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13 November 2018

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

Dear Ms O'Kane ,

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

We refer to the above matter and submit our statement of objection to the extension of the proposed curtilage at the property as proposed by the Office of Environment and Heritage.

In support of our statement, we wish to advise the following:

1. The Sydney West Joint Regional Planning Panel made a determination on 9 September 2016 regarding the applicable zoning of the property.
The panel recommended
"to amend selected provisions of the Campbelltown LEP 2015 to enable the use of a particular parcel of land for a sensitively designed cemetery use"
"The panel believes that the proposed proposal has been specifically designed such that it will not harm the area's visual, cultural and environmental qualities and will act to protect these values in perpetuity."
"Such development must be consistent with the approved Conservation Management Plan"
"The Panel is satisfied with the analysis of the heritage impact and finds it satisfactory.

Based on the above, CMCT has directed and managed the preparation of the development application documentation in accordance with the recommendations of the JRPP.

2. In December 2017, the honourable Minister, Anthony Roberts wrote to the Deputy Chair of CMCT and advised that the Minister had appointed Mr David Harley to undertake "an independent review to identify suitable lands for Sydney's burial needs".
The "Harley Report" identified the extreme situation that new cemeteries were required immediately in order to meet the demand for burial spaces.

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"A report into the future planning for Cemeteries in NSW was commission by Ministers Roberts and Minister Toole in December 2017 and was prepared and submitted by David Harley. The Harley Report was lodged with the Department of Planning and Crown Lands in March 2018. The report made a number of key recommendations including the amendment to planning controls declaring cemeteries as regionally significant infrastructure. The report further recommended that the two current Development Applications before the Independent Planning Commission at Varroville and Wallacia be approved by the consent authority without delay. "

The report noted highlighted that the growing Sydney population and consequent demise of residents will cause great pressure on the supply of land suitable for cemeteries.

If measures were not enacted immediately, there existed the potential for available burial spaces to be exhausted, and future cemeteries would have to be located a great distance from relatives and friends of the deceased.

The recommendations of the Harley report as an independent review of this matter cannot be ignored by the State government of NSW.

3. The greater Sydney area has a limited of number of burial spaces available for the religious and cultural communities who still practice "in ground" burials. Whilst it is acknowledged that cremations are becoming more prevalent as a means of internment there still exists a number of religious faiths who do not permit cremation as a form of burial. Furthermore, it is widely acknowledged, that the cemeteries currently used for the burial internment in greater Sydney are very rapidly running out of burial spaces.
Rookwood, Sydney's historical cemetery, which was established 150 years ago, is expected to be completely full by 2030, and accordingly purchase of burial spaces has indicated that there will be no burial plots available for purchase (ahead of the demise of purchasers) by 2023.
The extension of the curtilage at Varroville will significantly affect the number of spaces available for in ground burials, and the impact of this is significant among many religious and cultural groups.

4. The development application and proposal, currently before the Department of Planning for assessment includes for the establishment of 136,000 burial spaces over the life of the cemetery. Forward planning indicates that burial spaces will

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be exhausted in 150 years.

The proposed curtilage extension, will effectively remove up to 60% of the proposed burial spaces planned for the property. This represents 81,600 burial spaces that will not be available for "in ground" burials.

Currently, CMCT provides the least expensive burial plots in the greater Sydney area, and significantly less expensive than our competitors.

Furthermore, CMCT provides burial spaces for those groups and individuals who die without any financial means of providing for their internment. This is a significant part of the operations of CMCT and the removal of over 80,000 burial spaces will limit the capacity of CMCT to provide this service to the needy, poor and homeless of Sydney.

The average sale price for a burial plot is approximately \$5,000.00 (at present value). The loss of revenue over the life of the cemetery is \$408 million dollars. This is a very significant loss to CMCT, which is a "not for profit" organisation. Revenue from sales are directed to towards:

- (a) charitable organisations across non-denominational groups (not only the Catholic Church)
- (b) The employment of up to 60 ground staff and administrative employees.
- (c) Costs of operation of the cemetery.
- (d) A sovereign fund for the maintenance of the cemetery grounds forever on behalf of the friends and relatives of the deceased.

