assessment must concede that the cemetery is inconsistent with the CLEP development controls for the Scenic Hills, clause 7.6. We raised this fundamental objection in our submission in March 2018. The Response To
20 Submissions Report ignored it entirely. CLEP clause 7.8(a) applies specifically to this site. The cemetery cannot comply with this clause which states, among other things, that:

25 *The development will not adversely affect the visual or physical qualities of the site.*

And:

30 *It will cause minimal effect on the existing landform and landscape.*

We ask is the panel satisfied that the cemetery can comply with these controls? We are not. When viewed from within the site, a viewpoint not excluded by the wording of clause 7.8(a), 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 rural,
35 pastoral landscape will be devastating. Clauses 7.6 and 7.8(a) epitomise the problems of spot rezoning. Even though clause 7.8(a) applies specifically to this site, its intent cannot be to override or negate the general planning controls for the Scenic Hills, clause 7.6. We submit that impossibility of a DA to comply with CLEP 2015 demand that approval be refused.

40 The public parklands. Clause 7.8(a) requires that development of the site for the purpose of a cemetery shall include a publicly accessible passive recreational space. This seems to have been the sweetener intended to sell the development to the public. I have not been able to find delineation of the public parklands on the plans
45 accompanying the DA. We point out that there is already passive recreation space across the road from the site at Kooringa 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 train up the Bunbury Curran Hill has been removed from the DA, not because of Aboriginal heritage but because it is unsafe because of landslip and erosion.

5

The parklands along St Andrews Roads will be affected by traffic noise. Removal of roadside vegetation to improve site distances for the access points will detract from this public space, which could be resumed in future if 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 Response To Submissions Report. The CMCT has repeatedly sidestepped the facts concerning the need for this cemetery and asserts in the report that the case is established. It is not. Our objections have been met with cut and paste generic response and not with the seriousness they deserve.

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We accept that there is an impending shortage of burial space in Sydney, as the Jewish and Muslim speakers have said today, but we ask the CMCT to acknowledge that the New South Wales government's Metropolitan Sydney Cemetery Capacity Report states that within the metropolitan area, South-West Sydney is the area best supplied with cemetery capacity and should not be taking overflow from other areas. There is still time to identify suitable sites elsewhere. 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 landscapes surrounding one of New South Wales' most significant heritage houses and in close proximity to four sensitive land uses, two monasteries, a retreat centre and a school.

The case for a cemetery might have been established but the case for a cemetery at Varroville has not been established. We ask the panel 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 objections to a cemetery despoiling the heritage landscape that was the original context for state-listed Varroville Homestead. Before they purchased their properties, both the CMCT and the owners of Varroville Homestead knew, from due diligences, of plans dating from 2000 to expand the curtilage. In 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.

As we have heard this morning, 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 New South Wales will lose forever a highly significant part of their colonial patrimony. We ask the panel not to jeopardise significant heritage but to defer its decision until after the curtilage expansion has been decided. Traffic and noise. The Response To Submissions 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, which is residential and a place of worship, is not mentioned. We pointed out in our submission that it is not
5 only traffic noise that will impact on the Carmel of Mary and Joseph but also construction and operational noise as our site is elevated above the development site. Construction is to take 30 months, two and a half years. Its impact on our three houses of prayer will be devastating. Will the CMCT compensate the retreat centre for loss of patronage for three years?

10 We ask the panel to obtain a plan showing the distances 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 Mount Carmel Priory. Noise should be assessed at each of these receivers. So far the response to our concerns is inadequate.
15 We add that it is unacceptable for the CMCT to expect the Our Lady of Mount Carmel Parish Church, a sensitive land use, to seal its windows and install air-conditioning to mitigate the effects of traffic noise from the development. We note too that no response has been given to the noise exceedances expected in the classrooms at Mount Carmel Catholic College. Reports. Notwithstanding the years
20 and money the CMCT has spent on this development, we call on the panel to set those considerations aside as irrelevant to the assessment.

We ask you to assess critically the impact of the development on its merits. It will be difficult for you to do this because of the obfuscation generated by the proliferation
25 of reports, making it virtually impossible to know what is current, what has been retained or modified and what has been deleted from the DA. We did get some help on this this morning from Florence, more help than I've found in many, many, many hours of trawling through all those reports. For example, the development is now to be constructed in four stages, not five, and the first stage is much larger than
30 previously stated, abutting the boundary of Varroville Homestead.

The assessment report mentions crypts for burial, whereas we were told on the site visit that the crypts had been deleted. If they still exist, they will be located in an area of moderate instability. We know that, for occupational health and safety
35 reasons, roads cannot be more than 100 metres apart, yet we do not know the location of secondary roads, because the civil engineering report, appendix B, is missing. We do not know where the electricity substation will be located. There are many such anomalies, too many to mention. Therefore, we ask that, in order to make your decision, you require from the CMCT a complete set of up-to-date reports
40 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
45 available before today's meeting. We have stated repeatedly in our submissions that there is minimal cross-referencing between consultants' reports. This serious deficiency has been completely ignored in the response to submissions report. So,

for example, the visual impact assessment does not comment on short-spaced 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 site distances by the traffic impact assessment.

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There are other unanswered questions. For example, how does land instability, the exceptionally diverse soil and bedrock profile found in the geotechnical study and the soil hardeners measured in some test pits in the land report, affect excavation of graves? Is it even 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 excavation be on the stability of the land and on stormwater drainage? The assessment report does not integrate the findings from the consultants' reports. As such, it is inadequate as a summary document. Further, its evaluation and conclusion are both unreliable. Therefore, the DA and the consultants' reports need close scrutiny by the panel for an informed decision to be made.

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MS LEESON: Thank you, Jocelyn. If I can ask Jacqui Kirkby to come back in her other capacity.

MS KIRKBY: Unfortunately, I'm not going to be able to speak as the owner for Varroville Homestead. As the Commission knows, we have been dragged, my husband and I, before the Commission to justify – daring to even try to get a curtilage around our homestead and so has the Heritage Council. We've just gone through that process, which was a truly horrible process where we really felt we were on trial for defending – for trying to defend the State's heritage and uphold the Heritage Act, and I think the Heritage Council certainly, in its presentations, clearly felt the same way where they finished their presentation – the deputy chair finished his presentation by saying the Heritage Council hasn't done anything wrong.

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I would like to make a further submission – I will make a written submission going through some of the misrepresentations about our heritage report and the use of it, and also the participation of the Heritage Council in this process. I'm deeply disturbed to see the way in which the Heritage Council is being misrepresented by the Department of Planning. I went back through and had a look – I requested – sorry – I requested an informal access under the GIPA Act, the papers that went up to the Heritage Council, to determine just how they had been briefed and they haven't been properly briefed on everything, but the other thing that we found was the Heritage Council has opposed this cemetery right from the beginning. They opposed it when Campbelltown Council was looking at it in its entirety; they opposed it again during the pre-Gateway review; they opposed it when it went to the Joint Regional Planning Panel; once again, they opposed it then as well.

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So are they now supporting it? No. What the papers actually show is that the Heritage Council, having been overridden again, and again, and again, is now in damage control and these papers clearly show this. So I want to make a written submission to you just showing how the Heritage Council has been beaten into submission on this particular cemetery, which is simply an appalling way to be

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treating our state heritage. I also want to say – just make a comment about some of the presentations here today from other religious communities. I feel very sorry for you all that you don't have enough space for burial. The only thing I can say is that there does seem to be some inconsistencies.

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A private operator, Forest Lawn, which is about five minutes away from us, has made a statement in the media that it has 70 years' of burial space available for the Macarthur community, because most people opt for cremation. If the Muslim community is not getting access to this land, then it seems to me that there's some problem with the way in which these cemeteries are being run and I think that needs to be addressed. It's not going to be addressed by the government continuing to give the Catholic Cemeteries Trust control over Crown cemeteries where other religions have to go cap-in-hand to get burial land from the Catholic Church.

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You should also know that, despite this being available for all religions, we know from a search – a Freedom of Information search that the Catholic Church has negotiated to retain 45 per cent of this site for Catholic burials when they only represent 30 per cent of the community. So it seems to me that a lot more work needs to be done on cemeteries. I am truly sorry that you can't find enough cemetery space, although something does seem to be wrong there; it doesn't seem to match up with the statistics. Burial is a minority cultural practice. When the Catholic Cemeteries Trust has gone out and said it has overwhelming popular support in this community for its proposal, that is beyond spin. Only 30 per cent of people opt for burial for starters, so it's going to be that as a maximum, and not everyone who wants to be buried supports this proposal, according to anecdotal feedback that we've had.

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The issue is that this land has been found to be of state heritage significance. So while burial is a minority cultural practice, we actually support you. We support you in your minority practice, but it cannot be at the expense of the state and the nation's cultural heritage. I mean, this is just an open cultural war. This isn't the way it's supposed to work. So I would ask the other religions, if we support you, please support us, because this is going to damage something that is incredibly important to this country, and it will also be very damaging to my husband and I. If this gets approved, you may as well ask us to sit down and write a cheque to the Catholic Church.

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For them to actually claim that this won't have an impact on the value – financial value of our property is just stupid. Everyone knows it will and their statements to us at various times suggest that they know that as well, but that hasn't been everything that has driven us. We have a track record in supporting heritage before we even moved into this area and that's the avenue that we have taken in defending our own interests. It has also been to defend the state's heritage. So that's all I'm going to say at this stage. I think the Catholic Cemeteries Trust has behaved in a disgraceful way, promising to put this land on the State Heritage Register as part of its rezoning and then withdrawing its support now that it has got a DA pending, which is what it has done.

