

4 April 2019

Ms Dianne Leeson
Chair
Independent Planning Commission
Level 3, 201 Elizabeth St
Sydney NSW 2000

Dear Ms Leeson,

CROWN CEMETERY DEVELOPMENT APPLICATION - VARROVILLE

I refer to the above application by the Catholic Metropolitan Cemeteries Trust currently under consideration by the Independent Planning Commission. The Commission has undertaken consultation with the applicant, stakeholders and the community on several occasions in its assessment of the proposal and this letter provides a written summary of the applicant's response to the questions and issues raised during this consultation.

Questions Raised in Advance of Applicant's Hearing

On 13 February 2019, email notification was received from Matthew Todd-Jones on behalf of the Commission identifying several issues and questions to be addressed in the hearing with the applicant held on 14 February 2019. Although these matters were addressed at the hearing, written confirmation of the applicant's position is provided below. The project's landscape architect has also provided additional clarifying documentation to assist in the response to the issues and questions raised. This information is provided in **Attachment A**.

- 1. Please provide a clear description of any changes from original proposals (as lodged) to what's now proposed and assessed by the Department of Planning and Environment.*

Plans of the development proposal have been marked (with red clouding) identifying the minor changes made to the layout since the application was lodged. These changes have been made in response to the various issues raised in the assessment by external agencies and stakeholder engagement. The changes were summarised at the hearing and the above plans have been provided to the Commission.

- 2. Operational noise - given the increasing improvements in performance and availability of electrical appliances (hedge trimmers, lawn mowers, maintenance vehicles) and the sensitivity of noise receivers has any consideration been given to the use of this type of equipment on the site to further reduce operational noise?*

This was addressed at the hearing with the applicant committed to ensuring noise impacts from plant and machinery in the operation of the cemetery is minimised. It is expected that this aspect of the development can be addressed by conditions of consent and in the operational management plan for the cemetery. Where possible, CMCT will utilise batter powered tools for maintenance activities to minimise noise and environmental impacts. It is expected that further technological advances will ensure greater utility of this type of equipment in the future.

3. *Hours of operation – please can you clarify what is meant by hours of operation? What does this mean in terms of public access?*

The applicant provided further clarification of the operating hours of the development at the hearing. The cemetery will have general public access 7 days a week during daylight hours. The chapel, café and function building will be open between 8.00am and 6.00pm, 7 days a week (with some staff present outside these hours). The administration building will be staffed between 6.00am and 6.00pm daily. The heritage outbuildings will be open to the public between 8.00am and 3.00pm, Monday to Friday.

Further clarification was provided at the hearing in relation to the specific religious ceremonial interment needs of different faiths that may require access to the site at any time. The site's facilities will make provision to accommodate the specific needs of various faiths. Expected impacts from the use of the facilities after hours are expected to be minimal and will not give rise to excessive light impacts, noise or traffic generation.

4. *Varroville - Please describe how the proposal addresses the Conservation Management Plan?*

The proposal has been designed to accommodate the principles in the LEP endorsed Conservation Management Plan for the site. This includes the restoration of the existing heritage outbuildings of the Varroville Estate (as part of Stage 1). The proposal incorporates extensive interpretive elements for the site's European and Aboriginal heritage.

5. *Grave locations and flooding – will graves be located in flood prone areas?*

A pre-development 1:100 flood study was carried out by GRC Hydro and informed the park layout and placement of graves.

A post-development flood Impact report has been prepared by GRC.

Localised flooding during high rainfall events will be contained within roadways and proposed swales and will not affect graves.

6. *Do you have any comments on the Department's draft conditions?*

The applicant has prepared a spreadsheet document providing comments on each of the draft conditions. Particular concern is raised in relation to the number of conditions requiring separate Council approval for various aspects of the development. It is expected that further negotiation and discussion regarding particulars of the consent conditions will be undertaken with the Sydney Western City Planning Panel.

7. *The loop road between stages 3 and 4 appears to provide the only access to the outbuildings precinct? When does the applicant plan to repair/restore the outbuildings and put them to re-use?*

It has been confirmed with the Commission that temporary access to the heritage outbuildings will be provided via the existing driveway access which will be upgraded to comply with RFS requirements. The heritage outbuildings will be restored with access and interpretation provided as part of Stage 1.

Questions at the Hearing

A hearing was held with the Commission on Thursday 14 February with the applicant and its representatives present. Several questions were raised by the Commission during the hearing with the applicant's response outlined below. The project's landscape architect has also provided



additional clarifying documentation to assist in the response to the issues and questions raised. This information is provided in **Attachment A**.

8. *Can you touch on the non-burial area immediately around the Varroville homestead?*
9. *How was the 10m setback decided?*

Applicant's response: The 10m buffer was determined based an assessment of other cemeteries and development controls and establishing an average.

10. *Show us the former carriage drive*

Applicant's response: The Commission members were shown location of carriage drive on aerial imagery on screen at hearing and it was explained how it would be incorporated into interpretation on site.

11. *Clarify the interpretation of vineyard and outhouse area*

Applicant's response: Explanation was provided at the hearing regarding the contour trenches, vineyard area, clarification that outbuildings would be restored as part of Stage 1 and interpretation and improved access (using existing driveway) would be provided. It was also confirmed for the Commission that the buildings will be utilised.

12. *How have we responded to public submissions?*

Applicant's response: Public and agency submissions have been addressed with some minor changes to the site layout and design in response. A separate report has been prepared that addresses the public submissions and consultation with adjoining landowners (see attached).

13. *Inconsistency with CMP and RFS requirements*

Applicant's response: The design and layout has been undertaken having regard for the principles of the CMP and which achieves compliance with *Planning for Bushfire Protection* and to the satisfaction of the RFS.

14. *What is the material of the roads?*

Applicant's response: It was confirmed for the Commission that the roads will comprise asphalt/bitumen formation.

15. *Is there a kerb or soft edge to the roads?*

Applicant's response: It was confirmed for the Commission that the kerbs will comprise roll-over concrete formation that can be appropriately colored to blend in to the environment.

16. *Lighting – will some of the roads be lit?*

Applicant's response: Low and subdued lighting is proposed (not typical street lighting) with minimal visibility outside the property. All street/roadway lighting will be reactive (sensor triggered) and turn off when not in use.

17. *Landscape maintenance – is the grass unirrigated, partially irrigated?*

Applicant's response: Irrigation will be provided as part of the development with different options being considered. These include bores, taking water from the nearby canal and using treated effluent from the facilities on the site. Irrigation will be prioritised on high exposure areas (along roadways and around buildings) and minimised elsewhere to ensure a sustainable solution.



18. *Is the primary purpose of kerbing roads to channel and capture stormwater?*

Applicant's response: Yes

19. *How do you park on the roadside if there is a kerb?*

Applicant's response: A roll over concrete kerb is proposed

Questions Raised at Site Inspection

The site was inspected by the Commission on 19 February 2019 with several of the applicant's representatives present. The questions raised by the Commission at the site inspection and the applicant's response is summarised below. The project's landscape architect has also provided additional clarifying documentation to assist in the response to the issues and questions raised. This information is provided in **Attachment A**.

20. *Are graves proposed to be located on the hillside to the north of the proposed chapel?*

Applicant's response: No

21. *What are the proposed night time operations, if any?*

Applicant's response: Services would not be held in the chapel at night time. They would be limited to daylight hours (generally 8.00am to 6.00pm). The mortuary, located in the basement of the chapel, would be operational 24 hours, 7 days to accommodate the needs of specific religious/faith-based ceremonies. The noise and lighting impacts from these activities are expected to be minimal.

22. *How has the landscape design responded to minimalising the visual impacts of the proposal?*

Applicant's response: The site has been designed utilising different types of gravestones to minimise the visual impacts from the main internal and external roads, Campbelltown township, Varroville Homestead and the Hume Highway. Lawn burials flush with the lawn would be used on the majority of the site. Low headstones, high headstones and terraced lawn graves would be concealed within 'burial rooms' created by vegetation screening. Road widths have been minimised in consultation with the RFS (from a standard 8m to 6.5m). Pending regulatory changes and further negotiations with the RFS indicate a potential for further road width reduction (down to 5.5m). Parking verges and overflow carparking areas will consist of reinforced grass rather than paved surfaces. Paved surfaces on the site represent less than 5% of the surface area of the site. Buildings have been kept to a minimum with six in total and representing less than 0.5% of the total surface area of the site.

Response to Draft Conditions

The Department of Planning and Environment's assessment report for the proposal includes recommended draft conditions of consent. The applicant has reviewed these draft conditions and raises concerns with a number of their requirements. Particular concern is raised in relation to various aspects of the proposal requiring further Council approval or endorsement. Ongoing consultation with Campbelltown Council is not opposed by the applicant, however, it is requested that this consultation process be collaborative and conciliatory. The applicant's annotated response to the draft conditions is contained in **Attachment B**.

Report Identifying Amendments Post-lodgement

A report detailing how the applicant responded to submissions and stakeholder feedback was submitted with the application documentation to the Department of Planning and Environment. A copy



of this report is provided in **Attachment C** which outlines the modifications made to the design of the proposal to address the issues raised.

Response to Issues Raised at Public Meeting

A public meeting was held by the IPC on 25 March 2019 at Wests Leagues Club, Leumeah to provide the public with the opportunity to address the Commissioners and convey their support or concern in relation to the proposal. At this meeting, several speakers raised issues in relation to the heritage and scenic values of the site and how they felt this would be impacted by the proposal. The project's heritage consultant has provided a written response to the issues raised at the public meeting and has provided a separate written response in **Attachment D**.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Hoy".

David Hoy
Regional Director

Attachments:

- Attachment A – Landscape Architect Response
- Attachment B – Response to Draft Conditions
- Attachment C – Response to Submissions Report
- Attachment D – Response to Heritage Issues

Macarthur Memorial Park

Response to IPC queries

(to be read in conjunction with URBIS letter to IPC , dated 4/4/19)

Florence Jaquet

Landscape architect

Cemetery specialist

Q 1: Please provide a clear description of any changes from original proposals (as lodged) to what is now proposed and assessed by the DPE?

Florence Jaquet
Landscape architect
Cemetery specialist



Response:

Following queries from Campbelltown City Council:

- Realignment of main entrance to comply with RMS SISD and subsequent necessary adjustments to riparian zones.
- Clarifications re: presence of Picton soils added to text and map on Page 10 of Landscape Design Response report (LDR)
- Modifications to Legend on Landscape Species Plan for clarity in relation to colour code.
- Modifications to Legend on Overall Site Plan for clarity in relation to hatching style (Impact on CPW) .
- Additional notes to drawings in relation to safety fence around dams and play areas.
- Reduction of one sculpture height from 10m to 9m.
- Removal of pathway on Bunbury Curran hillside
- Changes to legend following reclassification of Moist Shale Woodland to Cumberland Plain Woodland.
- Reduction in size of one shelter.
- Access C changed to exit only except on major events.
- Deletion of Outbuildings 5-bay carpark.

