

Prof Mary O'Kane, AC
Chair, Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Dated: 6th November 2018

Dear Ms O'Kane ,

Varroville: Proposed listing on State Heritage Register. AO 92 /18 SHR 00737

We are writing to you as a concerned Stakeholder regarding the proposed extension of the curtilage around Varroville House on proposed Cemetery land at 166-176 St Andrews Road Varroville known as Macarthur Memoria Park (MMP). For some years we have been in negotiation with the Catholic Metropolitan Cemeteries Trust (The Proponent) who have been very supportive of our communities needs allocating a section of the cemetery land at MMP for the Muslim community of Sydney which is facing a critical shortage of burial space. The Riverstone Muslim Cemetery Board Inc has advanced these discussions and negotiations on behalf of numerous Muslim associations across Western Sydney including:

- Afghan Community Support Association, Blacktown
- Islamic Practice & Dawah Circle, St Marys
- Hills Awqaf Trust, Dural
- Indonesian Islamic Association inc, Deewhy
- Iman Islamic Association, Arncliffe
- Western Sydney Islamic Association, Rooty Hill
- Muslim Welfare Society Ltd, Campbelltown
- Al Barakah Association, Quakers Hill
- Masjid Darul Imaan, Wolli Creek

We have been closely monitoring the progress of the Catholic Cemetery Development Application at Varroville which was referred to the Independent Planning Commission in May 2018 and have become increasingly concerned with the issues raised by the Office of Heritage and Environment (OEH). In our opinion, the Heritage Council, who have recently referred the Curtilage matter to the commission, are seeking to impose unfairly an extended curtilage listing over the proposed Multi faith burial area at Varroville, prior to the proponents Development Application being considered.

We understand the OEH and Heritage council are objecting to the Catholic Cemetery Development Application - as they have done since inception of this planning proposal in 2013 and have chosen not to support the current Development Application including a generous cartilage around Varroville House incorporating the preservation of outbuildings, remnant vineyard terracing and the old entrance to the property. The proposed curtilage is documented in the endorsed Conservation Management Plan (CMP) page 123 figure 50 in yellow. The Development Application has been prepared in concert with the approved LEP for Campbelltown which supports a cemetery on this site and requires the Development Application to proceed in line with the endorsed CMP.

We believe OEH are attempting to move away from core principles of the endorsed CMP and impose a much larger curtilage area surrounding the Heritage listed Varroville House, at the request of the principal objectors and occupants of Varroville Homestead. OEH are proposing to do this before the Development Application is considered by the Independent Planning Commission which we believe is inappropriate. We are concerned with the approach being taken by OEH who have continually refused to negotiate site specific exemptions with the proponent in relation to the excessively large curtilage area with an objective we believe of sterilising up to sixty percent of the burial land designated for future multi faith burials including the Muslim faith. This not only put's at risk the cemetery proposals viability but also exacerbates

the ongoing shortage of affordable burial space land for faith groups such as ours and many other religious communities who support this application.

Our community has been let down numerous times by State Government's over the years while seeking a solution to the cemetery space shortage and we apparently now have a Heritage Minister who is equally insensitive to our needs and refuses to enter into negotiations with the proponent to help resolve this matter on behalf of the many communities across Sydney who are relying on this cemetery development proceeding.

Research shows that numerous Heritage Councils and Ministers in the past have rejected plans for an extended curtilage around Varroville house including attempts to lodge Interim Heritage orders over the site all to no avail. The Catholic Metropolitan Cemeteries Trust have voluntarily proposed a generous curtilage and substantial investment in restoration and protection of Heritage items within the proposed minimum cartilage outlined in the CMP including restoration of homestead out buildings, restoration of dams, preservation of vineyard terracing as well as improvements to the degraded landscape which multiple owners including the National Trust have ignored for over a century.

The Heritage Minister and its officers have in our view failed to adequately justify their position for such a large curtilage and repeatedly have declined requests from the proponent who is acting in our interests to justify the extent of the curtilage proposed.

OEH have also declined to make available relevant documents such as a tax payer funded Heritage study which they apparently relied on to make the recommendation to impose the excessively large curtilage around Varroville House.

OEH have placed an unreasonable burden on the proponent's cemetery development application and created social and economic impacts which threatens the viability of the cemetery development application by attempting to encumber burial space land proposed for multipath communities who are desperately in need of this burial land. The proponent has made a substantial commitment to the preservation of historic aspects of the site which is more than sufficient to recognise its heritage significance.

Recommendation:

We are requesting the Independent Planning Commission (IPC) to allow the Cemetery Development Application to be assessed in advance of the proposed curtilage recommendation from OEH. We do not support the OEH proposed recommended curtilage which we consider is exaggerated and overreaching. We recommend OEH be instructed by the IPC to enter into negotiations with the proponent regarding site specific exemptions on the site before gazettal of any extended curtilage

We recommend the minimum cartilage area proposed in the endorsed Conservation Management Plan (Policy 11 Figure 50 on page 123 of the CMP in yellow) be supported by the IPC as it sufficiently protects the historic qualities of the Varroville Estate and proposes a curtilage option around Varroville Homestead which does not adversely impact the viability of future cemetery operations including the need for Muslim burial space proposed for the cemetery.

Yours sincerely,



Kazi Khalequzzaman Ali

President

Riverstone Muslim Cemetery Board

Ph: [REDACTED]