A lot of people don't know that, but that's what has happened behind the scenes, which is why we were dragged before the Commission to defend why we were supporting this curtilage. So that's all I want to say at this stage. I would like to allocate the rest of my time to my husband who has put in a lot – he spent a whole
5 week on this when he should have been doing work preparing something to present to you, so I would like to allocate that time to him. Thank you.

MS LEESON: Thanks, Jacqui.

10 MR P. GIBBS: There will be a tonne of visuals.

MS LEESON: Thanks, Peter. We will move.

MR GIBBS: Now, how does this work? Before I start, I just want to thank Stuart
15 Read from the Heritage Office and Geoffrey Ritten for doing some very last-minute legwork for me during the week while I scribed. Okay. This site is monumentally unsuitable for this development. It has the potential to destroy a community who have chosen to live here because of the quietness, seclusion and semi-rural context. Whether sacred or secular, these principles remain the same. The Carmelite
20 community, the residents of St Davids, St James and St Andrews Road chose to live here on the clear understanding from the council that the principles of quietness, seclusion and semi-rural ambience would be maintained.

Instability. And I will point you to that. You can see where the red arrows are, so I
25 don't need to use this. This site is subject to severe land instability. This is never going to go away. In the 1980s, a severe landslip occurred and the whole side of Bunbury Curran Hill came away. This was documented by Arthur Jones who, at 97, is still perfectly cogent concerning this event and has provided the following
30 photograph which he took in May 1982. The lack of Cumberland Plain species and subsequent African olive regrowth attest to this. In fact, it is likely that the only thing currently holding the hillside together is the olive grove. If this is removed, the result could be disastrous. Why would anyone permit a cemetery here? It is simply asking for trouble.

35 Water and climate. Many residents along the Scenic Hills Spur, including those of Denham Court, have simply given up in their attempts to find extra supplies. The water in the dams is finite. How then does the CMCT plan to provide enough water to sustain nearly 300 acres of bowling green grass as shown in their Disneyland-like brochure? Would they truck it in? The cost would be prohibitive. An offtake and
40 pipeline from the upper canal is unlikely to be supported. Historically, offtakes were produced – were provided for property owners who had their land directly bisected by the canal, not located away from it.

45 At any rate, this was for drinking water only, not for 300 acres of grass. Such offtakes, bridges and cattle crossings have always been a management problem for Sydney Water and, as progressive reduction in property sizes has occurred, they have maintained a policy of reduction of such services, not expansion. Further, the water

issue will be compounded in times of water restrictions when the watering of grass from any Sydney water supply will be prohibited. The unsuitability of the site due to climate and water constraints seems to have been largely overlooked in this proposal. Those who have designed this development have probably done so from the comfort of an air-conditioned office. If they visited the site at all, it will have been fleetingly and not in all conditions.

However, those who live here fully understand the harsh conditions of this area. It is subject to extremes of weather. Typically, there are periods of extreme summer heat, around 45 to 47 degrees, and severe drought conditions, followed by periods of torrential rain, usually between seven to 12 inches and sometimes two to three times. In the drought cycle, such as the recent 2018, all the grass died. The area was completely brown and the dams have not been lower in 13 years. If the wind came up, the dust was horrific. It is not possible to raise young trees in such conditions. Despite manual watering, they nearly always die. When the rain comes in huge quantities, the area becomes a quagmire and washaways occur everywhere. Every thuggish weed comes up where the grass was and you have to start again.

The extreme summer cycle usually lasts about four months. You cannot go outside in such heat. How then could a public cemetery, where outdoor exposure is a fundamental part, function effectively in these conditions. The elderly and the young will be keeling over. Similarly, the torrential rain periods will be prohibitive. So here is a proposal for a cemetery which will be unusable for four months of the year and have to be revegetated for the remainder. Apart from anything else, trying to micro-manicure a 288 colonial – 288-acre colonial landscape so that it resembles a large suburban park, as shown in the glossy brochure, cannot be considered an adequate response to such a landscape.

Darkness. The residents of this community enjoy at night the blanket of darkness that the Scenic Hills provide. This is a very important part of the seclusion and sense of rural context. Darkness is also very important to the sustainability of the area for the other living creatures that inhabit it. For their sustainability, this darkness and natural, unspoilt or undeveloped landscape is vital. At the moment, we enjoy an area where manmade change is not dominant. The proposed development will reverse this, and the wildlife and ecosystem will suffer for it. At night, lights from this development will ruin the amenity of darkness that is part of the character we enjoy.

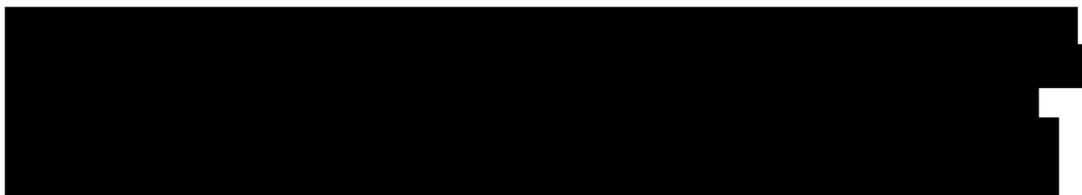
In the view line from Varroville House to Bunbury Curran, there is not a single light at night. Under the security of darkness, all that can be heard is the occasional murder bird down on the dams, the lowing of the cattle and the characteristic sound of foxes talking like a dog with a cold. A single human voice emanating from as far away as Bunbury Curran Hill can be heard clearly at Varroville House. This brings us to noise. The two most precious commodities on the planet are quietness and seclusion. Development brings traffic and traffic brings noise. This is an inescapable fact. Noise from construction, daily running of this development, will ruin the natural amenity and quietness, and, again, erode the rural context of the place.

As stated above, this will have a detrimental effect on the site for both residents and wildlife. The issue of St Andrews Road is especially worrying. Council and the people of this community have fought long and hard to keep St Andrews Road from being extended onto Camden Valley Way. This provides a natural barrier for both people and wildlife, and is vital for the long-term protection of this part of the Scenic Hills. As it stands, this proposed development would be landlocked and I simply do not believe, despite what they say, the proponent will not, in the future, attempt to link it. We all know from bitter experience what happens when developers get a foot in the door. For example, the CMCT say that they do not intend a crematorium for this site. Why then have they registered several business names with Macarthur Memorial Crematorium in them?

If St Andrews Road is connected, it will be the end of this community. The ensuing traffic will bring unspeakable noise and congestion. The Catholic school and the church will become a nightmare, endangering children and parishioners; the nuns and friars will simply not be able to function as intended; the Serbian school will be fatally compromised; and the residents of St Andrews, St James and St Davids Road will be stripped of quality of life. If this is what the CMCT is planning, then shame on them. Even installing kerbs and gutters will destroy the rural feel of the road. The community wants certainty when it comes to the long-term future of St Andrews Road and this development will not afford it.

Development creep. New South Wales Upper House Member, David Shoebridge, is seeking to establish a Royal Commission into New South Wales planning system. If he gets it up, it will be the greatest exposé since the commission into child abuse and the banks. Developer-led spot rezonings are responsible for a great deal of instability in the system. Other political parties have promised to remove them. In the case of this application, the rezoning for a cemetery is a very destabilising influence on a community which has enjoyed environmental protection for decades. Spot rezonings are socially divisive for communities, as they engender a scramble for the dollar.

Despite the cemetery-only amendment, there is a perception in the wider community that any development is acceptable. This attracts any two-bit developer who wants to flog off a piece of land for a quick profit windfall. This is what we are already seeing with this application. They are already lining up cap-in-hand at the door. This is the insidious side of spot rezoning: it puts continued pressure on those who are left, as it is a manifest example of shifting the goal posts. Zoning should be fixed and apply to all, no exceptions. The net result is that no one can trust their 149 certificate. Council and the community have protected this land for decades. It is strongly considered to contribute to Campbelltown's sense of place and maintenance of a rural backdrop.



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MS LEESON: Excuse me, Peter.

MR GIBBS: Yes.

10 MS LEESON: I think you need to perhaps think about tempering some of your statement to the meeting today.

MR GIBBS: Okay. Okay.

15 MS LEESON: And if you could stay within the confines of addressing the merits and issues of the site, that would be appreciated.

MR GIBBS: Okay.

20 MS LEESON: And the planning system is a matter for other people. Thank you.

MR GIBBS: Okay. Now, hang on. Okay. The particular problem with this development is that this land is monumentally unsuitable for a cemetery. It has serious constraints such as landslip, heritage and water availability, and above all, sensitive community concerns. Why was proper due diligence not done? Why was such a controversial site chosen? Is this simply gross incompetence? Any other ordinary business person would have walked when they became aware of the constraints and looked for a more – and looked for more suitable location.

30 Instead, we have been subjected to six years of what can only be described as a square peg in a round hole. If the CMCT had chosen suitable land with no major constraints, then they would have had their cemetery up and operating years ago. From their perspective, it's tantamount to standing out in the open and hitting yourself over the head with a four by two –

35 Why would they make it so difficult for themselves when a suitable site would have been plain sail? The only people who seem to be in favour of this development are those who gain a financial gain from it.

MS LEESON: Excuse me, Peter, if I could remind you to stay to the merits of the proposal rather than the financials of the CMCT - - -

MR GIBBS: Okay. Right.