• Details supplied on next pages

Changes post- DA and during DPE assessment:
Revision A – Council RFI – June 2018

Florence Jaquet
Landscape architect
Cemetery specialist



- Impacted CPW - colour change
- Path removal on escarpment



Changes post- DA and during DPE assessment:
Revision A – Council RFI – June 2018

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Landscape architect
Cemetery specialist

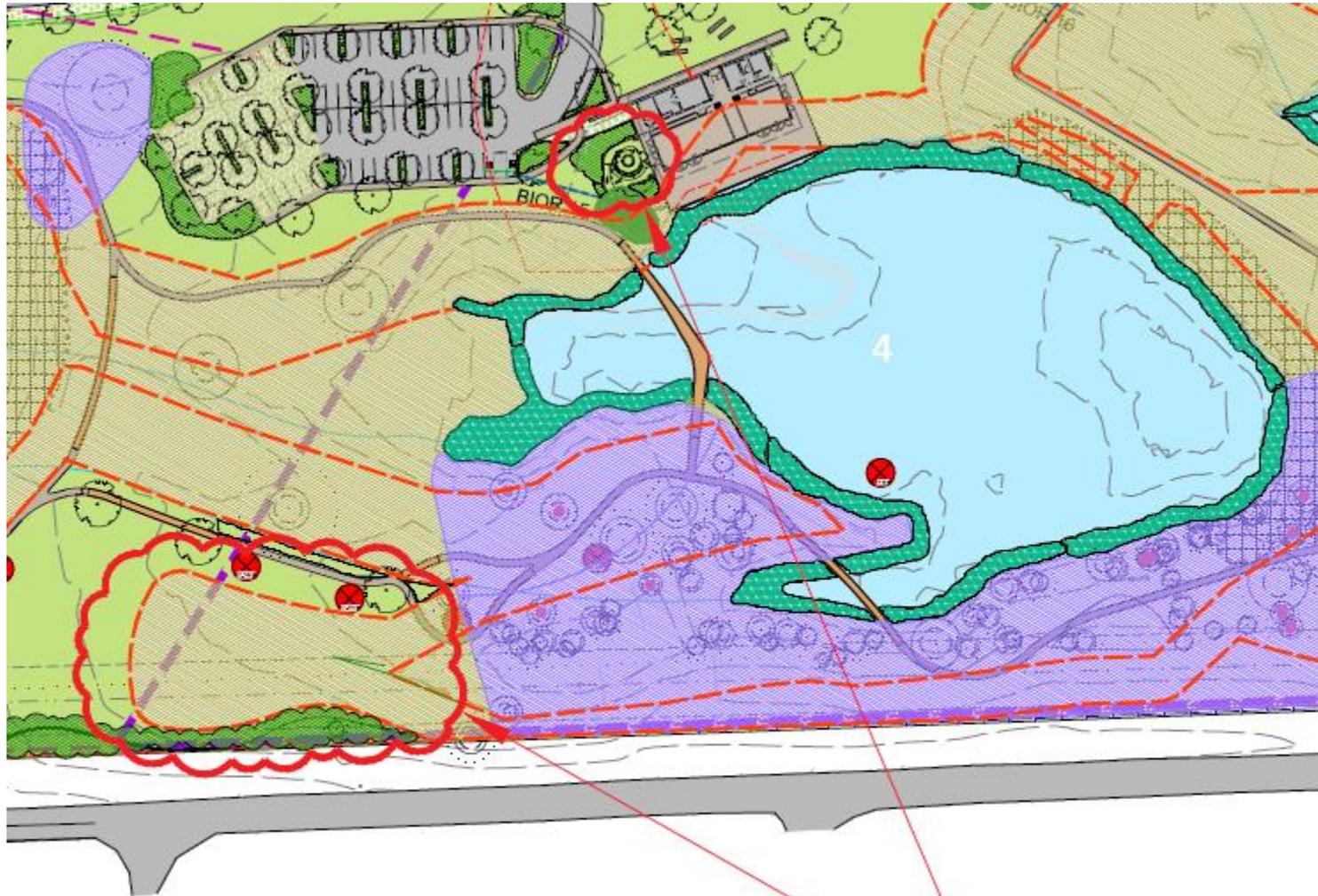


- Impacted CPW - colour change
- Café Playground – additional fencing note
- Main site entry realignment



Changes post- DA and during DPE assessment:
Revision A – Council RFI – June 2018

Florence Jaquet
Landscape architect
Cemetery specialist



REV A

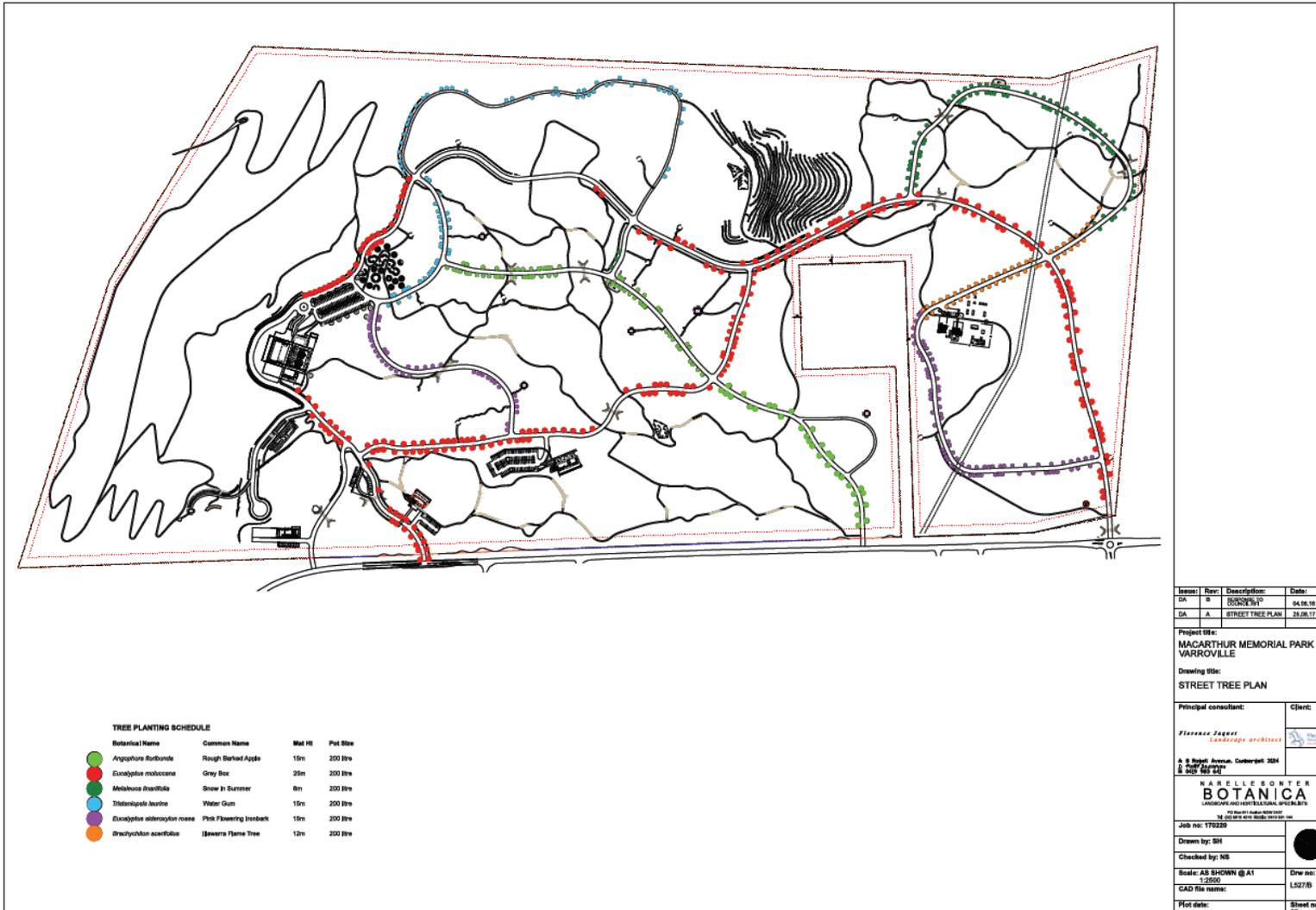
- Function Building Playground – additional fencing note
- Additional Riparian Zone (offsetting due road realignment)



Previously

Changes post- DA and during DPE assessment: Revision A – Council RFI – June 2018

Florence Jaquet
Landscape architect
Cemetery specialist



Changes post- DA and during DPE assessment: Revision A – Council RFI – June 2018

2. SITE ANALYSIS 2.2 SUMMARY

2.2.3 GEOLOGY

The site falls within a geological area known as "Bingelly Shale" consisting of weathered shale over a silty clay base. Steep slopes have the potential to be unstable where steeper than 1:4.

The three main soil landscapes are Blacktown, Picton and Luddenham. They relate strongly to native vegetation characteristics and distribution.

Luddenham is an erosional soil type, typically on ridge tops, it is a loamy sand/clay moderately reactive.

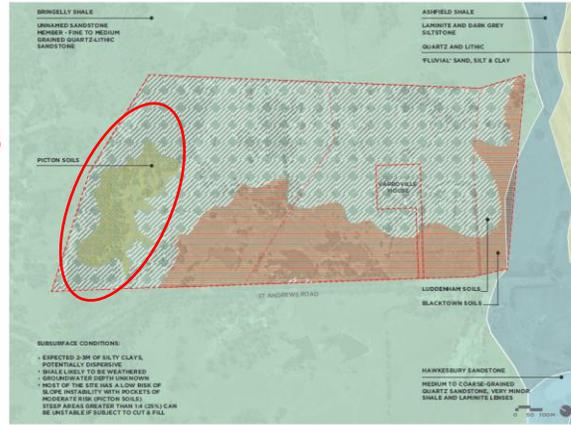
Blacktown is a residual soil type, typically on valley sides, it is a loamy topsoil to yellow clay, with low soil fertility and moderate to high water logging.

Picton occurs on steep slopes and is subject to movement (Refer Soil Stability Assessment Report by Douglas Partners - 2017).

A groundwater assessment was commissioned. The assessment failed to find any groundwater.

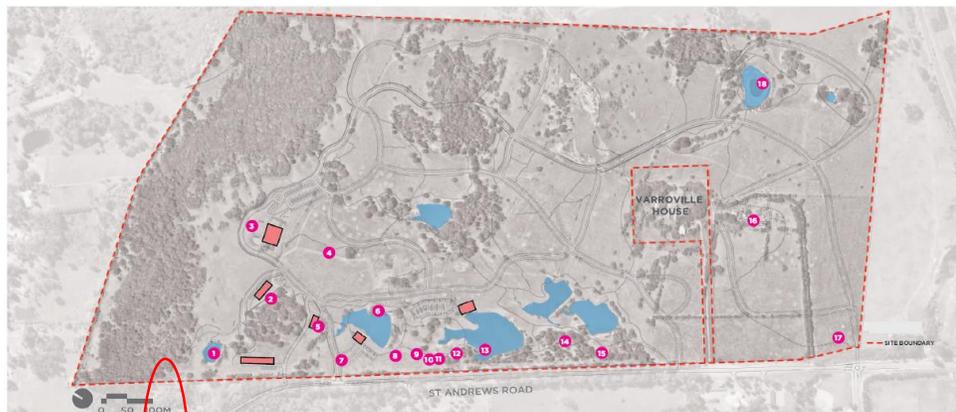
Refer geotechnical report for further details.

There is an expectation and some site evidence of colluvium formations at the base of the escarpment. Burials have been kept out of these suspected zones.