5. Other sectors of the economy affected by the proposed extension of the curtilage include the funeral services industry and the providers of associated services. They employ a significant number of people who will be impacted by this proposal.
Local funeral service operators, celebrants, caterers, florists, car hire firms, printing companies, and many other local businesses will be affected by this decision. Local employment opportunities for Campbelltown residents will also diminish.
6. We have concerns about the lack of a fair and reasonable process regarding the information that was published on the IPC website.
The original listing of the referral by the honourable Minister for Environment was made on 30 October 2018.
Despite references to associated and relevant documents, no documents were published for community referral until 12 November 2018.
The time and date for submissions to the IPC was not altered. That is, interested and affected third parties have less than 36 hours to review the published documents and provide any rebuttals to the arguments put forward by other

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parties in these documents.

Furthermore, the specific reference document that the Office of Environment and Heritage has relied on to justify the proposal for listing was not included, i.e. the Orwell Phillips report.

CMCT has expended legal fees in obtaining access to this document under the GIPA act, and yet, the document remains confidential, and has not been released?

How is anyone expected to respond to any statements contained within this report? It is also understood that the cost of preparation of this report was funded by taxpayers!

We find this non-discovery process unacceptable and demeaning to the process which is supposed to be "independent" (as the name suggests) and transparent.

7. On numerous occasions, CMCT have telephoned and sent correspondence to the Office of Environment and Heritage, and the Minister for Environment with a specific request to meet and hold conciliatory and collaborative consultation with all stakeholders and arrive at a mutually beneficial outcome regarding this matter. There has been little or no response.
Indeed, it was the proposal by CMCT to OEH that the extension of curtilage, with site specific exemptions would be acceptable. This is specifically detailed in the Conservation Management Plan.
Whilst OEH suggested that this proposal may be acceptable, CMCT was never given any solid commitment that OEH would allow or agree to this proposal. As a consequence, and due to the reticence of OEH we understand that this proposal is no longer accepted or offered by CMCT.
The behaviour of the officers of OEH, and the reluctance of the Minister to not consult with us, indicates that there is no real interest in being collaborative and working towards a mutually beneficial outcome.
8. The proposal for the extension of the curtilage encumbers the following areas:
 - (a) the dams located on the western side of the property adjacent to St Andrews Road.
 - (b) The historic outbuildings.
 - (c) The remnant trenching of the vineyards, and
 - (d) Areas that have no historical relevance to the Varroville estate.

It is logical to extend the curtilage over items that have heritage and historical context, but why does the proposal for the extended curtilage include areas that have no historical relevance, and directly affects proposed burial areas.

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9. The views and visual impact on Varroville homestead, purportedly affected by the development is not affected at all. The view of the dams from Varroville House remains, and is not affected by any structures that are proposed to be constructed.
The claims made by the current resident and owner of Varroville House have not been able to be verified, as no one from CMCT or their representatives have been given access to the property or to the location where the views originate. Despite repeated requests to enter the property to discuss the owners concerns regarding the view no one been given access.
10. At our meeting with OEH at the DPE offices on 17 October 2018, a representative of OEH stated that she had been the Varroville Homestead and stated that in her opinion the views from Varroville House were compromised by the development.
This indicates that the OEH view has already been formed on this matter, and despite the assertion that they only report on the matter and refer them to the Heritage Council is disingenuous.
It is also worthy to note that the screening trees that were present and restricted the purported views have been removed by the owners of Varroville estate. Historical photos indicate that there was no view corridor to the dams during the 1950's.
11. The original grant of land by Governor Macquarie to Townson in 1810 included for an area of approximately 1000 acres.
The historic homestead has been afforded protection on the State Heritage Register.
The extension of the curtilage around Varroville Homestead is only intended for our property, and is not affecting any other parcel of land that was formerly part of the original grant.
Why is the OEH proposing to extend the curtilage only over land owned by CMCT?
If there is any merit in the extension of the proposed curtilage, it should be extended to include all land and property that formed the original grant of land to Townson.
The adjoining properties are not affected by the proposed extension of the curtilage, despite the fact that their property was also part of the original 1000 acres granted to Townson.
We feel that CMCT have been unfairly treated in this respect, and would like an explanation as to why we have been targeted, while others have been excluded?