MS LEESON: - - - or the planning system, that would be appreciated. Thank you.

45 MR GIBBS: Now, I just have to – okay. The net result of the proposal on Campbelltown has been negative – I hope this is all right. At the point we find

ourselves at the moment, this is a mess. The people of Campbelltown and the council want certainty for the ongoing protection of the Scenic Hills, not further destabilisation that this proposal will engender. Without a doubt, the spot rezoning is at the core of it. The government, having created it, now needs to resolve it by
5 finding the CMCT some land that is actually suitable for a cemetery and exchanging it for this land. Proposed structures – thank you – the proposed structures cannot in any form be seriously considered as an appropriate response to an Australian colonial landscape. Instead, they make a mockery of it and could only be considered as puerile.

10 These structures on the glossy Disneyland plan are postmodernist trifles of confused lineage struggling to find an identity. The waveform roof buildings, as you can see in the top here, would serve well as surf pavilions on some hipster Northern Beach setting. The sculptures pictured range from bizarre to sinister. One is a copy – the
15 one on the right – of a Dyson fan. It’s surprising the Dyson company hasn’t become upset. Maybe they see it as free advertising. The sculpture below – this sculpture borders on the sinister in a cemetery context. It resembles images from the ABC television series Glitch in which the dead rise upward through the earth through their graves. Children would find it disturbing and nightmarish.

20 Urbis Heritage Impact Statement and conservation plan – these documents are massively flawed. They contain poorly researched material and statements that are false and obviously engineered as box-ticking exercises in order to favour the proponent and the proposal. These documents are often at odds with themselves and
25 contradictory. The CMCT seem to think that volume is a substitute for content and aims to bamboozle everyone with reams of information which in the end only serve to trip themselves up.

30 These documents are based on two outdated assessment criteria with respect to (a) the building-centric policy of heritage conservation which is now 50 years out of date, and (b) the relegating of 20th century history to little or no importance and therefore justifying its removal and destruction. With respect to point (a), we all know from bitter experience that destruction of the historic context is the biggest
35 single factor in triggering the long downhill run for heritage sites. Buildings have for far too long been regarded as the core of conservation. Removal from the context ultimately devalues them from both a real estate and heritage point of view. When they are emasculated, they no longer attract the sort of owner who has the necessary emotional or financial wherewithal to sustain them over the long-term.

40 MS LEESON: Peter, if I may interrupt again. I’m sorry. I think you’ve made quite a point about some of the concept images in the documentation. If you can stay to the specifics about the merits of the case or the key environmental and heritage issues, that would be appreciated.

45 MR GIBBS: Okay. Well, I’m – okay. All right. Well, the problem is – well, after the disaster at the Blair Athol development, council said “never again”.

MS LEESON: Peter, I'm not sure what the Blair Athol development is - - -

MR GIBBS: Blair - - -

5 MS LEESON: - - - or the relevance to this

MR GIBBS: Okay. Blair Athol is another important historic house in the Campbelltown district. The developers - - -

10 MS LEESON: Peter, that's a separate matter.

MR GIBBS: Okay.

15 MS LEESON: If you could stay to this item here, thanks. And if I could ask the gentleman beside me to move back to his original seat, that would also be fine. Thank you.

MS: Sorry, I would like to know who this gentleman is

20 MS LEESON: Excuse me, this is not an open forum. I've asked the gentleman to move back to his original seat. I've asked Peter to please stay to the merits and the salient matters of what's before us for consideration and I think that will make for a much clearer view for the planning panel to be able consider the issues.

25 MR GIBBS: Okay. Am I allowed to discuss the building-centric policy and the relegating of 20th century history to little or no importance?

MS LEESON: I think you can discuss that very briefly.

30 MR GIBBS: All right. Well, what I wanted to do – because the Jackaman history is played down here, I wanted to give you a potted history of the Jackamans. Few colonial houses have had as magnificent a second flowering in the 20th century as Varroville. Yet the Urbis HIS – that's Heritage Impact Statement – advocates removal of important 20th century fabric and labels this period as having little to no
35 importance; nothing could be further from the truth. Cherry and Morris Jackaman were exceptionally fascinating people and their story is an important part of the cultural heritage of Australia. Can I give a potted history?

MS LEESON: Yes.

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MR GIBBS: Cherry was one of the last Edwardian grand dames. She was born at Point Piper in 1910 into a life of wealth and privilege. Her father and uncle made a fortune with their company AGC Finance. Cherry was the only child in the whole family and eventually inherited the lot. She was educated in England where she
45 became lifelong friends with the actors Vivien Leigh and Maureen O'Hara who were in her class. In 1933, she met a brilliant Cambridge-educated aeronautical engineer,

Morris Jackaman. Morris owned several aircraft and he had just purchased a small privately owned aero club in Surrey for 13,500 pounds.

5 Its name was Gatwick. Morris had big plans and with government approval he was soon operating public flights to Paris. Huge expansion followed and in 1935 he designed the famous beehive building which has become an international aeronautical shrine, having influenced every passenger terminal worldwide constructed since. Built in the round, it utilised the first covered airplane access in the world, replacing the usual practice where passengers had to walk across the tarmac in any weather. By liaising with the government, Morris suggested a fast train constructed to London, making Gatwick the first airport to be linked with a train station by a subway entrance. Passengers stayed under cover from the time they left Victoria Station - - -

15 MS LEESON: Peter, if I could ask you - - -

MR GIBBS: - - - till they left and reached their destination - - -

20 MS LEESON: Peter, if I could ask your commentary to be relevant to the proposal in front of us, I think that would be helpful.

MR GIBBS: Well, the way I see this as relevant is that the Jackaman history is largely going to be expunged by this. That's the point. And I don't think a lot of people realise how important these people were. Anyway, look, I will cut it down. Okay. In 1950, to experience life in town and country – this is after they had moved back from England – they bought Varroville and poured their huge funds into the revitalisation of the place, the biggest since the second house was built in 1858. Vivien Leigh, with or without her partner of the times – either Sir Laurence Olivier or Peter Finch – often stayed at Varroville, as did Princess Michael of Kent who went to school with one of Cherry's daughters.

30 In 1977, Cherry became the first female president of the National Trust. Morris died in 1980. Indefatigable and with boundless energy, she was still flying to England and Bayreuth to hear her beloved Wagner at the age of 98 until the doctors finally forbade her. Cherry lived to 101, dying in 2011 with not a hint of dementia. Between 2007 and 9, my wife Jacqui Kirkby conducted several extensive interviews with Cherry where she related the Varroville history and handed over all the photos and documents for copying. On all issues, Cherry's memory has proven to be crystal clear. There was a rumour circulating that Morris was MI6. Curiously, when Jacqui asked Cherry what Morris actually did, here her reply was, "well, dear, that's a story for another day." The day never came.

45 Clive Lucas who came out to Varroville as a young architect once remarked to me that Morris Jackaman was the most sophisticated man he ever met. He's one of those people who you occasionally encounter who has greatness in him. Morris' engineering thumbprint is all over Varroville. I encounter it every day. It's as if he's still there. That's the dedication of the tablet which resides outside the dining room.

Morris Jackaman is standing in front of the tablet behind the speaker. You can see Gough Whitlam on the left. Sir Eric Woodward, Lady Woodward, and Cherry is behind her, two doors in front of the door. Okay.

5 Townson's orchard and kitchen garden – as part of self-sufficiency, all the great colonial estates had orchards and kitchen gardens of a huge scale. As development took place and the need for them disappeared, they vanished. Most of the Sydney ones have been built over by growth suburbs and in the country, they were no longer needed. Perhaps the only substantial one to survive in any form is Sir William
10 Macarthur's garden at Camden Park which has been the subject of a massive and ongoing restoration for over about 20 years. All the written history of Varroville from the earliest times make mention of Townson's Garden which is one of the most lauded and envied in the country – in the colony.

15 The good doctor was, after all, a horticulturalist of the first rank. The discovery of the ghost of this garden by Geoffrey Britton on the 1947 aerial is a major find and needs to be the subject of further study. Certainly, like the out buildings, it should be added to the State Heritage Listing. It takes the form of a large orthogonal outline containing garden rooms that appear to be the template for surviving plans and those
20 I'm talking about this structure here which is clearly visible and geometric at the back of the house.

Next slide, please. Here are some other plans for these type of gardens which have disappeared. They have disappeared to an extent where we only have these drawings
25 left. The top one is Lyndhurst at Glebe. It's a bit hard here, but here is the similar garden. The other one is Toxteth Park at Glebe. You can see the same orthogonal layout. And this one here, Kinross near Raymond Terrace. All of that type of gardens are – they are laid out the same way, with that orthogonal plan, whereas pleasure gardens are always serpentine. Okay.

30 MS LEESON: Peter, could you just go back one slide.

MR GIBBS: Yes. Okay.

35 MS LEESON: So that if you just – I'm not quite sure I've exactly got in my mind where the gardens are relative - - -

MR GIBBS: Right there - - -

40 MS LEESON: Yes. So we have Andrews Road in the bottom and - - -

MR GIBBS: Yes – sorry – sorry - - -

MS LEESON:

45 MR GIBBS: Yes. Sorry.

MS LEESON: It's just a contextual

MR GIBBS: Yes. Sorry. Sorry. There's the old deviation in the road. This is St Andrews Road here. Here's the last remaining 19th century driveway which is
5 clearly visible 47. Okay. So that's St Andrews Road there. So – yes. Here is the structure here behind the present house. It's huge. They were huge. They were many acres. And Townson was famous throughout the colony for his - - -

MS LEESON: And so if I understand that aerial photograph correctly, where that
10 Townson Gardens is, is within – between Varroville Homestead and St Andrews Road?