- Adjustment to Analysis map in Landscape Design Response report in relation to Picton soils

9. INDICATIVE MAXIMAL HEIGHTS



- Reduction on one sculpture height from 10m to 9m in Public Art Strategy report

Q 4: Please describe how the proposal addresses the Conservation Management Plan??

Florence Jaquet
Landscape architect
Cemetery specialist

8. RESPONDING TO
8.1 THE CONSERVATION MANAGEMENT PLAN (CMP)

Alignment with CMP and its policies:

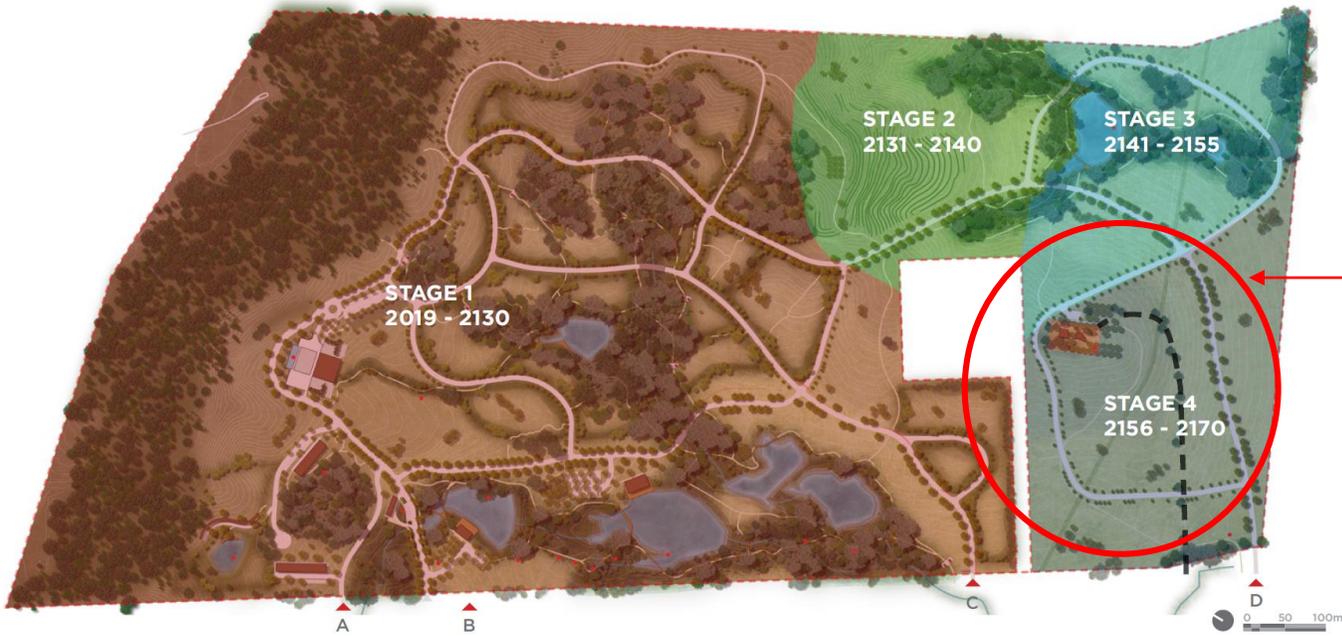
Policy	Description	Alignment
POLICY 8	The future conservation and management of the place should be carried out in accordance with the principles of the Burra Charter, which advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.	The concept proposes to retain the alignment of the original driveway, the original contoured trenches (vineyards), the existing dams. It interprets them with minimal disturbance.
POLICY 16	The Scenic Protection Zoning should be retained to maintain the scenic landscape values of the site and the setting of the homestead. The zoning and land uses of the subject property should retain the rural landscape setting, with any new development designed to minimise adverse visual impacts on the landscape setting of "Varroville"	The visual impact of the cemetery use has been minimised by providing lawn graves in all open views and screening headstones in "burial rooms" elsewhere. Views which have been deemed as historically significant have been retained and protected. The impact of the development onto views external to the site have been mitigated or demonstrated as insignificant.
POLICY 17	The original topography and open landscape character of the site must be retained and conserved and must be dominant feature of the site	All landscaped areas follow the original topography. The team has modified the road layout to achieve the least cut and fill. (refer grading plans) Vegetation (grass and trees) remain the dominant feature on site.
POLICY 18	Significant views to, from and within Varroville should be retained and conserved. This includes views between the house and Bunbury Curran Hill and long distance views between the house and other significant homesteads as identified in section 5.7. Identified distant views to other homesteads should be subject to further assessment.	View lines have been retained. "Burial rooms" which may interfere with these views have been removed and replaced with lawn graves. (refer 1:2500 site plan).
POLICY 19	The dense stand of African olive below the summit of Bunbury Curran Hill should be controlled to open up the main views to the east and south.	Removal of Olive is planned over time (refer Vegetation Management Plan) and will be replaced with CPW vegetation. Views are to be retained (Refer Bunbury Curran Hill Interpretation Plan - Interpretation Strategy)
POLICY 20	Development in the immediate vicinity of Varroville house and significant outbuildings should have regard to the heritage significance of the place and/or individual elements and should enhance the setting of the site.	A 10m non-burial zone has been applied all around the Varroville House property boundary. Graves are limited to lawn or low headstones within the vicinity of the house (50-100m). Views have been tested to ensure no headstone will be visible from Varroville homestead and its immediate surrounds. All graves around the Outbuildings are to be lawn graves to retain the pastoral quality of the site. New plantings are in keeping with the existing rural character.
POLICY 21	Development and the placement and selection of larger specimen trees should be carefully planned to avoid impacting or obscuring identified significant views and should not impact on the pastoral character or cultural landscape	No specimen trees have been placed in identified significant views. It should be noted, however, that Cumberland Plain Woodland will naturally establish in the riparian zones and will continue to have an impact on the views.
POLICY 22	There should be no further subdivision of the estate, to maintain the rural character.	None proposed.

Response:

A detailed response is available in the Landscape Design Response report page 80 to 86 (Revised 18.10.2018-DP&E RFI clarifications)

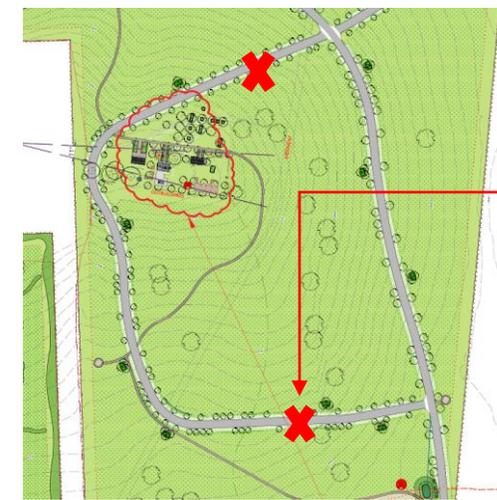
Q 7: The loop road in Stage 3 and 4 appears to provide the only access to the outbuildings precinct? When does the applicant plan to repair/restore the outbuildings and put them to re-use?

Florence Jaquet
Landscape architect
Cemetery specialist



Response:

- The proposal relies on part of Road #11 (loop road) to access both graves and outbuildings in Stage 3 and the rest of the loop road to access the graves in Stage 4.
- Multiple options were explored away from Varroville House but rejected due to visual and physical impact due to steep topography. Dead-end options were found unacceptable to RFS (Refer Original Masterplan).
- With the imposition of the removal of Road #11 as part of the condition of consent drafted by DPE, to respond to Heritage Council's concerns, long term access to both outbuildings and burial areas is unresolved.



Q 7: The loop road in Stage 3 and 4 appears to provide the only access to the outbuildings precinct? When does the applicant plan to repair/restore the outbuildings and put them to re-use?

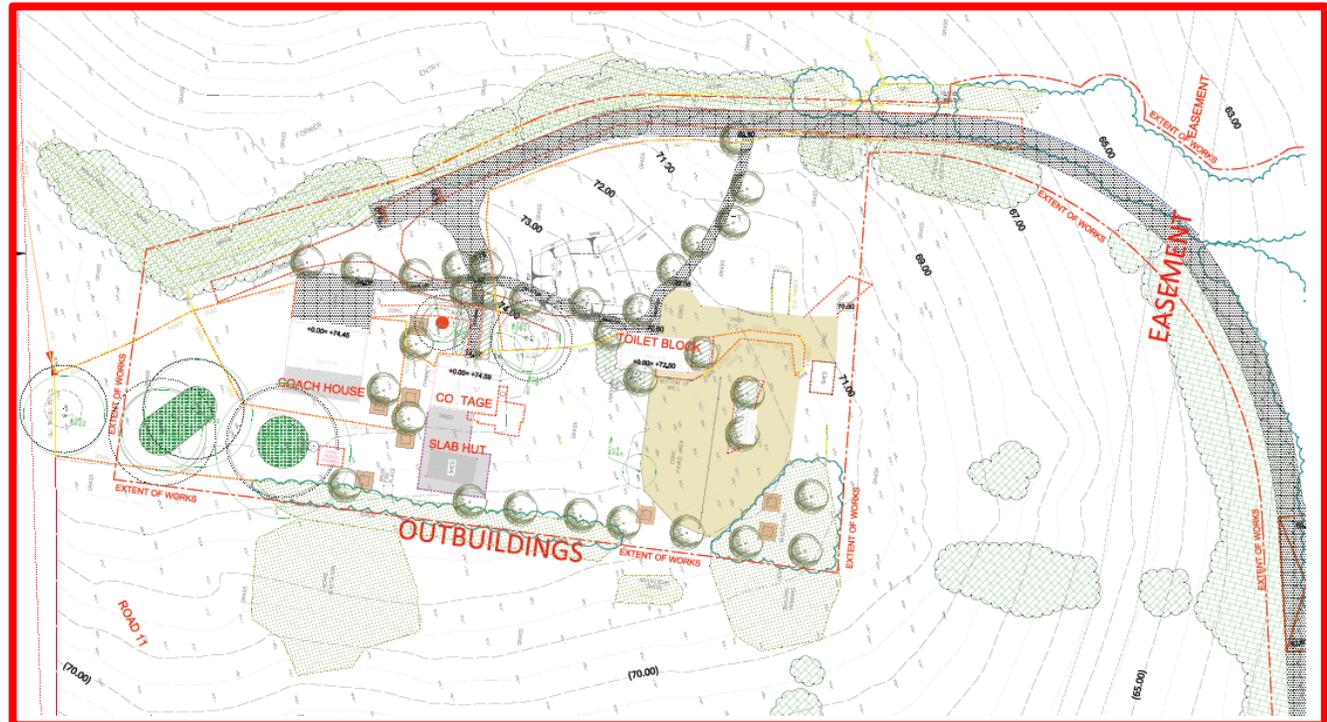
Florence Jaquet
Landscape architect
Cemetery specialist

Response:

The Outbuildings are proposed to be restored and put to re-use as part of Stage 1 (Refer DA's Stage plan).

A temporary access (for Stage 1) is proposed to be provided via the existing driveway which will be upgraded to comply with RFS requirements:

- Widened from a 2.5m driveway to a 4.5m driveway with passing bays.
- Existing vegetation (ie African Olives and Coral trees) to be removed on south side to allow for widening but retained on north side to provide a visual screen from Varroville House and shade for pedestrians.