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12. The development application to Campbelltown City Council (CCC) was submitted on 17 October 2017.
The Office of Environment and Heritage in response to a request for submissions from CCC responded in February 2018. However, CCC did not refer any matters raised by OEH, and we were not notified of any issues raised by OEH until a request for information was submitted by CCC to CMCT on 29 May 2018. The design consultant team immediately addressed the matters raised by OEH and the responses to the requests for information were returned to CCC in mid-September 2018. Please note well that the response to the request for information included a response to all matters and not only matters pertaining to heritage.
The development application documentation is technically robust in all engineering matters in accordance with all regulatory and Australian Standards.
- On June 4, 2018, the Minister for Planning referred the assessment of the development application to the Department of Planning due to the delays in assessment by CCC.
With a view to discussing and resolving the issues raised by OEH, the assessment team at DPE arranged for a round table conference to specifically address those issues. This meeting was held on 17 October 2018. Despite our efforts, this was the first occasion that CMCT or their representatives had been able to have a discussion and consultation with OEH since their concerns were raised in February 2018.
A period of 8 months had gone by, before CMCT were able to discuss matters civilly, in a conciliatory and constructive manner. We find this unacceptable and unfair.
The matters raised by OEH included matters that are generally dealt with "post development approval" and, it is unreasonable for a proponent to have prepared a "detailed design" of items such as furniture and signage at the development application stage.
Nonetheless, CMCT supplied the information as requested.
It was at this meeting that the officers of the OEH stated that they could not give any clarity on whether the extension of the curtilage with site specific exemptions would be accepted by the Heritage Council, and indicated that they did not support site specific exemptions for the site.
13. With regard to the proposed listing of the extension of the curtilage, it is our understanding that the Minister for Environment has not responded within the specified time of the Act.
Despite our continued request for a conference to assist in reaching a

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determination for the proposed listing, we have not been able to speak to the Minister about this proposal.

14. It is our understanding that a report commissioned by the owners of Varroville house and funded by the taxpayers of NSW has been used as the justification for the proposal to extend the curtilage.

As stated previously, the document has not been published, and as a consequence, CMCT have been denied any opportunity to rebut any of the arguments raised in support of the extension of the curtilage.

Despite the requests for discovery under the GIPA act, the document remains unpublished and we cannot make any comment in regard to the contents of the report.

We believe that this is unfair and unreasonable.

Furthermore, the documents posted on the IPC website, did not include the Orwell Phillips report and, thus, it denies any potential submitter of a response the courtesy of making any informed view or opinion.

15. It is also acknowledged that there will be people within the community who cannot see the enormous social, cultural and historical benefit of the proposed development. It is a highly political development, and CMCT have always welcomed any request for civil discussions regarding the concerns of the affected parties.

However, it has been noted that the local state member for Macquarie Fields, took it upon himself to enter the property without the express permission of the owners, and proceed to pose with the owners of Varroville House for a media photo that was published in a local newspaper.

Secondly, we have had to endure the allegations that the CMCT is using "standover tactics" as described by one of the objectors to the proposal, Sister Jocelyn Kramer. We have not met Sister Kramer in person nor have used anything like "standover tactics".

Sister Kramer has stated to CMCT director, that it is the intention of the owners of Varroville House and the Carmelite sisters to support the extension of the curtilage to ensure that the development will become "not viable", and consequently the development will not proceed. It is their wish for the precinct to retain its rural character. There is no basis for this comment, as the cemetery will provide the best means for maintaining the rural character of the property.

Unfortunately, the objectors have not reviewed the documents that form the development application as it addresses all relevant planning and statutory

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guidelines as required by the Department of Planning.

We strongly deny any tactics were used to gain any advantage over third parties, and we will always be guided by the strong moral ethics endorsed by the Catholic Church.

16. For the information of the IPC, we provide a chronology of correspondence to CCC, OEH, the Minister for Environment and the Heritage Council.

Date	Matter
9 September 2013	Planning Proposal Lodged with Campbelltown Council
11 March 2014	Campbelltown Council refuse to support Planning Proposal despite a favourable recommendation from Council Planners
19 June 2014	Department of Planning and Environment advise that the application can proceed to the Sydney West Joint Regional Planning Panel for a detailed review
28 August 2014	Sydney West JRPP advise that the application should be submitted for a Gateway Determination
27 October 2014	Department of Planning and Environment confirm the application should proceed to the Gateway Determination Stage
4 March 2015	Sydney West JRPP appointed as the relevant planning authority
19 June 2015	Gateway Determination issued
19 October 2015	Amended Planning Proposal submitted to Department of Planning
11 December 2015 - 29 February 2016	Planning Proposal placed on public notification between 11 December 2015 to 21 March 2016. The notification period was extended by the NSW Department of Planning and Environment at the behest of Campbelltown Council. At 102 days, the notification for the site exceeds that of the actual Campbelltown LEP, which was notified for 60 days.
25 August 2016	Public Meeting held by Sydney West Joint Regional Planning Panel to consider the application following favourable recommendation from the NSW Department of Planning
09 September 2016	Sydney West Joint Regional Planning Panel unanimously recommends the Planning Proposal be adopted
20 February 2017	Campbelltown Local Environmental Plan 2015 amended in accordance with the Sydney West Joint Regional Planning Panel recommendations
22 May 2017	Pre-DA Meeting held with Campbelltown Council
22 June 2017 and 24 June 2017	Community Consultation Meetings Held
17 October 2017	Application submitted to Campbelltown Council
02 November 2017	Application registered with the Western Sydney Planning Panel