MR GIBBS: And St Andrews Road – that's correct.

MS LEESON: And that's approximately where the road is proposed for
15 cemetery?

MR GIBBS: That's correct.

MS LEESON: Okay. Thank you.
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MR GIBBS: Yes. Okay. Right. Can we go back to – yes. Okay. Well, I think we've covered that. Okay. Now I want to go on to a major part of this, which is heritage travesties. The CMCT landscape master plan shows heritage travesties that
25 are so brazen as to be beyond belief. They reflect a culture of breathtaking arrogance embedded in the Sydney Archdiocese. These are shown on the right of the master plan marked in red. Now, you can see them all where I've put them. This is the main one.

This is the sightline from Varroville House to the dams here. They intend to put a road in between, screening here. The next travesty is this one here – a road between the homestead and the old buildings. All the cars will be seen from the homestead and ruin the quality of life. Both of this and that will ruin the quality of life for the residents of Varroville. The other two follow on in a similar vein, but I'm only going
30 to discuss these two. And this here is the last remaining 19th century road, which they plan to destroy.
35

Okay. Now, on the next slide, please. We've missed one – something has gone wrong there. No, we haven't – no. It's all there. I've put it on the wrong one.
40 Okay. Down the bottom here is the sightline I was – where are we – is the sightline I was talking about from the north-western side of the homestead across to the dams. This is that view when you get in the house. This is the view from the library window. The road would be approximately where the cattle are. And in heavy rain, this is the same view, the dams cascade, which you can see here. The noise is so
45 loud, it can be heard from the house. Okay.

The first road shows – the first shows a road placed in the centre of a major landscape view to the north-west of Varroville House. This is the principal and dominant view and can be appreciated from all the main rooms down the north-western side. Because the house is most elevated on this side, the view is focused
5 down and across the dams and this is the view that heritage professionals, our friends, family and visitors find utterly compelling. On well populated social occasions, there has been a line-up to take a photograph.

10 If – it is – if a huge watercolour was pasted to the outside of the glass, having a road with cars going across between the house and the dams will ruin this view forever and is an act of wilful vandalism. It will significantly erode both the heritage and real estate value of the house. The view has a dynamism of sound and light play in heavy rain when the dams cascade and the noise can be heard from the house. This is a contrivance used in many English landscape plaques. The CMCT plans to plant
15 a line of trees – that thick red line – in front which will obscure this view even further. Okay. I will get rid of that okay.

Now, I just want to talk about the influence of this, which is a plate from the Repository of Arts which was published by a fellow called Rudolph Ackermann
20 between 1809 and 1828. In it were contained architectural designs by Papworth, furniture interiors, garden design and ornament and picturesque landscape designs in accordance with the fashionable taste practised by Humphry Repton. It is one of the principal resources for modern day architectural historians. We know that the Repository reached Australia in 1818. A volume in the library of the Historic
25 Houses Trust with the ownership inscription of Ann Piper, wife of Captain Piper of Henrietta Villa, one of the most fashionable residences in Sydney.

So in this view, we are looking through curtains of the time through a window of the time at a landscape of the time. And if – the similarity to the view at Varroville
30 House shown in the middle slide there where the cows are is more than striking and excites landscape historians who visit. But there is more implied here. The scale of the window is massive, engineered so that the view is dominant inside the room. Architects picked up on this and it is obvious that William Weaver, architect of Varroville, placed the overly large windows in this room to take in the landscape.
35 The windows are so large that it makes placement of furniture difficult.

Similarly – this is Aberglasslyn near Maitland. Similarly, in his masterpiece, Aberglasslyn near Maitland, John Verge used the same device for the windows in the main reception room. The windows at Aberglasslyn are a staggering 12 feet high.
40 They're the largest ever placed in an Australian colonial house in a room with 15 foot ceilings. Shown here is half of one of them, just the bottom sash of around six feet, with the landscape view behind, very much conforming to that type of view in Ackermann. The whole room is dominated by this landscape view, again, as if a huge watercolour had been pasted to the glass. The influence of Ackermann on the
45 colony was considerable.

The second heritage travesty is on the opposite side have it changed. Thanks.
An important and engineered visual connection is extant between the house and the
outbuildings and in reverse from the outbuildings to the house. This is part of a
carefully conceived processional route. [REDACTED] the

5 CMCT plans to place a road in the centre of this, ruining this feature and bringing
cars in such close proximity as to destroy the amenity of the homestead and the
quality of life of those who are in it.

10 So this is the view here on this side, looking from the veranda of Varroville
Homestead to the outbuildings. You can see that they share a visual connection.
Where I've got that red arrow is where the road will run across and we will have cars
across there. Now, the view on the other side is the reverse, showing the view back
to the corner of the homestead through the front gates – a very important visual
connection which would be ruined by that. The other two arrows - - -

15

MS LEESON: Peter, if I can ask one quick question.

MR GIBBS: Yes. Yes.

20 MS LEESON: I think we heard earlier in – and I just want to clarify this to make
sure that I'm clear - - -

MR GIBBS: Yes.

25 MS LEESON: - - - I thought I understood in an earlier presentation that that
roadway has currently been taken out. Is that - - -

MR GIBBS: Not - - -

30 MS: No, no. It has been deferred – a decision has been deferred

MS LEESON: If I can ask the original presenter - - -

MR GIBBS: The – the - - -

35

MS LEESON: - - - who raised that in the first instance? She's not here?

MS: No, she's here - - -

40 MS LEESON: Here she is. Florence.

MS McIVER-JACQUET: Yes. One of the - - -

MS LEESON: Is this what you referred to earlier?

45

MS McIVER-JACQUET: Yes, that's right.

MS LEESON: Thank you.

MS McIVER-JACQUET: It's one of the conditions of consent which we have agreed to.

5

MR GIBBS: But my understanding is that that road will not be removed – at this stage, that road will not be removed. It will still contain cars. I mean, it's just going to

10 MS LEESON: Then we will ask the proponent to clarify that in the submission to the Commission - - -

MR GIBBS: Very well.

15 MS LEESON: - - - so that that's clear for us - - -

MR GIBBS: Yes.

MS LEESON: - - - when we consider the matter further.

20

MR GIBBS: And, likewise, I think the road on the north western side, because it's just - - -

MS LEESON: We will ask them to clarify that road

25

MR GIBBS: Yes.

MS LEESON: Thank you.

30 MR GIBBS: Okay.

MS LEESON: But you continue.

35 MR GIBBS: I will continue. Okay. Finally, most importantly, and again with [REDACTED] plans to destroy the one remaining 19th century road on the estate, compromising forever its interpretation. This act as advocated by Urbis is the biggest flaw in their documentation. [REDACTED]

40 [REDACTED] At the very least, it indicates a stunning lack of research. On pages 13, 34, 35, 42, 96 and 98 of the heritage impact statement, Urbis states that the rear access road is of 1950s constructions and will be removed.

45 As previously argued, even if it was of Jackaman construction, it would be vitally significant, but it isn't. It isn't of Jackaman construction. The road was there in at least 1850 and is clearly shown on both the William shown map of 1850 and the 1947 aerial, which I've already shown you. All of these things predate, of course, the arrival of the Jackamans. The Jackamans arrived in December 1950. As such,

there – this is absolutely an irrefutable proof that this is a 19th-century entrance and predates the Jackamans. Rather than rely on reproductions of the shown map, if they've gone to the source in high resolution, as Geoffrey Ritten did – next slide, please – they would have detected information which was a revelation. That's the full map as it stands. Now – okay. Righto. All of this was – I've lost a page. Okay.

The point is simply this: that a very fine line – and you can see it under the arrow. When you examine the original shown, there's a very fine line running down from the house – and you can see the deviation there in St Andrews Road that you saw in the other thing – indicating that that road was certainly there when the shown map was done. It's fine, but you can – but you – I think – you can see it on this slide, and you can certainly see it on the original when you look at it. It's there, but it's a fine line. That means that that road was there in 1850, as well as the link-up of St Andrews Road, it says here, to Cowpasture Road. Okay. I've lost a page here, but it doesn't matter. Okay. All of this was confirmed by Cherry Jackaman in the Kirkby interviews. Cherry insisted that from the very beginning, they always accessed the property via Camden Valley Way and St Andrews Road, not from the old drive on Campbelltown Road. When asked why, she replied, "Because we didn't own it."

At that stage, the entrance from Campbelltown Road and the lower part of the drive was still owned by the Smith Brothers dairymen. Later, it would become part of the Scenic Hills Riding Ranch before finally being expunged by the new motorway in 1972. Again, Urbis failed to pick up that point. The Jackamans didn't own the land, and they always accessed via the back road. How did the Jackamans get across the canal? Because St Andrews Road was in two halves bisected by the canal, as it is today. But it wasn't. By liaising with a Sydney Water archivist, the study of the vast Upper Canal, CMP, which is a huge document done by Dr Ted Higginbotham in 2016, it was revealed that there was a one-lane bridge over the canal at St Andrews Road from at least 1930 and probably earlier.

When the bridge was demolished, including the Varroville Reservoir, which was close, is unknown – next slide, please – but the archivist is currently working on it. At any rate, when the motorway was complete, the Jackamans used it because it massively shortened their travel time from Double Bay. Once again, Cherry Jackaman's recollections were crystal clear. This also confirms that the rear-entrance road was there. Otherwise, the Jackamans would have had to arrive the first time with a bulldozer to get access to their property. Okay. 956. Yes. Can we go to the next slide, please. Okay. All right.