Q9: How was the 10 metre setback decided?

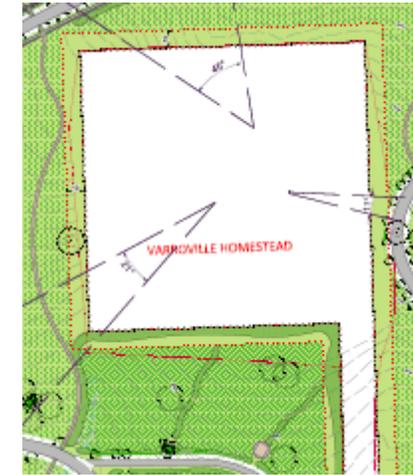
Response:

The buffer zone was self-imposed as Campbelltown City Council’s DEP does not specify, and by default is 0m.

The buffer zone width was determined by us by averaging the various requirements from neighbouring municipalities.

Please find below an extract of our research document.

Florence Jaquet
Landscape architect
Cemetery specialist



DCP	Objectives	Site Suitability	Design Controls	Operational Controls
<p>Liverpool Development Control Plan 2008 Section 9.13</p>	<p>Objectives</p> <p>a) To ensure that the operation of cemeteries, crematoria and funeral chapels does not have an adverse impact on adjoining land uses and the surrounding area.</p> <p>b) To restrict these uses to appropriate locations.</p> <p>c) To ensure uses locate on appropriate sites.</p> <p>d) To ensure that uses locate on roads with the capacity to accommodate probable traffic generation. and</p> <p>e) To provide for appropriate development controls relating to the ongoing operation of such uses.</p>	<p>1. Minimum site area of 15ha.</p> <p>Landscaped areas, setbacks, parking, driveways and turning areas, internal congregation areas, places of public worship, and areas where ground water is within 3m of the surface will not be counted toward the minimum 15ha site area.</p> <p>Note: This Minimum Lot Size requirement is to ensure financial and operational sustainability of the cemetery and to limit the proliferation of cemeteries and crematoriums on rural land.</p> <p>1. Cemeteries, Crematoriums and Funeral chapels shall not locate on a road which has a seal width of less than 6m.</p> <p>2. Burial plots must not be located in areas where the water table is within 3m of the ground surface. If the water table is between 3m and 5m of the ground surface, deep rooted planting will be required in affected areas.</p> <p>3. Cemeteries should not be located on flood prone land.</p>	<p>Setbacks</p> <p>1. Buildings and burial plots are to be sited at least 20m from a public street and at least 15m from any side or rear boundary.</p> <p>Landscaping and Fencing</p> <p>1. A berm is to be provided around the property and must be 1m high and 3m wide. Landscaping is to be provided over the top of the berm.</p> <p>2. A landscaped buffer zone at least 10 metres wide must be provided to the side and rear boundaries of the site. The buffer zone shall not be used for parking areas or the like.</p> <p>3. Any proposed cemetery must have an adequate water supply to ensure the ongoing maintenance of landscaping and to assist in the operation of the site.</p> <p>Car Parking and Access</p> <p>1. A traffic study is to be included with any development application for a cemetery, crematoria or funeral chapel. This study should determine whether or not a turning lane or slip lane is required to enter the site.</p>	<p>1. A Plan of Management must be submitted with a Development Application and must include details of the operation of the use.</p> <p>2. In the case of perpetual burials, the Plan of Management needs to outline how the perpetual care would occur.</p>

Q9: How was the 10 metre setback decided? (continued)

<p>Penrith Development Control Plan 2014</p>	<p>B. Objectives</p> <p>a) To ensure the operation of cemeteries, crematoria and funeral homes does not have a significant negative impact on the surrounding area, including properties used for agriculture;</p> <p>b) To ensure sufficient buffer zones are provided around the edge of sites to minimise impact on adjoining land uses; and</p> <p>c) To ensure that uses locate on roads with sufficient capacity to accommodate likely traffic generation.</p>	<p>1. Cemeteries and crematoria must locate on a site with a minimum area of 10 hectares.</p> <p>2. Cemeteries, crematoria and funeral homes may not locate immediately adjacent to properties used primarily for residential development only (including rural residential/rural living or seniors housing) unless a sufficient separation can be obtained between any buildings on the site and any adjacent dwellings. The extent of the separation needed will vary with the scale of the proposed development.</p> <p>3. Cemeteries, crematoria and funeral homes must locate on a road with sufficient capacity to accommodate likely traffic generation.</p>	<p>2) Sufficient separation should also be provided to minimise potential conflicts between cemeteries and crematoria and properties used for agriculture in rural areas.</p> <p>4) A landscaped buffer zone 15m wide must be provided to the side and rear boundaries of the site.</p> <p>6) A traffic impact assessment may be required for the development of a cemetery, crematorium or funeral home.</p> <p>7) Cemeteries and crematoria must comply with relevant legislation including the Public Health Act 1991 and Protection of the Environment Operations Act 1997 and supporting regulations.</p>
<p>The Hills DCP</p>			<p>No buffer required (0m)</p> <p>As evidenced in Castle Hill, Sackville and Kenthurst Cemetery proposals/Masterplans.</p>
<p>Auburn (Rookwood Necropolis Trust)</p>			<p>10m buffer zones as evidenced in the RNT’s Plan of Management.</p>
<p>Blacktown</p>			<p>No buffer required (0m)</p> <p>As evidenced in St Bartholomew’s Masterplans.</p>
<p>National Centre for Ground Water Management (UTS)</p>			<p>Suggested 10m in clay where down hydraulic gradient and 5m elsewhere (see below Note <u>1</u> and extract on next page)</p>

<https://www.bluemountains.org.au/pastcampaigns/DLEP2002/bmcssii.html>

1 Dent, Boyd B. The Hydrogeological Context Of Cemetery Operations and Planning In Australia. Unpublished PhD Thesis, University of Technology, 2002.

These recommendations are based on work being undertaken by Boyd Dent and Michael Knight at the National Centre for Groundwater Management (University of Technology, Sydney). During the 1996-1998 National Study of Cemetery Groundwaters, Dent and Knight compiled a paper entitled "*Cemeteries: A Special Kind of Land fill. The context of their Sustainable Management*". This paper was presented to the Groundwater Sustainable Solutions Conference in Melbourne in 1998 [International Association of Hydrogeologists]. It makes the following recommendation:

There are now sufficiently strong grounds for asserting that cemeteries must have buffer zones on all boundaries but particularly on topographical lows and lowermost portions of hydraulic gradients. These should be planted with substantial, deep-rooting, native trees that consume large volumes of groundwater, rather than lawns that are unlikely to do this and may also permit excessive infiltration. No interment should lie at the cemetery boundary. Buffer zones in sandy areas should be larger than those in clayey soils, but at present cannot be prescribed for size.

More recent work by Boyd B. Dent¹ gives more precise guidelines as to the width of buffer zones. This Study recommends that buffer zones be created around the whole of sites at default distances of:

- 20 m in sandy soil if the boundary is down hydraulic gradient or on a topographic low; otherwise 10 m. This distance should be greater (to 25 m) in sandy areas with high hydraulic gradients, say more than 0.05 (5 %).
- 10 m in clayey soils if the boundary is down hydraulic gradient or on a topographic low; otherwise 5 m.

Dent explains that there may be some instances where the default distance is inappropriate or too restrictive to the cemetery development: either too short, for example where a cemetery on steep aeolian deposits borders a wetland; or too great, for example where a clayey site adjoins a landfill; and that these should be resolved following an appropriate geoscientific evaluation.

Q 10: Show us the former carriage drive?

Florence Jaquet
Landscape architect
Cemetery specialist

Response:

As shown in the Interpretation Strategy report page 40.

5.5.3 ORIGINAL DRIVEWAY ANALYSIS

The original driveway from Campbelltown Road to the homestead is clearly visible in historical aerals and still partly discernible today on aerial views as a depression in the landscape.

The most southern portion of the driveway has been grown over by CPW and has now become the invert for one of the validated watercourses.

It is evident from early aerial photos that its alignment changed and was duplicated in places.

Further archaeological investigations are required to establish its exact alignment, the material used and the pattern of tree planting which may (or may not) have lined it.

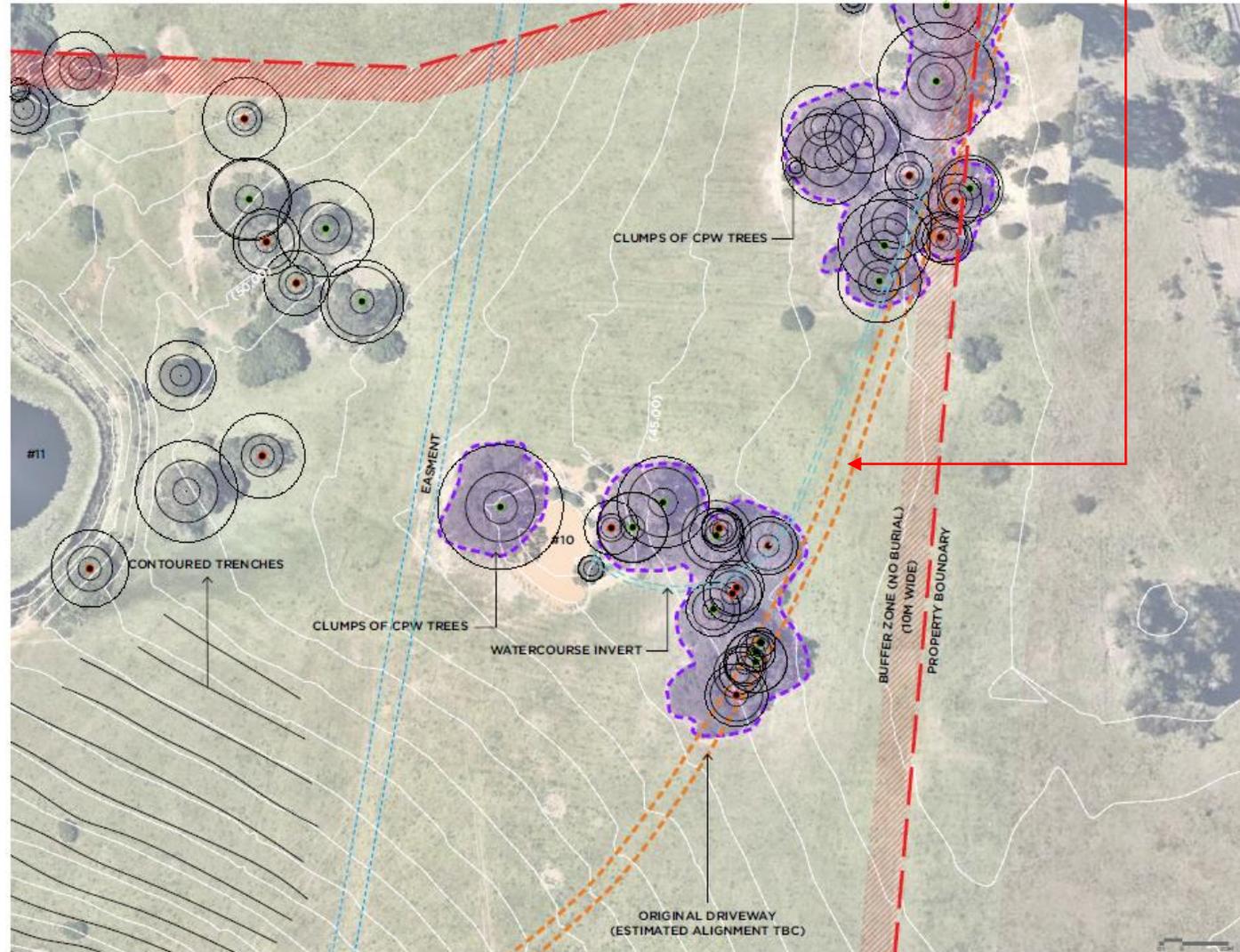


Figure 33. Site Analysis of Original Driveway



Figure 32. Extract of 1961 aerial

Q 10: Show us the former carriage drive?