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7 November 2017 – 23 March 2018	Public Notification Period. We note this period was extended at the behest of the Campbelltown Council Councillors at its meeting on 12 December 2017, the original date was 23 February 2017.
29 May 2018	Campbelltown Council issue additional information request
04 June 2018	Sydney West Planning Panel formally briefed by Campbelltown Council
04 June 2018	Minister Roberts delegates the matter to the IPC
29 June 2018	IPC request documents from Sydney Planning Panel and Campbelltown Council
16 August 2018	Department of Planning confirm they have commenced assessment of the application at the request of the IPC
12 September 2018	Site Inspection undertaken by Department of Planning
17 October 2018	Meeting held with Department of Planning, CMCT and the Office of Environment and Heritage.
23 October 2018	Amended Plans submitted to the Office of Environment and Heritage.
29 October 2018	Listing of application for extension of curtilage by OEH published on Independent Planning Commission website.
Mid November (date to be confirmed)	Hearing date with IPC

17. We are aware that the Minister for Planning has raised their objection to the extension of the curtilage over Lot 4 of Deposited Plan 239557. This area relates to a future proposal for the construction of an on/off ramp to the M5 motorway and the future upgrading a St Andrews Road, between the M5 motorway and Camden Valley Way.

The construction of this ramp and upgrading of St Andrews Road will have a greater impact on the rural character than our proposal for a cemetery. The construction of the cemetery will preclude any further development applications for developments that will have a much more significant impact on the Varroville estate than is likely to be caused by the CMCT proposal.

18. The proposal for extension of the curtilage is driven in part by a single objector, that is, the owners of Varroville House. It is their desire to sterilise the immediate precinct for the benefit of themselves.

The former owners of Varroville House, Jackaman, the bequeathor of the property to the National Trust, did so on the strict condition that the property would remain in the National Trust for the enjoyment of the people of NSW, and not on sold.

They have clearly not done so, and the actions of the current owner indicates that she wishes to "cotton wool" the property and has no intention of allowing the greater community to visit the site.

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How is it expected that the property will become accessible to all members of society for the appreciation of this historical asset. It is to be shared and enjoyed by all, not just a handful of people.

19. The CMCT proposal includes for
- (a) the restoration of the historic outbuildings.
 - (b) The remediation and rehabilitation of the dams and waterways to encourage flora and fauna to flourish as it would have in the colonial period.
 - (c) The reinstatement of the historical vineyards and terraces.
 - (d) A sculpture park celebrating the aboriginal and European heritage.
 - (e) An historical walk and pathway, to educate visitors of the unique cultural, heritage and archaeological characteristics of the precinct.

Please note well that the above will not be able to be carried out if the proposed extension of the curtilage is approved. The site will become unusable if the extended curtilage is approved. The only beneficiary of the development not proceeding will be the owners of Varroville House.

However, if the CMCT proposal is approved and the curtilage not extended, CMCT have made a commitment to restore the property to its former glory, make improvements that will allow the greater community to enjoy the property and celebrate our great heritage in a manner that is sympathetic to all aspects of the development.

20. CMCT have engaged design consultants, engineers and experts to design and implement measures that respect archaeology, ecology, flora, fauna, Aboriginal history, European history, viticulture, and restoration of historic buildings. There are detailed engineering plans for the remediation and rehabilitation of the watercourses to improve water quality for the property and for the users of this natural resource downstream.
- CMCT have also initiated an historical and art strategy recognising the unique nature of the property that will enhance the visitation experience for the users of this wonderful recreational space.

21. The approval of the cemetery development is the best option for the site to ensure that all the objectives are met to the highest possible outcomes. The development will ensure the protection of Varroville estate for future generations, and maintain the rural nature of the Scenic Hills Precinct.

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22. CMCT has the backing of many religious cultural and community groups who wishes to inter their members in accordance with their respective faiths and beliefs. The extension of the curtilage will alienate these groups and cause social unrest to those who deserve the freedom to follow their cultures.

Based on the above we wish to register our objection to the extension of the curtilage on the Varroville Estate.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D De Angelis', written over a light grey rectangular background.

David De Angelis
Director