Now, this is a 1930 Lands Department map. That's Camden Valley Way there. This is St Andrews Road running down here, and you can clearly see this strange Z-shaped crossing. This is when the bridge was there. Okay. Now, if you go onto this – this is page 173 from the Upper Canal study of 2016. The roads are marked in this hatching thing, and this is the section of canal between Raby Road and Denham Court Road, and you will notice here – there it is. That's St Andrews Road. You will see exactly the same definitive Z shape. Below, it says:

Canal over bridge –

what is it? Sorry:

5 *Canal over bridge –*

I can't read it from here –

not extant.

10

MR:

MR GIBBS: Yes:

15 *Canal over bridge not extant.*

So it was certainly there in 1950, when the Jackamans came, and this was the type of bridge – most of them have disappeared; the archivist sent me this – that they think it was. They're still researching exactly what type of bridge it was. The point is simply that there was a bridge there then, and everything Cherry said about their access to the property was correct. They came over the bridge, down St Andrews Road and up the old back drive. Okay.

25 All major estates in the 19th century had more than one access road. If for no other reason, it was sheer practicality. If one way became blocked by washaways, fallen trees or other problems, these issues could be dealt – not be dealt with quickly by the mechanical means available today, so a second road was mandatory. As well, stock, goods and a whole array of things had to be moved in and out of such an estate.

30 At Maryland, near Bringelly, there are two entrances from the northern road alone, and at Brownlow Hill there are numerous roads down to the Brownlow Hill Loop Road. Camden Park, ditto. At Varroville, in the days of horse and cart, the back road was probably used to get into Campbelltown, as it was a much shorter route than going via the front entrance. Now, you can see here on this topographic map, right, here are the two entrances, and here's the back entrance, and Campbelltown's down here. Well, it's obvious, in the days of horse and cart, that the back entrance would've been used. It would've considerably shortened their journey. But the point is that all of these estates have back roads. For the proposition to be put that an estate of the importance of Varroville had only one access road from Campbelltown Road is simply ludicrous. Okay.

45 The most important thing concerning the rear road is that it is part of a contrived processional route. When you pass the farm buildings and reach the house last, this unfolding drama was an indication of a serious concern. You don't see the corner of the house until you reach the top of the hill. Go to the next slide, please. Okay. So the top one is coming up the drive, and when you enter it, you enter this tunnel of green and this kind of other world. It's quite mysterious. The way these

processional route driveways were constructed was that things – that the drama opens up as you get to the top, and so when you go, you know, past the outbuildings, that's an indication that you're in greater – a great state and that something bigger – ie, the house – is waiting for you. Okay.

5

The unfolding drama was an indication of serious – of a serious concern. You don't see the corner of the house until you reach the top of the hill. Interestingly, the other drive from Campbelltown Road intersected the back drive at this point. So you still pass the outbuildings before you reach the second house, which was located where the tennis court is. The road platform is still there. So the net result of this is that the same processional route serviced both houses: obviously, a combination of farm practicality, security and unfolding visual drama. The importance of the rear access drive cannot be overstated. Not only is it the last remaining 19th-century road on the estate; it is a contrived processional route and is vital to the interpretation of Varroville as a whole.

10
15

The confirmation of the road as being an important 19th-century entrance to Varroville will soon be added into the text on the State heritage listing, from my discussions with Stuart Read the other day. In other words, they are convinced it's a 19th-century road. It's overwhelming evidence. Despite multiple protestations from heritage organisations and a raft of others, the [REDACTED] has never, apart from the two tiny token alterations since the launch of this plan, changed or mitigated any of these destructive features to ensure a better heritage outcome. The persistence – this persistence confirms the former chairman's famous words to us: "We don't want to put any money into heritage unless we're forced to."

20
25

MS LEESON: Peter, if I can ask you to - - -

MR GIBBS: Yes.

30

MS LEESON: - - - talk to the issues, and please be a little bit more respectful of the people in the room, the proponents as well. I understand you feel very passionate about this, but we need to take a little bit of the colour out of your conversation.

MR GIBBS: Well, we were treated very shabbily at that first meeting. We were the last person - - -

35

MS LEESON: Peter, I'm speaking about today. If you could - - -

MR GIBBS: Okay. All right.

40

MS LEESON: - - - please speak a little more respectfully of some of the work that has been done. Everyone is asked to be respectful today - - -

MR GIBBS: Okay.

45

MS LEESON: - - - and I would implore you to do that and to please stay to the matters that are absolutely relevant to your concerns about the proposal.

5 MR GIBBS: All right. Well, I won't relate to you the details of shabbily we were treated at that meeting, but we walked out. Haven't - - -

MS LEESON: Peter, that's - - -

10 MR GIBBS: Finally, I will - - -

MS LEESON: - - - another example – thank you – of being disrespectful. Now, I will have to ask you to stop speaking sooner than later. I would like to give you your full allocation of time - - -

15 MR GIBBS: All right.

MS LEESON: - - - but if you continue to speak in that inflammatory manner, then I will have to ask you to cease.

20 MR GIBBS: Right. Okay. I didn't think that was inflammatory. It was simply relating the truth of what happened. Finally, I will ask one question, and here's the question to you. Find me another large public cemetery that has a privately owned State heritage listed house on a battle-axe block marooned in the centre of it. It's simply ludicrous. Okay.

25 MS LEESON: Thank you, Peter. If we could now ask Gerald Kenneally to take the microphone. Thank you.

30 MR G. KENNEALLY: Good afternoon, ladies and gentleman, and – it is afternoon. Yes. Thank you for allowing me the time to speak to you about the development – the proposed development of the cemetery at Scenic Hills. My name is Gerald Kenneally and along with my wife, Donna, we operate our family owned funeral service, Keanneally's Funerals, in the Macarthur region. We have been operating in the Macarthur region for the past 16 years, with our mortuary located at Smeaton
35 Grange, which is in the Camden LGA, and we have an office in Campbelltown. We conduct funerals mainly in the south-west and western area of Sydney. Three years ago I attended a similar forum regarding the proposed cemetery at Scenic Hills and it's fair to say that in the last 16 years of our business being here in Campbelltown, much has changed.

40 In fact, in the last three years since the last forum at Campbelltown regarding this cemetery, we have seen a lot of areas grow such as Gregory Hills, Edmondson Park, Oran Park, Catherine Park, Willowdale, Gledswood Hills, Spring Farm, Emerald Hills and also the massive development that is due to start in and around the Rickard
45 Road, Leppington precinct, just near the railway station, not to mention the changing of Airds and Claymore, the area there, and not to mention also the high rise development here in Campbelltown. Along with the establishment of these areas

there has come much needed infrastructure, such as schools, places of worship, shopping centres, fast food outlets, retirement villages and medical centres to name a few.

5 It's my understanding that the experts say that there will be well over 600,000 people that are going to call this Macarthur region home by 2036 and that's probably not too far away. Currently, in the Macarthur region, and I will say the Macarthur area, there are only two cemeteries that offer pre-need and at-need burial sites and I can explain to you later what a pre-need and an at-need burial site is if you need to ask. Those
10 two cemeteries are Camden General Cemetery, where they only offer burials and they are becoming far more frequent. The other is Forest Lawn at Leppington, which is 57 years old which caters for both burial and cremation services and also has the use of chapels on the site, something that the Camden Cemetery doesn't offer. They only offer burials on site.

15 As a regular provider of funeral services at Forest Lawn at Leppington I have seen in the past 16 years how the cemetery has changed and how the new burial sites, or the many new burial sites developing at Forest Law, catering for the many multi-cultural communities, beginning to relocate here in the south-western area of Sydney. In
20 discussions that I have actually had with Forest Lawn, they too have noticed a jump in the services and pre-purchases of burial sites and I would also like to particularly note the new 100 crypts that are being built there and also a site dedicated to the South Vietnamese community, and also the Chinese community being built on the site. They have also noticed the need of possibly relocating the coffee shop and tea
25 rooms and florist at Forest Lawn and converting it into a third chapel to keep up with the amount of services that are happening there.

And also, they also have recognised the need of a function centre on that site as a
30 priority because what I have noticed when I arrange funerals is that people are actually struggling to find locations. Macarthur Grange has become very popular for wakes afterwards so there is certainly a need for that. The proposed cemetery at Scenic Hills will, in the longer term, meet the needs of – the burial needs of this growing community. It also will preserve the open green space that is slowly being replaced by housing. Not only is this modern cemetery – well, this cemetery the first
35 modern cemetery in the new millennium, will provide affordable – affordable burial space to the community, which is not currently available.

The very open spaces I said would provide the community to access the parklands and walkways and also the very natural inhabitants, that have left the community
40 with all the housing development that has gone on around here, will have an opportunity to at least be able to return. The development of this site will also create jobs in many sectors, for florists, hospitality, landscaping, work experience opportunities for our youth that are coming up in this area – that are growing up in this area. Bereavement support services, which none of the two cemeteries offer but
45 the Catholic cemeteries and crematoria do a great job of that, offering bereavement support services and in fact also the supporting of suicide bereavement in this area, which has a high rate of suicide might I add.

Not to mention my own industry, the funeral industry, well, obviously, our business will increase. While I actually support the people in Varroville of preserving the site but the only way to preserve this site is with a cemetery and not with housing, shopping centres, which I believe the site is approved for - - -

5

MS: No.