Florence Jaquet
Landscape architect
Cemetery specialist

Response:

Refer Interpretation Strategy report page 41.

5.5.3 ORIGINAL DRIVEWAY PROPOSAL

It is proposed to:

- Interpret the original driveway whilst ensuring all proposals respect and reinforce its original alignment.
- Align Road 11 and beginning of Road 9 within original driveway.
- Distinctive exotic tree planting will further visually highlight this significant item in the landscape.
- Align proposed path within original driveway approx. 60m south of Road 1 and 9's intersection.
- A single row of the above mentioned tree planting will continue on the north side of the path to provide shade and further reinforce the alignment of the original driveway.
- Once the original driveway is overlaid with the riparian zone and visually compromised by clumps of CPW vegetation, interpretive signage and indigenous vegetation will be used to highlight its course.
- Memorialise all trees and paths edges (associated with ash internments) as part of the adaptive re-use of this significant features in the landscape.
- Conduct further archaeological investigations to inform the proposals. (Final alignment, materials, tree selection and spacings for example).



Q11: Part 1: Provide an explanation for the interpretation of the vineyards.

Response:

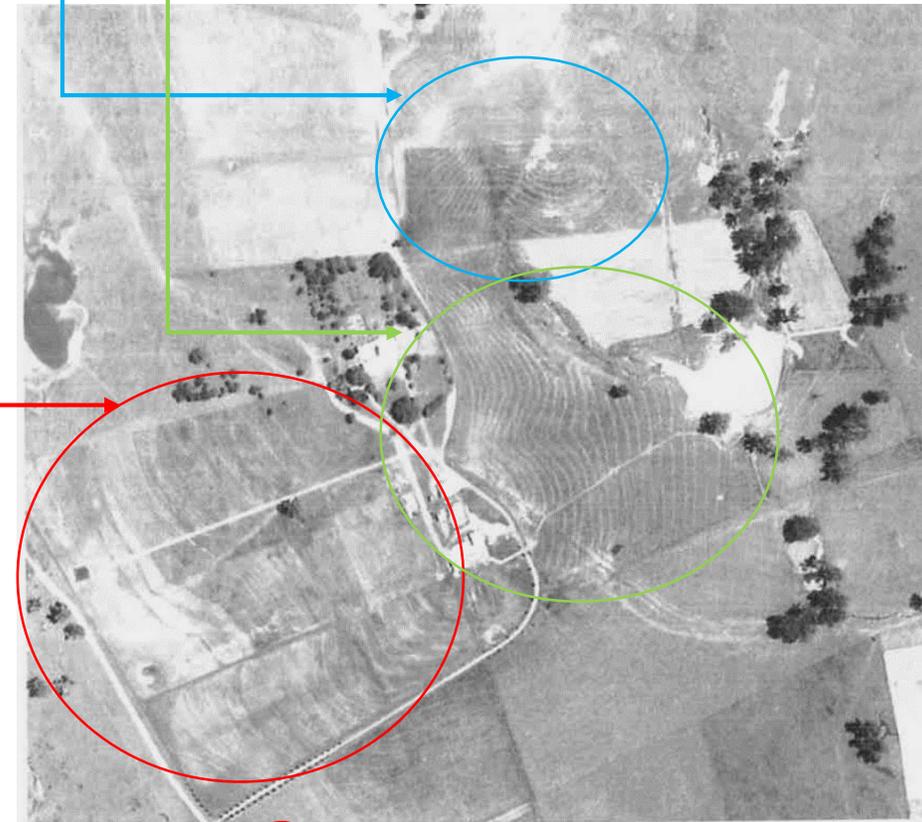
The proposal includes the removal and interpretation of a significant portion of the former vineyards, including :

- Re-establishing a vineyard on part of the existing trenches and providing Ash interment positions within as part of adaptive re-use.
- Retain part of the trenches as they are (with no work) to provide a sample of their current condition.(In response to OEH suggestions)
- Remove the lower portion of more degraded trenches, with new burial/interments following the original trenches, to interpret the extent of the former vineyards (subject to additional archaeological tests excavations)
- Testimonies from Peter Thompson (former owner/resident of the site) indicate that the fields south-west of Varroville have been heavily, deeply and consistently ploughed since 1955 and trenches are thought to have been destroyed (subject to additional archaeological tests excavations)

Please also refer to:

- Varroville estate: 166-176 St Andrews road, Varroville. Heritage Impact Statement (Urbis, 16 October 2017)- Policies 63 and 98 in particular.
- MMP Interpretation Strategy (FJLA, 2017), Chapter 5.5.2.

ITEMS	METHOD OF INTERPRETATION	SIMILAR EXAMPLES
Remnant viticultural contoured trenches	<ul style="list-style-type: none"> - Re-establishment of a vineyard on the existing trenches within the proposed curtilage. - New memorialisation (ash interments only) within. - Retention of some of the existing trenches as they currently are. - Less significant contours (outside of curtilage) to be removed. New grave alignment to be reflective of original vineyards alignment - informed by the archaeological test excavation 	



PICTURE 75 – DETAIL OF THE 1955 AERIAL SHOWING THE MAIN HOUSE, THE OUTBUILDINGS, REMNANTS OF THE ORIGINAL DRIVE, THE NEW DRIVE FROM ST ANDREWS ROAD (WITH NEW AVENUE OF TREE PLANTINGS) AND EXTENSIVE EVIDENCE OF CONTOUR TERRACING, EXTENDING TO ST ANDREWS ROAD, AND AROUND THE HILL NORTH OF THE MAIN HOUSE. THE NEWLY CONSTRUCTED DAIRY BUILDING IS ALSO SHOWN



Picture 2 - View west across the site towards the dams and St Andrews Road, and showing remnant terracing on the slopes of the hill. Varroville House is just outside the frame at left.

Source: CMCT Varroville Flyover

The extent of the historical contoured trenches as they are visible today from aerial photography is shown in pink below (Extracted from FJLA's CAD files)



Former trenches
(Shown as pink lines)

The extent of the proposed vineyards is shown below in blue
The extent of the proposed burials, where burials follow the former contour trenches is shown below in pink (Extracted from FJLA's CAD files)



Lawn burials in these area will follow the contours of the former trenching to assist with the interpretation of these former trenches.

Q11 (continued) : Part 2: Provide an explanation of the interpretation of the outbuildings.

Response:

5. PROPOSALS
5.5 HERITAGE SIGNIFICANT AREAS

5.5.4 OUTBUILDING PRECINCT PROPOSAL

It is proposed that:

- The Barn and Cottage be retained, restored and adapted for educational purposes (interpretation and teaching space).
- The Dairy Building will be converted into a toilet block as part of an adaptive re-use of the building (subject to safety audit). If deemed unsafe, the building will be demolished & replaced with a new, contemporary and architecturally designed toilet block within the existing footprint.
- The slab hut that will be retained, fenced off and managed as a relic.
- The sheds will be removed. The Shed's location will be interpreted with low planting or paving patterns.
- The lay of land is to remain unchanged and predominantly grassed.
- The outbuildings will remain visible from the west and south through filtered views through low tree planting. (as is currently the case).
- The spaces around the buildings will be developed as teaching or gathering/ceremonial places to respond to the adaptive re-use of the area as a cemetery out also as an educational precinct.
- Groves of small distinctive trees and platform seating will be provided, using a grid layout, reminiscent of the orchard and productive gardens which once existing on the property (location yet to be confirmed with archaeological investigations). Purposely, fruiting trees will not be used to avoid confusion in interpretation.
- The tree grid is extended eastwards where the design progressively transforms into a memorial garden.
- Remnant fencing will be re-used generally in its current alignment to define the outbuilding precinct and separate it from the burial sections.
- A path is provided from St Andrews Rd to facilitate access by the school/students.
- Localised grading will be used to minimise the visual impact of the proposed road when viewed from Varroville House.

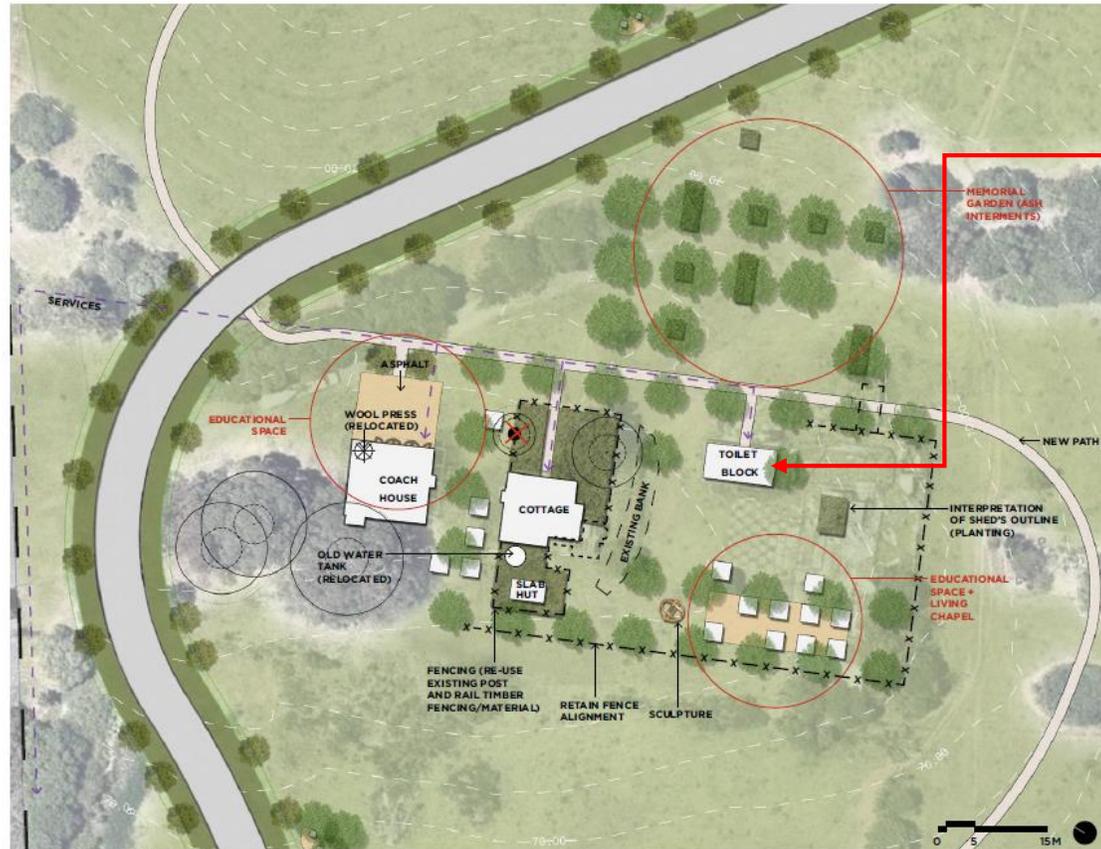


Figure 35. Detail Plan of Outbuilding Precinct

Response:

As shown in the Interpretation Strategy report page 42-44.