MR: No.

10 MR KENNEALLY: We won't need – I don't think anyone needs to see what happened at Hurlstone Ag, or what it's approach – was going to happen at Hurlstone Agricultural College at Scenic Hills. And the sad fact is that one day we're all going to die and if there's a lack of burial space, then the cost of burials will rise and funerals will become unaffordable. Cemeteries are just a part of – cemeteries are a
15 part of the community where the community can take time out to visit those who have gone before us and reflect as we get to struggle to go on with our own lives in this ever-changing world. To see this site rejected as a cemetery will be of great concern to myself as I have often stated there is a lack of burial site in the Macarthur region.

20

Cemeteries such as St John's at Campbelltown, St Bede's at Appin, the Anglican Cemetery at Campbelltown are all full. They don't sell to the public. The Liverpool Cemetery, which is out of the Macarthur region, is slowly but surely becoming to capacity. The Rookwood Cemetery, which is out of the Macarthur region, is filling
25 rapidly and also, given the growth of the new suburbs and the high rise in and around the areas of the Rookwood precinct, there's certainly of cause that people are obviously – when they die, they need to be buried somewhere. In fact, there is now a third entrance to the Rookwood precinct to cope with the traffic – the corteges coming through the place, and that's after 150 years.

30

Cemeteries are equally important as other essential services and our diverse, multicultural community that is rapidly growing here in the south-western Sydney and especially here in the Macarthur, deserve the right to bury their dead. And as a Catholic, I also deserve the right to be buried because it's my choice. And there is a
35 lack, as I said, of burial sites. There is a need, an ultimate need for affordable burial space in the south-western area of Sydney and I can speak very clearly on that because I do – I go to these cemeteries day in and day out. So I thank you for the opportunity to allow me to speak here today and I hope that you would actually take my comments on board regarding this decision. Thank you very much.

40

MS LEESON: Thank you, Gerald. If I can now Dr Jaime Lopez.

45 DR J. LOPEZ: Good afternoon to everyone. I am Dr Jaime Lopez, a doctor of philosophy in education and also a certified practising accountant. I am a Filipino Australian. Campbelltown has been my home for more than 25 years where I raised my family. I am a religious and civic Filipino community leader, having founded 16 community associations to provide mutual help and assistance to Filipino families in

need. Campbelltown is also home to more than 1200 Filipino families; 82 per cent are Catholics and the rest are Christians. We welcome and support the development of Crown cemeteries for Macarthur Memorial Park at Varroville as the logical choice for a modern cemetery with parklands for recreational use because of the Scenic Hills.

The development will provide 130,000 burial spaces to solve the impending shortage of burial spaces in the Greater Sydney in the next 20 to 30 years. What I feel is more important is that it will provide a much needed service to our communities in Campbelltown where we do not have a cemetery of the proposed size and scale. And nobody should deny our community and, for that matter, any communities who needs the vital cemetery services. For more than 20 years, the Campbelltown Council failed to address the community's need for cemetery services when there was one attempt to develop a cemetery in 1997. I have seen a lot of developments in Campbelltown: roads, transport, public services, but not of this kind of service.

Varroville is very accessible to the community. We do not need to travel a long way to visit our deceased loved ones. I feel it is very unfair and selfish that a group would deny us an accessible cemetery land and will cause us to travel hundreds of kilometres. As a matter of culture and belief, we believe in prearranging our memorial needs to protect our family and provide us with peace of mind knowing that all final arrangements have been attended to, and we can keep our family together in one final resting place and a beautiful place like the Scenic Hills. We are happy to say that the proposed Macarthur Memorial Park considers in its plan a Philippine lawn section where our community can celebrate culture, and religious belief and remembering our deceased loved ones.

As the founding president of the Santo Niño Filipino Association of Campbelltown and Macarthur, our community can find a place where we can celebrate our religious devotion to our patron, the Holy Child of Cebú. We celebrate this annually and having an accessible place is an advantage to the community. 2017 newspaper reports of NSW Government studies that there will be shortage of burial land in the next 20 to 30 years and, hence, increasing prices. Not only it will be hard for our community to find burial spaces to keep our families together, but the prices will be prohibitive. The community needs now and in the future affordable burial spaces, and Macarthur Memorial Park being a Crown cemetery and therefore a not-for-profit organisation, a cheaper alternative for the community compared to the privately owned cemetery at Leppington. The prices of burial land in Leppington was recently increased to \$7480 as of 1 March 2019.

I have been talking with our Filipino Association members that I lead and found out that 10 out of 10 support the MMP project it is an election issue. I therefore say that the Filipino communities in Campbelltown and Macarthur strongly support the proposed Macarthur Memorial Park and urges the Planning Commission approving that. Thank you.

MS LEESON: Thank you, Jaime. If I can now ask Jorge Montano.

MR J. MONTANO: Good afternoon and thank you very much for giving me this opportunity. Mr name is Jorge Montano, a certified professional engineer. I'm also a religious and civic Filipino community leader. Campbelltown has been home to me and my family for almost 33 years now. I am deeply involved in local
5 community activities and have founded several community associations to help Filipino women and families in need. The Filipino Friends first community association of Campbelltown area, which I organised more than 20 years ago, have helped families where loved ones pass away. We extend grief and bereavement support through community prayers, organising funerals and cemetery services
10 according to their capabilities.

Of the 5600 Filipino residents in the Campbelltown LGU, per cent are Catholics, the highest percentage in any LGU compared to the state average of 80 per cent. As a community, we are deeply religious and observe traditions and customs honouring
15 our dead in a spiritual way. We appreciate the celebration of the Filipino All Saints Day in cemeteries and that cemeteries are very relevant in our community. We also celebrate some religious devotions such as the Feast of Santo Nino. The Filipinos say St Pedro which we celebrated yesterday at St John's Church in Campbelltown. Good Friday observance, , celebration of hearts, the blessed
20 Mary, Virgin Mary and many others.

These celebrations are held in cemetery is very relevant in our religious belief. I have seen the proposed development plan of the Crown Cemetery for Macarthur Memorial Park at Varroville and I am impressed and we welcome the proposal for a
25 Filipino section where we can keep generation of families together as a matter of culture and religious belief. Not the location is better accessible to the local community in Campbelltown and Macarthur districts. I ask the members of the Commission if the development application is not approved, would it be fair for the communities to travel far from this area where we live to visit our loved ones? My
30 family makes it a ritual to visit our graves of our dearly departed at Leppington. We make it a weekly ritual.

When we settled in Campbelltown about 33 years ago we found the area a good place to raise a family. Though it had six Catholic churches, the district does not
35 have a cemetery where we can bury our dearly departed. It is our culture to protect our families from cost and emotions so we bought burial plots at the cemetery at Leppington. During that time, it only cost \$650 per burial plot for single internment. If you want two to be buried in there, you upgrade the contract and pay more. We all know the law of supply and demand and have seen the growing prices of burial plots
40 at Leppington, rising at an average of five per cent annually and nowadays the same burial plot which we bought in the past is now about \$7000.

The supply of burial plots at Leppington is not infinite. They may not last for 20 years. During the last six months we have recorded 20 Filipino residents that died in
45 our area. Where do you want our communities to go? This is actually an ongoing problem for members of our community. While most of us have bought burial plots at Leppington, this is not true for our children now married and have families of their

own simply because burial plots at Leppington has gone prohibitively. We expect the burial plots at Macarthur Memorial Park Varroville will be affordable, being a not-for-profit organisation. A cheaper alternative to the privately owned, operated, profitable cemetery at Leppington. What's more, it is better accessible from where
5 most of us live.

The proposed parklands that will be developed in Varroville make it a community based, modern cemetery that will provide recreational areas for the public to use. We welcome these recreational facilities for all communities. The development
10 proposal will be It is truly a modern cemetery that will be part of the history of Campbelltown. Honourable members of this Commission, members of our community came to Australia as engineers, doctors, nurses, teachers, technicians, electricians, mechanics, dentists, plumbers, carers, We even have priests for our hospitals. So today, may we please plead our request, that through this Commission,
15 that you please provide the Filipino community and the general Australian community of Campbelltown and Macarthur an affordable and easily accessible cemetery where we can bury our dearly departed ones. The Filipino community strongly supports the proposed development of Crown Cemetery Varroville, the Macarthur Memorial Park. I thank you for this opportunity.

20 MS LEESON: Thank you, Jorge. If I could now ask for Elizabeth Pemberton to come to the microphone.

MS E. PEMBERTON: I come here today and speak to you as a person with a very
25 different perspective. I come as a person who has turned to the sanctuary of the Varroville Carmelite Retreat Centre on many occasions over the years as I have stayed there to gain some peace and tranquillity as my life has been a troubled one. I suffer from chronic mental illness. My life has been badly affected since childhood by being in a dysfunctional family affected by domestic violence and with a family
30 member who, as a child, was sexually abused by a Catholic priest. I can tick a number of the boxes of troubles that plague many people in our Australian community and I know that I'm not alone as a retreatant at the Varroville Carmelite Retreat Centre who can tick some of these, or all of these boxes.

35 Over the years, I have mostly driven to the retreat centre, travelling down the busy M5, then moving on through industrial areas and suburbia, a lovely area, until I finally reached that last patch of road on St Andrews Road, which is different. Where the road is narrower and quiet and lined by gum trees. I know I have nearly reached my destination, an oasis in my life, the Varroville Carmelite Retreat Centre.
40 As I turn into the retreat centre's driveway I enter a different world, one offering me time in a calm, quiet, reassuring, spiritual space. When I heard about the proposal to put a cemetery across the road from the Varroville Carmelite Retreat Centre, I was horrified. It meant something quite specific. That was a cemetery in place – putting a cemetery in place on St Andrews Road.