Toilet block to be accommodated within existing Dairy building

Q 12: How have we responded to public submissions?

Florence Jaquet
Landscape architect
Cemetery specialist

8. RESPONDING TO 8.5 PUBLIC CONSULTATION FEEDBACK

The Community Information and Feedback Sessions were held on Thursday 22nd and Saturday 24th June at the Campbelltown Catholic Club, 20-22 Camden Road, Campbelltown.

The following table is an extract of the table provided in the Urbis –“Macarthur Memorial Park Community Consultation Summary of Outcomes Report” which details the feedback received either verbally or in writing through the above process.

Our response below is limited to the items relating the Landscape Design.

It demonstrates our efforts to incorporate the feedback and comments wherever possible and where changes have been made as a direct response to the above process (bold and underlined).

Category	Details	Response/ Comments
Burial design	<ul style="list-style-type: none"> Comment against the use of horizontal lawn plaques. Comment in support for a crematorium on site 	<ul style="list-style-type: none"> Horizontal plaques installed on concealed beam are the least visually intrusive. 
Roads and Traffic	<ul style="list-style-type: none"> Concern that the masterplan does not indicate the proposed road network within the site. Concern regarding the proximity of roads to Varroville House. 	<ul style="list-style-type: none"> All roads are shown on the Masterplan. 3 options were explored for the road proposed to the east of Varroville house (refer civil engineer's report). <u>Adjustments have since been made to the proposed levels to minimise visual impact.</u> Further options were explored for the road proposed to the south of Varroville House. Due to Bushfire limitations on dead-end roads and visual impact of roads on the grassy slopes below the homestead from external views, the road has been made RFS compliant and positioned for least visual impact behind an existing ridge running between the current Outbuildings' driveway and Varroville House's driveway, based on the advice of Dr R. Lamb and Travers Bushfire P/L. <u>Adjustments have since been made to the move it away from the homestead boundary, within the limitations of existing CPW trees and historical items.</u>
Parking and access	<ul style="list-style-type: none"> Comment that the masterplan does not indicate parking areas. Comment that motor car access to the site is not indicated on the masterplan 	<ul style="list-style-type: none"> The Masterplan does indicate parking areas. <u>Access points have been made clear on the DA documents.</u>

Response:

- The pre-DA Public Consultation undertaken in **2017**, raised some queries and need for clarification. These were addressed on the day as part of the forum. A summary of comments and responses has been included in the latest revised DA package , page 90-91 of the Landscape Design Response report.
- Comments, raised as part of the DA's extensive 5-month exhibition period, have not yet been incorporated into the design and will be considered as part of the next phase of documentation. For a detailed response to all points raised, please refer to Urbis 's report "response to submissions".

Q 12: How have we responded to public submissions?

Florence Jaquet
Landscape architect
Cemetery specialist

8. RESPONDING TO PUBLIC CONSULTATION FEEDBACK

Category	Details	Response/ Comments
Landscape design	<ul style="list-style-type: none"> Support for the proposed gardens and incorporation of open space. Support for the landscape design which is considerate of the environment of the Scenic Hills region. Support for the lawn burials, waterways and landscaped recreational areas. Preference for native fauna in the planting design. Comments that the design is not in line with the rural setting of the area 	
Sculptures	<ul style="list-style-type: none"> Comment against the visual design of the sculptures. Suggestion for good seating and toilet facilities. Comment that the masterplan does not detail the location and design of proposed sculptures and monuments 	<ul style="list-style-type: none"> The sculptures have not been designed yet. They will be sited to complement the landscape and be in scale with their surroundings. Park-style seating and few shelters will be provided throughout. As the park is large and reliant on car access, toilet facilities will be limited to key areas and generally associated with buildings. <u>Sculptures' proposed locations and maximal sizes have been added to the DA documentation.</u>

Response:

- The pre-DA Public Consultation undertaken in **2017**, raised some queries and need for clarification. These were addressed on the day as part of the forum. A summary of comments and responses has been included in the latest revised DA package , page 90-91 of the Landscape Design Response report.
- Comments, raised as part of the DA's extensive 5-month exhibition period, have not yet been incorporated into the design and will be considered as part of the next phase of documentation. For a detailed response to all points raised, please refer to Urbis 's report "Response to submissions".

Q 20: Are graves proposed to be located on the hillside to the north of the proposed Chapel?

Florence Jaquet
Landscape architect
Cemetery specialist

Response:

- No. Some graves are proposed north of Road 1 in to the extent shown on the DA drawings L102. They are located on flatter stable ground, below the escarpment and away from the areas of potential instability.



BURIAL ZONES	
LEGEND:	
	NATURAL BURIALS
	LAWN WITH CONCEALED CONCRETE BEAMS
	LOW HEADSTONE (300mm) WITH CONCEALED CONCRETE BEAMS
	HIGH HEADSTONE (1200mm) WITH CONCEALED CONCRETE BEAMS
	TERRACED
	CRYPTS
	DAM

Colluvium line

Q 22: How has the landscape design responded to minimalising the visual impacts of the proposal?



Typical lawn burial – concealed beams

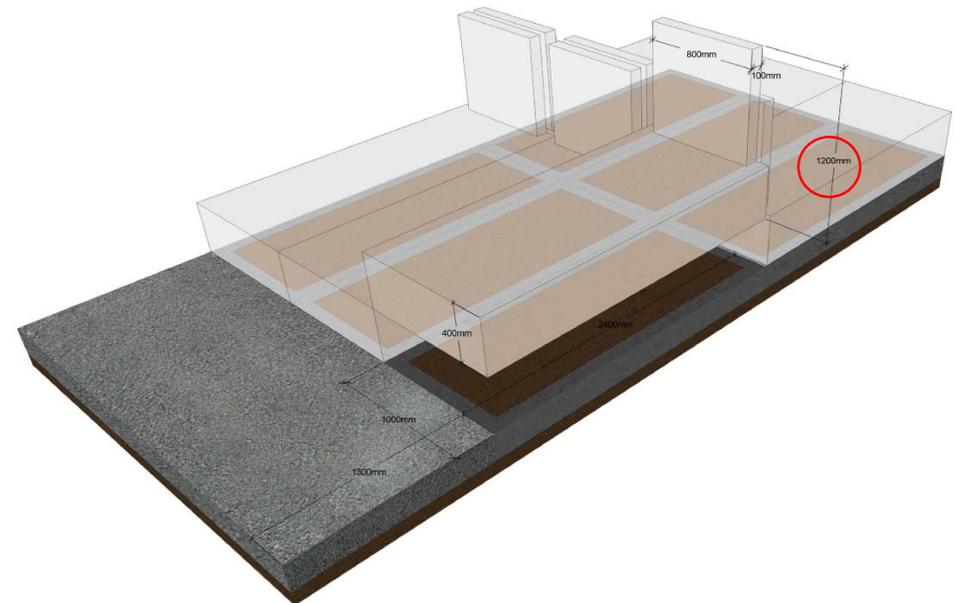


Artist impression

Florence Jaquet
Landscape architect
Cemetery specialist

Response:

- Buildings are kept to a minimum, six in total and represent less than 0.5% of the total surface area.
- As the Visual Impact of a cemetery generally relates to headstones, the design provides “low visual impact” plaque in lawn near roads and hides headstone into screened “burial rooms”.
- Headstones are limited in height (Maximum 1.2m high)(refer Management Plan and FJLA drawing L604)



Q 22: How has the landscape design responded to minimalising the visual impacts of the proposal?

Florence Jaquet
Landscape architect
Cemetery specialist



Sample of 3D modelling for the site

Response:

- The proposal was modelled in 3D to demonstrate to the client the claim that no headstone would be visible from St Andrews Rd, Varroville House and the Main roads within the site.
- This exercise was carried out as part of our internal Quality Assurance process but was not submitted as part of the DA package. It is provided here for information only, to demonstrate our process and rigour.

Comment during Public Hearing – 25/3/19:

The Proposal fails to acknowledge the significance of the Jackaman's era.

Florence Jaquet

Landscape architect

Cemetery specialist



Extract of Landscape site plan

Response:

- The landscape proposal responds to the CMP's assessment of significance which acknowledges the contribution of the Jackaman's family especially in relation to their renovation of Varroville Homestead. The CMP does not place any importance onto the driveway.
- The landscape proposals acknowledge the "Jackaman's" driveway with the planting of new random trees to visually retain its current alignment.

Comment during Public Hearing – 25/3/19:

Florence Jaquet
Landscape architect
Cemetery specialist

Hard surfaces amount to 50,000m2

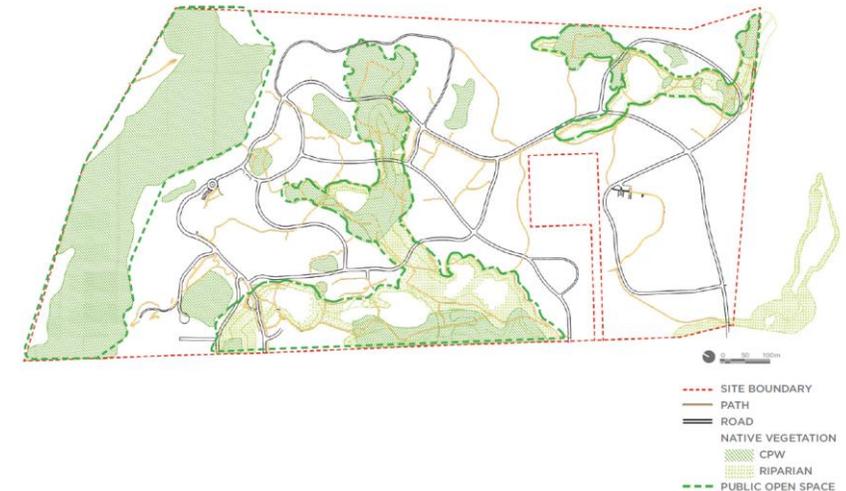
Response: 50,000m2 represents 4.4% of the total area, which is not significant

The Masterplan has changed so many times...
It shows it is unsuitable

Response: The same objector made a submission to the IPC in February 2019 in relation to the Heritage Curtilage, claiming that the Masterplan had not changed significantly to date which showed a disregard for the feedback received to date. We believe that, considering the size and complexity of the proposal, the limited number of changes in the landscape proposals demonstrate a thorough, sensitive and well-researched approach taken from the start. We believe that all changes made to the landscape proposals were a result of comments received demonstrating a willingness to listen and modify where modifications were warranted.

Inability to understand the extent of Public Open Space

Response: Refer page 92 of Landscape Design Response report



APPENDIX A: SCHEDULE OF CONDITIONS

	HERITAGE	ACTION	APPLICANT RESPONSE AND COMMENTS
1	Revised heritage interpretation strategy to be prepared	AGREED BUT AMEND REFERENCE "TO THE SATISFACTION OF THE COUNCIL"	Agreed but request amending "to the satisfaction of Council" to "in consultation with Council" or something similar.
2	Archival recording of the formal Varroville estate	AGREED	Agreed
3	Test excavations for archaeological relics	AGREED BUT WILL BE UNDERATKEN BEFORE WE COMMENCE STAGES 2 & 3. CMCT TO CLARIFY WHAT ARE STAGES 2 & 3	Agreed
4	NO BUILD AREA	AGREED, BUT NEEDS CLARIFICATION	Agreed - but needs clarification
5	DETAILED SIGNAGE PLANS AND PUBLIC ART STRATEGY	AGREED BUT AMENDED SUCH THAT WE ARE NOT REQUIRED TO OBTAIN COUNCIL APPROVAL	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
6	DELETION OF LOOP ROAD IN STAGES 3 & 4	AGREED, BUT CLARIFICATION OF WHAT ARE STAGES 3 & 4	Agreed
7	DELETION OF HARD CONCRETE EDGING TO ROADS	TO BE CHALLENGED AND AMENDED	This condition is challenged and it is requested it be removed or amended. The proposal relies on concrete roll-over kerbs for stormwater management. To minimise visual impact, the concrete kerbs can be appropriately coloured to blend in to the environment. An appropriate condition in this regard is considered acceptable.
8	CONSTRUCTION OF LOOP ROAD OFF ACCESS C TO BE CONSTRUCTED AT THE END OF STAGE 1	AGREED	Agreed
9	AVENUE PLANTING NOT PERMITTED	TO BE CHALLENGED AND AMENDED	This condition is challenged and it is requested it be removed or amended. The site layout and landscaping design has been heavily informed and guided by the site's heritage and scenic values and having regard for the LEP Conservation Management Plan for the site.
10	USE OF ACCESS C	TO BE CHALLENGED AND AMENDED	?? The DPE assessment report indicates the applicant has agreed to this
	TRAFFIC	ACTION	
11	PREPARATION OF A CONSTRUCTION TRAFFIC MANAGEMENT PLAN	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
12	APPROVAL OF CONSTRUCTION TRAFFIC MANAGEMENT PLAN	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
13	SUFFICIENT PARKING ON SITE	AGREED	Agreed
14	TRAFFIC VERIFICATION STUDY	AGREED	Agreed
15	ACCESS B IS ENTRY ONLY	TO BE CHALLENGED AND AMENDED	This condition is challenged and it is requested it be removed. Access B is the main entrance to the cemetery and has been modified to ensure adequate sight distances are achieved.
16	SIGHTING DISTANCES	AGREED AND WILL BE VERIFIED BY SME	Agreed
	NOISE	ACTION	
17	NOISE MITIGATION	AGREED	Agreed

18	CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
19	CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
20	CONSULTATION WITH RETREAT CENTRE	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
21	REVIEW OF ROAD TRAFFIC NOISE	AGREED	Agreed
22	ADDITIONAL NOISE MITIGATION MEASURES	AGREED	Agreed
23	UPDATED ACOUSTIC ASSESSEMNT	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
	<u>CONTAMINATION</u>	<u>ACTION</u>	
24	SITE AUDITOR	AGREED	Agreed
25	REMEDICATION OF CONTAMINATION	AGREED	Agreed
26	SITE AUDIT REPORT	AGREED BUT SUBMISSION OF SITE AUDIT STATEMENT AND REPORT TO BE BEFIORE OCCUPATION CERTIFICATE.	Agreed
	<u>BIODIVERSITY</u>	<u>ACTION</u>	
27	RETENTION OF CPW TRESS IN NATURAL BURIAL AREAS	WHAT REVISION DOES THE VMP REQUIRE AND REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
28	IMPLEMENT VEGETATION MANAGEMENT PLAN	AGREED	Agreed
29	REVIEW VMP EVERY 5 YEARS	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
30	VMP FOR EACH STAGE	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
31	REVEGETATION AND BUSH RE GENERATION PLANS FOR EACH STAGE	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed
32	FENCING AND KOALA MOVEMENT	AGREED	Agreed
33	TREE PRESERVATION ZONES IMPLEMENTED DURING CONSTRUCTION	AGREED	Agreed
34	TREE MANAGEMENT AUDIT EVERY 5 YEARS	AGREED	Agreed
	<u>STORMWATER</u>	<u>ACTION</u>	
35	DESIGN OF STORMWATER SYSTEM	TO BE CHALLENGED AND AMENDED	This condition is challenged and it is requested it be removed or amended. It is requested that "to the satisfaction of Council" be changed to "in consultation with Council" or something similar. Concrete roll-over kerbing is proposed as an essential part of the infrastructure design (particularly for stormwater runoff, harvesting and management). Concrete kerbing can be coloured to minimise visual impact and blend in to the environment. An appropriate condition in this regard is acceptable.
36	INSTALLATION OF APPROVED STORMWATER SYSTEM	TO BE CHALLENGED AND AMENDED	Agreed, in context of 35 above

37	SITE SPECIFIC INSPECTION AND MAINTENANCE SCHEDULES	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "to the satisfaction of Council" to "in consultation with Council" or something similar.
38	OPERATION OF STORMWATER SYSTEM	AGREED	Agreed
	<u>FLOOD MANAGEMENT</u>	<u>ACTION</u>	
39	FLOOR LEVELS OF BUILDINGS	AGREED	Agreed
	<u>RIPARIAN MANAGEMENT</u>	<u>ACTION</u>	
40	IMPLEMENT RECOMMENDATIONS OF WATERCOURSE ASSESSMENT	AGREED	Agreed
41	CONSISTENCY WITH THE WATER MANAGEMENT ACT	AGREED	Agreed
	<u>WATER BODY SAFETY</u>	<u>ACTION</u>	
42	COMPLIANCE WITH ROYAL LIFE SAVING ASSOCIATION GUIDELINES FOR THE DAMS	AGREED	Agreed
	<u>BUSHFIRE MANAGEMENT</u>	<u>ACTION</u>	
43	COMPLIANCE WITH TRAVERS REPRT REGARDING THE APZ	AMEND AND REPLACE THE WORD "COMMENCEMENT" WITH "COMPLETION.	Agreed
44	WATER GAS ELECTRICITY SERVICES TO COMPLY WITH "PLANNING FOR BUSHFIRE" LEGISLATION	AGREED	Agreed
45	INTERNAL ROADS TO COMPLY WITH TRAVERS REPORT	AGREED	Agreed
46	BUSHFIRE EMERGENCY MANAGEMENT AND EVACUATION PLAN	AGREED	Agreed
47	CONSTRUCTION OF ADMIN BUILDING AND PLANT & MAINTENANCE BUILDING TO MEET BUSHFIRE STANDARDS	AGREED	Agreed
48	CONSTRUCTION OF ADMIN BUILDING AND PLANT & MAINTENANCE BUILDING TO MEET BUSHFIRE STANDARDS	AGREED	Agreed
	<u>PUBLIC OPEN SPACE</u>	<u>ACTION</u>	
49	36 HECTARES TO BE PUBLIC OPEN SPACE	AGREED AND WRITTEN STATEMENT TO BE PROVIDED	Agreed
	<u>CONSTRUCTION</u>	<u>ACTION</u>	
50	PREPARE A CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
51	DETAILS OF CEMP	AGREED	Agreed
52	CEMP TO BE APPROVED BEFORE CONSTRUCTION STARTS	AGREED BUT REMOVE COUNCIL AS AN APPROVAL AUTHORITY	Agreed but request amending "approved by Council" to "in consultation with Council" or something similar.
	<u>OTHER APPROVALS</u>	<u>ACTION</u>	
53	SYDNEY WATER TAP IN	AGREED	Agreed
54	ALL LICENCES PERMITS AND APPROVALS AS REQUIRED BY LAW	AGREED	Agreed

RESPONSE TO SUBMISSIONS

MACARTHUR MEMORIAL PARK

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
Senior Consultant	Cameron Nixon, Kate Ryan
Job Code	SA7399
Version	Final

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1. INTRODUCTION

1.1. OVERVIEW

This Response to Submissions Report has been prepared on behalf of the Catholic Metropolitan Cemeteries Trust (**CMCT**), the proponent for the Development Application referred to as 3293/2017/DA-C for the Macarthur Memorial Park. The application was lodged with Campbelltown City Council (**CCC**) on 17 October 2017 and seeks approval for the construction and use of a new cemetery and parklands at 166-176 St Andrew Road Varroville.

The application was placed on public exhibition on 07 November 2017 and following its conclusion, CCC issued correspondence dated 29 May requesting that the applicant respond to a series of additional information requests. On 04 June 2018 the NSW Minister for Planning delegated the matter to the Independent Planning Commission (**IPC**). Following an initial review of the application the IPC requested that the NSW Department of Planning and Environment (**DPE**) undertake the formal assessment of the application. The DPE has subsequently requested the proponent to respond to the matters raised by CCC in its correspondence dated 29 May 2018.

This report provides a comprehensive response to each of the issues raised both by DPE as well as the submissions received during the public exhibition, with the provision of additional justification and technical information where relevant. All plans and attachments listed as Appendixes of this document were submitted separately to the DPE in a corresponding numbered format as laid out on Table 1 below on 18 September 2018.

Amendments to the proposal to respond to key issues and amended mitigation measures have also been provided and are documented in this report

1.2. STRUCTURE OF THIS REPORT

This Response to Submissions Report is structured as follows:

- Section 2 – Campbelltown City Council: Provides a response to key issues raised following the assessment undertaken by CCC, as outlined in the correspondence dated 18 December 2015.
- Section 3 - Agency Submissions: Provides a summary of the issues raised in the agency submissions and a response to each of these, including provision of additional or amended technical information as appropriate.
- Section 4 – Public Submissions: provides a response to the items raised by the public during the public notification of the application.
- Section 5 - Conclusion.

1.3. PURPOSE OF THIS REPORT

This report has been prepared to provide a consolidated response to all information requests and public submissions received regarding the Development Application for the Macarthur Memorial Park.

In the interest of clarity, we note that significant portions of this document have been submitted to the DPE to allow for the assessment of the application to progress whilst additional technical studies were finalised.

1.4. REFERENCE DRAWING AND SUPPORTING DOCUMENTATION

This Response to Submissions is supported by the following technical studies listed in the appendices of this report and as submitted separately to the DPE on the 18th of September as discussed above. This information is intended to supersede and/or supplement those originally lodged in October 2017. All other consultant reports remain unchanged from the original Statement of Environmental Effects.