45 Things would be very different as I drove that last patch of St Andrews Road. The feeling of moving increasingly towards a very positive place would be removed. I

would in fact be confronted by the dilemma, a particular image persisted in my mind. I would be confronted by a choice. Do I turn right into the cemetery in the direction of death, succumbing to the temptation to end my life, to end suffering, or do I turn left to resist that temptation, to struggle on? Suicide is not just about the act of death,
5 just as cancer is not confined to an event of someone dying from cancer. Suicide encompasses the minutes, hours, days or even years when someone lives with overwhelming mental illness and/or overwhelmed by troubles life has thrown at them.

10 They are in pain, struggling to survive. It takes effort to resist the urge to give in to death, yet, in a conflict to go on struggling to live or die is in itself a terrible mental torment. At times when these people may feel vulnerable, it is important that they are safe and feel valued, without having notifications that death is there as an option. I invariably feel vulnerable as I drive down St Andrews Road towards the Carmelite
15 Retreat Centre and if there was a cemetery right there, it would make me feel worse. Depression would deepen. I would also feel angry that in our community there could be such insensitivity, such ignorance and lack of understanding to the preciousness of life as fostered in a retreat centre and this thing violated by a cemetery being plonked right on top of it.

20 And I say that with the deepest of respect to people here today who have spoken of members of their communities and loved ones who they wish either be in a cemetery or be able to put in graves in a cemetery nearby. I speak of this particular location only. Today, I will firstly describe something of my experience at the retreat centre
25 and, secondly, on the likely impact if the proposed cemetery proceeds.

Initially, I want to say that I recognise you, the panel, are challenged in this case with a particularly difficult task. This is an exceptional rezoning application. It is not an
30 application for the proposed change of certain scenic rural – historical land to a high rise development or a motorway, for example. This is an application to develop a cemetery which necessitates serious consideration of the biggest issue in life – that of death – and whether it is or is not appropriate to place a burial site at this particular location, alongside, just near a retreat centre. But this application is even
35 more exceptional because of that so it has the two issues of death and those who turn to a retreat centre for succour in dealing with life.

What's so special about a retreat centre? It's a place where lots of different people go alone and in various groups to escape the rat race of everyday life, to pray, to play
40 and reflect on life in a tranquil, beautiful, non-threatening spiritual setting. In my particular case, I've gone to the retreat centre often as a very troubled person. I know that when I go there as a single private retreatant, my life – my time is my own. I go for walks each day, sometimes up the hills, to the second bench seat from which I can see all the way through to the buildings of the CBD. I love being there to watch the sunset in the bush. When I go on those walks, I'm not alone. I feel
45 close to God and that brings me peace and relief. I also appreciate the cows, whom I talk to, "Hello, Mrs Cow", I say, "How's things going today?" And I loved it when one of them came over to me and sniffed closely at me.

I often also walk along St Andrews Road either for one of my daily walks or as I walk up the road to the nuns' monastery for mass there. I love that road, with the gum trees, walking past the cows mooing loudly and then up the road with the bend ahead, a bit like my life – unable to see into the distance, not knowing what is ahead
5 – and I reflect on that as I walk up that hill, trudging up that steepness, like going through the very tough times of life and I keep going, with the help of the Carmelite Retreat Centre. At the retreat centre, everyone respects my private space and silence, but at times, I seek out a talk with one of the priests. I can speak about whatever bothers me and I feel heard, accepted, not irrelevant, not abused, not in any way am I
10 put down and I appreciate an occasional hug - - -

MS LEESON: Take your time, Elizabeth.

MS PEMBERTON: I appreciate an occasional hug from one of the kitchen staff. I
15 know that there is absolutely no pressure on me to attend chapel or do anything in particular but I find attending the Divine Office prayer up to four times a day invaluable in giving me a routine and being present with others while alone, rhythmically praying with the priests the psalms. At the retreat centre, it will come home to me that a loving God is always with me and that God knows and
20 understands me and my troubles better than anyone else. I can contemplate on anything, including feelings that it would be a relief for me to die and go to a merciful God. As people so often say with cancer sufferers, “It was a relief for her to go. She has suffered enough” or thinking of those who jumped from the World Trade Centre when it was on fire. No one criticised them for being selfish. They
25 faced the frightful impact of the planes exploding.

In my life, I have faced the impact of relationships exploding and the blackness of depression. Can't I end what has been so much suffering? Repeatedly, I have faced that question safely in the protective environment of the retreat centre and with the
30 spiritual guidance from the priests. I've then mustered the strength to go on. I know the importance of medical treatment for mental illness and disorders. One in five in the population are affected. I have undergone psychiatric treatment for many years, including medication, ECT, cognitive behaviour therapy and psychotherapy. I know and the retreat centre manager John knows, as do the priests – relevant priest that for
35 me or anyone else in my position the solitude of the retreat centre is no place to be if feeling too close to the edge, but when a stay there is feasible, it helps significantly to push me back from the edge.

I am not saying that time at the retreat centre is a substitute for proper psychiatric
40 care, but I am saying that psychiatric care is no substitute for time spent in an emotionally safe, beautiful soothing environment of the retreat centre, with the support there. I have lived through the diagnosis of advanced, aggressive cancer, with possibly only months to live but I underwent treatment, which was no picnic, and I survived. But for me, the cancer encounter was not as bad as what I have
45 experienced from generations of dysfunctional family. I get dragged down with that into wishing for death, so that there is just God and me and we have many tough conversations about whether I have to go on.

I've so many times sat in the Carmelite Retreat Centre chapel and looked out on the top of the trees and the sky. There, I learned to look up instead of being concentrated on the weeds in the ground. When I return home, I walk almost every day and I walk along my road where I live. I look up to the top of the trees and the sky and in my
5 mind, I return to the special, secure and comforting place of the chapel and the grounds around the retreat centre, including St Andrews Road. I'm assured that I can go on, that I can grow stronger. So you may accurately perceive that I value enormously the oasis that the Carmelite Retreat Centre offers me, so much so that my psychiatrist has many times suggested, "Perhaps it is time for a visit to the
10 monastery".

In fact, I have been accepted as a disabled person into the National Disability Insurance Scheme and I have included time at the retreat centre in my NDIS planning application. I know of others who have done similarly, for example,
15 attending Petrea King's Quest for Life Retreat Centre at Bundanoon, which would not suit me because I would seek out the spirituality offered by the Carmelites. Moreover, I want to say that I'm acutely aware that my life is not dominated by my mental illness, that the worries and pains of my life are complex. My time at the retreat centre frees me from the tight hold of those complexities, giving me time to
20 reconsider my life in a positive environment where I can do that.

I understand that individuals and groups of any denomination or no religious commitment at all are welcome to stay at the retreat centre or go there for a day, as long as they respect the space of others there. And the centre organises things
25 appropriately, so the needs of visitors does not clash. There can be a variety of get away spiritual experiences. I've been fortunate to stay at the retreat centre for extended periods of time. Sometimes in the separate dwelling of the Hermitage.

During my stays, I've come across all sorts of visitors, all sorts of retreatants, as well
30 – marriage encounter groups, young men in the final preparation stage for ordination to the priesthood – and we do, as the Catholic Church, need more of those – ministers from other churches, individuals who seek out a place for rejuvenation, finding some inner peace in the expansive space of the lovely retreat centre grounds. I've met a group of Anglican women from Sydney's northern beaches who were
35 enjoying a spiritual women's weekend away, with lots of laughter. I have loved watching children having a lolly hunt around the grounds as part of a families day for a non-English speaking background church group.

There have also been many school children groups – time to take stock of their
40 young lives in this secure, safe, spiritual space. I know that the Carmelite Friars community is an ageing group of priests, but I very much hope that the retreat centre can somehow continue its work in serving people as it does long into the future and I would see that the proponent would want to see that. In the determination of this rezoning application, you need to give serious consideration to the many visitors to
45 the Carmelite Retreat Centre, whether they come there seeking solace in a troubled life or merely spiritual timeout.

This Carmelite Retreat Centre has been established at Varroville for many years, the only one in New South Wales, with a background of centuries of Carmelite spirituality and practices, and in its current form at Varroville, it has a very simple, inclusive, contemplative prayer community place determined to help people to live
5 out their lives in the face of all manner of troubles. If this rezoning application succeeds, it would compel the juxtaposition of two specific, potentially incompatible forces: one offering encouragement to go on living and the other focusing on death. And there may be much love around that, but it is still focusing on death.

10 Some may feel comfortable with this – these two forces – but many may not. Death is commonly the ultimate difficulty in life. Death and the death of others can be highly problematical. Some refuse to attend funerals or go anywhere near a cemetery. The proposed Varroville Cemetery can be euphemistically referred to as
15 “memorial grounds”, set out as parklands with lovely gardens and picnic spots, but it does not change what it is: a burial site. The presence of a cemetery on St Andrews Road, as proposed, is not a neutral addition to the landscape and it does not enhance the area, no matter how much you pretty it up.

The effect of a cemetery being located as proposed could be to change the very
20 nature of the retreat centre, compromising it as a place of peace and life affirmation. During a stay at the retreat centre, the cemetery could be a constant irritant, a distraction; the presence nearby of a burial ground and the hearses and funeral corteges coming and going. I would feel distressed for those coming and going at the funerals, with the grief of those affected by the death of a loved one, which
25 would not assist me to go on struggling with the troubles of my life – the opposite. It would undermine living the sense of peace I seek at the retreat centre, facilitating me to go on.

For me personally, I am absolutely aware of death being an inextricable part of life –
30 more aware of this, probably, than most. I have gone considerable way to facing death. I pray to Christ dying on the cross. I experience the temptation for premature release from a troubled life but I am concerned here not just about those vulnerable to suicide – and we know the high rate of this throughout the Australian community – but for all who want to go to the Varroville Retreat Centre for spiritual time out.
35 But they may feel they don’t want to go there in the event that a cemetery is situated right across the road in the area. No amount of foliage can conceal what people will know is there.

Apart from anything else, as a retreatant at the Carmelite Retreat Centre, I would be
40 distracted for wondering why the Catholic Church would be at this time and in these last three years since the commission announced in 2012 spend substantial amounts of money on seeking to put a cemetery – a burial option many of us could not even afford – right across the road from a Carmelite Retreat Centre, impacting badly on that and the area around. For the proponent to be successful in this rezoning, what is
45 the message being sent to me, suffering from mental illness, impacted by domestic violence and church sexual abuse, and for other with many other traumatic

experiences who seek the relief available at the retreat centre. It is to feel disregarded and our need for comfort and support to be dismissed.

5 I wish to emphasise that I speak here today on my own initiative and it has not been
easy to speak up. I have done it only because I know the Carmelite Retreat Centre at
Varroville to be a very special place for me and many others and I am so very
desperate not to have its availability disrupted. This is an opportunity for the New
South Wales State Government to give more than lip service and the wearing of
10 ribbons to disadvantaged people who desperately need spending time out in a place
of succour when life's demands and troubles are there in their life so much. In 2018,
over 2700 retreatants attended the retreat centre, and I understand this figure does not
include the many one-day retreatants and visitors to the retreat centre.

15 I speak up especially for those who don't come out of the woodwork. This inquiry
has gone on for many years and I wouldn't be surprised if you haven't heard of a
submission like mine. I didn't even want to attend here today. I wanted to put it in
writing, but – where my name and details could be redacted and I would wish that
people didn't put my name out there with the personal details I've disclosed – but I
was aware that doing it in writing – the voices of these people I speak for would not
20 be so strongly heard. They need to be loudly heard.

They're a significant part of your local population and the population of Australia
and that retreat centre services visitors from all over Australia. So I chose to come
here today and speak directly to you and I very much hope you hear me and those I
25 stand here on behalf of. I wish to thank you, the Independent Planning Commission,
for holding this public meeting and hearing me. Please do not facilitate a burial
ground to be located on St Andrews Road, Varroville, or anywhere near the
Carmelite Retreat Centre. Thank you. Thank you for listening carefully to me.

30 MS LEESON: Thank you, Elizabeth. If I could now ask our last speaker Peter
Thomson to come to the microphone.

MR P. THOMSON: Thank you. Very hard to follow that previous speaker, but I
come here tonight – it's sort of today – it's almost the night now – as a longstanding
35 member of the community. We – the predecessor was given assisted passage out
here in 1792 and built his house at St Andrews in 1798. We still live in the house at
St Andrews, which is – the brick section was built in 1805, far preceding Varroville
and everything else that has been around. I have, during the whole time of this
consultation, listened to so many false facts and I've heard even more today. One
40 simple one to start with, Maurice Jackaman and Cherry were fantastic neighbours.
They did a lot for us. We enjoyed their company and everything else. We were only
kids, but we enjoyed them.

45 But the state that Maurice Jackaman and Cherry used the access down the current –
the secondary access that comes down near Carmelite school, and used that, and then
turned right and drove over the canal – over a bridge to come to the Cowpasture
Road is totally wrong. There was never a bridge on the end of St Andrews Road. If

she went that way, she went through Ted Philpot's property, which is turn left, and used his bridge to go over to Cowpasture Road. When the canal went through those areas, the water board discussed it with the property owners and they had to build three bridges within 200 yards and they said, "This is foolish. What for?" So they

5 built a bridge between Philpot's property and his land on the other side, the land that – I can't recall who owned the property the time before Philpots – and they built the bridge across the Thomson property, which owned the land on both sides of the canal almost to Cowpasture Road.

10 In the '40s, dad got sick and tired of people using his property for access on Campbelltown Road and fenced it, so that's the end of that bridge. Scenic Hills. The best way to protect those hills is for an open-planned cemetery. There has been so many things planned for that cemetery – for that area. Beloved truck interchange for the highway from Sydney; industrial park; housing. You can be guaranteed that if a

15 cemetery is not established within 40 years, there will be houses all over that land irrespective. The increased curtilage for Varroville House, I ask why? It is stated that Sturt built the dams along St Andrews Road. We as kids watched Cleary Brothers with their bulldozers build the dams along St Andrews Road.

20 Sturt built a couple of little ponds on the eastern side of Varroville House. He never built anything on the western side. That's a fact. St Andrews Road was an impassable track most of the time. The predecessor who owned the Carmelite Monastery, Alex Maher, was a Dutchman who came out here to make beautiful biscuits for Australia, and Arnotts didn't like it so they bought him out and then sold

25 the biscuits as Arnott's biscuits. Alex Maher had to have a 4-wheel drive to access St Andrews Road for half the year to his house at the The creek past – before – the creek crossing past the Carmelite church, we rebuilt that with council assistance in the '50s, because it was a swampy creek; we couldn't even get our tractors through it.

30 The next creek at the bottom of the big hill, which was nowhere near where the road is now, was built – we built it. To come down that hill in touchy weather, we used to tie a log behind the tractor so as it wouldn't slide all the way to the bottom and cause us trouble. So there's so many things happened. Varroville House – right –

35 Cumberland Plains Woodlands. Yes. We suffer from that. We have a property still in Varroville at the end of St Andrews Road. We've been told we are the last example of the Cumberland Plains Woodland. Never been touched. Unfortunately, the property had been logged for 150 years.

40 Same with the Varroville landscape. We have photos at home as kids with that as a beautiful agriculture landscape: open grazing land. Look at it today, covered in African violets, the biggest menace we have in this town, and nobody cares about it. It just grows and nobody will do anything about it. We have cleared our paddock out the far end; we've cleaned it, but we now look at this wet weather and we've got a

45 new crop coming, so we will be back into it again to clear it out. We farmed that area. Dad bought part of Varroville in 1950. He actually had to buy the whole place, because Smiths wouldn't sell it to him as a – what he wanted, so he bought the whole

lot and was fortunate enough to have Bill Rice buy the part that he didn't want and we maintained the creek flats, and Bill Rice then sold it almost immediately to Cherry and Maurice. So that's where that section goes.

5 A point here taken – I haven't got set speeches, you can no doubt realise – a point I've been notified here of is a 30-tonne excavator couldn't dig a hole in the proposed cemetery site, as has been stated today. Now, I've been told that the Cemetery Trust has dug 30 test holes with a one and a half-tonne excavator with no problems whatsoever. What reason for the land grab on St Andrews Road? Who will own this
10 extra curtilage? Will it be given to the owners of St Andrews House – not St Andrews House – they won't give it to us, that's for certain – to the owners of Varroville House? Who is going to maintain the land, because all the country is going backwards by invasive weeds and nobody is taking any notice of it.

15 Mount Annan Gardens had a major project clearing Kenny Hill landscape, which was also one of our farms, because we moved away from St Andrews in 1960 and went out to Menangle Road – going to be there forever, because we will never get shifted from here and we were told that we'd be kicked out within 10 years. We were gone. They came along, put a road through the middle of us and built the new
20 highway, and they said the rest of the land is going to be educational purposes. Well, we see now it has all been bulldozed flat and has turned into very expensive housing. So this is what – no matter what they say, they used that area out there where we're told and promised it would be education. So they took it off us, and I say the word "took it off us" – they took it off us at a very reduced price for education.

25 Hang on to it for 30 years, then, "We don't want it for education, so we will sell it for housing." The same will happen to the Scenic Hills Varroville. They will say, "We've got to for Scenic Hills – Scenic Hills." 30 to 40 years down the track, it will be housing and that will be all there is to it. You have lost it forever. And that's
30 the quickest 10 minutes I've ever heard of. You must be – so - - -

MS LEESON: He's pretty reliable.

35 MR THOMSON: Okay. Glad for that. So that is it. The CMF – CMT, I should say – nobody has taken any notice of restoring – the current owners of Varroville House haven't done anything about restoring the outbuildings. The Cemetery Trust has put a plan forward for those historic buildings to be replaced – restored and reused if possible. And I just finish by saying that I believe the cemetery is the best plan for that house – for that area. Thank you.

40 MS LEESON: Thank you, Peter. Well, that concludes the speakers for today. It has given the Commission – this panel much food for thought. We will probably need to look at a few issues in a little more detail that we've currently been able to do. I remind you that if you would like to make further written submission, to
45 provide them to the Commission within seven days and the Commission will then continue its deliberations in this matter. It will endeavour to provide its advice to the Sydney West Central – the Sydney West Planning Panel as quickly as it can, but we

will actually do this in an appropriate time and making sure that we've taken regard of all of the issues that have been raised. So if I can thank you for your attendance today and we will now close the public meeting. Thank you.

5

RECORDING CONCLUDED

[1.09 pm]