Table 1 – Additional Consultant Documentation

Requirement	Prepared By	Reference
Amended Landscape Plans	FJLA	A
Amended Civil Engineering Plans	Warren Smith and Partners	B
Landscape Design Report	FJLA	C
Interpretation Strategy Report	FJLA	D
Public Art Plan	FJLA	E
Landslip Report	JK Geotechnics	F
Dam Stability Assessment	JK Geotechnics	G
Remediation Action Plan	Environmental Investigation Services	H
Traffic Impact Assessment	The Transport Planning Partnership	I
Acoustic Assessment	Acoustic Studios	J
Bushfire Report	Travers Ecology	K
Flora and Fauna Report	Travers Ecology	L
Tree Report	Travers Ecology	M
Vegetation Management Plan	Travers Ecology	N
Watercourse Assessment	Travers Ecology	O
Finishes Schedule	FJMT	P

2. CAMPBELLTOWN CITY COUNCIL

2.1. HERITAGE

Table 2 – Response to Heritage Items raised by CCC

Information Request	Proponent Response
<p>1. Insufficient details of proposed landscape furniture have been provided to properly assess the impact of the proposal on heritage values of the site and adjoining Varroville State Heritage Item;</p>	<p>Proposed landscape furniture (seating, drinking fountains and water stations) within the park is described in the Landscape Design Response report (LDR) on pages 72-74 and 77-79.</p> <p>These elements are small and unlikely to impact on the heritage value of the site. The furniture within the Outbuilding precinct consist of monolithic square concrete blocks (2 x 2m), recessive in the landscape and randomly positioned (shown as white rectangles on the enlargement/plan on page 44 of the Interpretation Strategy report). They may be adorned with decorative patterns on the concrete faces to contribute to the site's Heritage Interpretation.</p>
<p>2. The proposed access road (Road No. 11), toilet block and car park area should all be relocated as currently these structures are located within the 'No build' area designated to reduce the impact to the Sate Heritage Register Listed Item – Varroville Homestead. This area is highly significant as part of the wider landscape of the homestead and any new structures, and specifically a car park in this area, will affect that relationship and significance;</p>	<p>The "no build area" is detailed for the site under Clause 7.7 (3) of the CLEP2015 states that the eastern portion of the development is <i>not capable of accommodating development other than a lawn cemetery and associated fencing.</i></p> <p>For the purpose of the CLEP2015 lawn cemetery is defined as:</p> <p><i>a cemetery in which monuments and grave markers memorialising the interment of deceased persons do not extend above natural ground level.</i></p> <p>Cemetery is defined by the CLEP2015 as</p> <p><i>a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.</i></p> <p>The proposed structures within the area does not alter the place as a whole being used for the interment of deceased persons.</p> <p>The road, carpark and toilets are proposed to allow for access by the public to the restored out buildings to ensure that this heritage can be retained and celebrated.</p>
<p>3. The proposed road width and verges are excessive and intrusive within wider Varroville landscape;</p>	<p>The proposed road widths and verges have been proposed to allow for emergency vehicle access throughout the site and has been designed following significant discussion with the Rural Fire Service. Further narrowing of the road is not feasible whilst considering the access needs of the site. It is considered that the reduction in road width and verges would preclude the efficient and safe operation of the site.</p>

Information Request	Proponent Response
	<p>We further note that the road network has been proposed to minimise cut and fill associated with the road network to allow for the preservation of the existing landscape.</p>
<p>4. The proposed Access C is too close to the existing driveway for Varroville Homestead and should be relocated further away;</p>	<p>Access Point C could not feasibly be moved to the west of the site without impacting on the riparian aspects of the site. The relocation of the road to the east would result in the access point impacting on Access Point D.</p> <p>The location of Access Point C is in accordance with the masterplan identified by the Conservation Management Plan which is endorsed for the site under Clause 7.8A of the CLEP2015.</p>
<p>5. The loop road (road No. 10) connected to Road No. 3 from proposed Access C should be redesigned as a pedestrian walkway to reduce the amount of hardstand close to Varroville homestead;</p>	<p>The location of road number 10 is in accordance with the masterplan identified by the Conservation Management Plan which is endorsed for the site under Clause 7.8A of the CLEP2015.</p> <p>The redesign as a pedestrian walkway is inconsistent with the road network of the Macarthur Memorial Park as a whole.</p>
<p>6. To minimise the impact of the proposal on the heritage significance of Varroville House and its curtilage, you are requested to consider amending the DA to include a greater 'buffer' zone surrounding Varroville House where no gravesites, walking paths, roads, car parks, picnic areas or any other works, structure or activities would be permitted other than perhaps landscaping complementary to the landscaping surrounding Varroville House;</p>	<p>The 10m setback to Varroville House has been proposed following consideration of the burial typology. As lawn burial is proposed to the north, east and west of Varroville House the overall impact on the heritage of the site is considered to be minor which would not be impacted on by additional setbacks. The low headstones proposed to the south of Varroville House benefits from landscaping the visual impact of which is again considered minor which would not benefit from an additional setback.</p>
<p>7. Additional information is required demonstrating how the proposed development is consistent with Clause 7.7(3) of CLEP 2015 as the proposal includes car parking structures, toilet facilities, sculptures between 2-5m high, shelters, bird hides, water stations and a soil depot within the "No Build" area designated by the LEP;</p>	<p>Clause 7.7 (3) of the CLEP2015 states that the eastern portion of the development is <i>not capable of accommodating development other than a lawn cemetery and associated fencing.</i></p> <p>For the purpose of the CLEP2015 lawn cemetery is defined as:</p> <p><i>a cemetery in which monuments and grave markers memorialising the interment of deceased persons do not extend above natural ground level.</i></p> <p>Cemetery is defined by the CLEP2015 as</p> <p><i>a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.</i></p> <p>In accordance with the land use definition prescribed by the CLEP the primary use of the place will be for the internment of deceased persons. In accordance with this clause all monuments and grave markers memorialising the interment of deceased persons in the eastern portion of the site is restricted to flush</p>

Information Request	Proponent Response
	<p>lawn plaques which will not extend above the natural ground level</p> <p>We note that no sculptures are proposed within the no build area. The remaining facilities do not detract from the place being used for the internment of deceased persons and are directly associated with this use by allowing mourners to use the site.</p>
<p>8. A preliminary structural impact assessment on Varroville House and associated structures must be submitted addressing all proposed works in proximity to this State Heritage Item;</p>	<p>The physical development that comprises Varroville House is located approximately 70m from the proposed development site with no significant works located within 100m of Varroville House. The request for a preliminary structural assessment is considered to be an unnecessary requirement for the purpose of a Development Application.</p>
<p>9. Further details must be provided in respect of the intended future use of the restored heritage buildings (i.e. the Outbuildings Precinct) noting that the HIS indicates use for "educational purposes" although CLEP 2015 only permits use of this part of the land for lawn cemetery and fencing;</p>	<p>The outbuildings are proposed to be restored in accordance with the architectural plans submitted as part of the Development Application and used for interpretive purposes by allowing the public to access the facilities. This is no intention for the site to operate as an educational establishment.</p>
<p>10. Additional Visual Impact Assessment is required specifically addressing the views to and from Varroville Homestead at 196 St Andrews Road and how they will be impacted by the proposed development. In particular, the additional assessment should consider views between the Homestead and other areas of heritage significance within the Site (such as the western dams, vineyard and other trenching areas and former driveway) as well as between the Homestead and other vantage points such as Sunbury Curran and the views/vistas as identified by the Conservation Management Plan.</p> <p>The Visual Impact Assessment should include all proposed structures (e.g. cafe, function centre, headstones, roads, water stations, shelters, sculptures, etc) to ascertain whether views will be obscured by these structures.</p> <p>In addition, assessment of impacts of the proposed landscaping across the Site is required to ascertain the impact on views as well as the overall setting of the Homestead and associated heritage features of the site when viewed from within and from outside of the Site.</p>	<p>The CMCT has made multiple requests to the owner of Varroville House to allow photomontages to be prepared when viewed from Varroville House. These requests have been denied by the sites owner.</p> <p>The existing Visual Impact Assessment has considered the effect of the proposed built structures and the proposed landscape on the site, on views to Varroville House.</p>

2.2. TRAFFIC

Table 3 – Response to Traffic Items raised by CCC

Information Request	Proponent Response
<p>1. Peak Visitation Periods and Cumulative Impacts</p> <p>The Transport Impact Assessment (TIA) does not consider potential traffic generation during special holidays and All Saints Day. Nor does it consider the cumulative traffic impacts on the road network from visitors as well as the potential traffic generation from funerals, especially when the burial plot capacity increases over the various stages of construction. An amended TIA that considers these peaks and cumulative impacts is required prior to determination of the DA.</p>	<p>Additional traffic modelling has been undertaken by TTPP to address Council’s comments (Appendix I). The study assumes a trip increase of 20% in the site’s traffic generation for the weekday holidays and a 25% increase for the weekend peak for special public holidays (such as Mother’s Day, Father’s Day and All Souls Day).</p> <p>The supplementary traffic modelling models for a future case scenario taking into account visitor trip generation as well as funeral trip generation when burial capacity has increased with time. The study models the cumulative traffic impacts at the year 2038.</p>
<p>2. Intersection Analyses</p> <p>The TIA only models the impact of the proposal on one intersection and this is insufficient to assess the impacts of the proposed development. A revised TIA must be submitted which assesses the following intersections:</p> <ul style="list-style-type: none"> • St Andrews Road / Campbelltown Road (NB: the RMS has indicated that there are no current plans to extend St Andrews Road to Camden Valley Way); • Spitfire Drive / Thunderbolt Drive; • Spitfire Drive/ Raby Road; and Raby Road / Thunderbolt Drive. <p>In addition, further information regarding the forecast split of traffic using the four proposed Site Access points must be submitted and if necessary, all access points should be modelled.</p> <p>All intersections shall be modelled in SIDRA with all assumptions included in the revised TIA report. Modelling is to be based on at least a 20-year design horizon with respect to background growth. Background growth estimates shall be obtained in discussion with Council as Council has a traffic model and recent traffic data which may be of assistance.</p> <p>A digital copy of all SIDRA modelling files must be provided for further investigation by Council.</p>	<p>The supplementary traffic modelling report at Appendix I provides an assessment of the traffic impacts of the proposal on the additional requested intersections.</p> <p>The supplementary modelling provides the forecasted split of trips for the four proposed vehicle access points.</p> <p>SIDRA modelling has been undertaken for the following scenarios:</p> <ul style="list-style-type: none"> • Existing Conditions • Post Development (incl. traffic generation on special holidays) • Year 2038 (without Development) • Year 2038 Post Development (incl. traffic generation on special holidays). <p>The modelling results indicate that the proposed development would have a minor impact to the study intersections with performance levels generally consistent. Overall it is considered that any capacity constraints would not be the result of the Macarthur Memorial Park.</p>
<p>3. Sight Distances</p> <p>The TIA indicates that all new Site access driveways will not comply with the Austroads required Sight Distances and will require relocation of the boundary treatments and trimming/ removal of the roadside vegetation. However, no details in this regard have been submitted as part of the DA.</p>	<p>Drawing C8.01 of the amended Civil Engineering plans attached as Appendix B provides information on relevant sightlines from Access A including extent of vegetation trimming/removal. As it is a proposed maintenance access, utilisation will be low. The Safe Intersection Sight Distance is achieved on the southbound approach. The majority of movements at this intersection are envisaged to be right turn movements entering the cemetery and</p>

Information Request	Proponent Response
<p>Further details regarding the extent of vegetation and boundary treatment amendments is required prior to determination of the DA and this may necessitate amended architectural, landscape and civil engineering plans.</p>	<p>left turn movements exiting the cemetery as it is anticipated all maintenance vehicles will be coming from the Hume Motorway/Campbelltown direction.</p> <p>Drawing C8.01 of the amended Civil Engineering plans attached as Appendix B provides information on relevant sightlines from Access C including extent of vegetation trimming/removal. This access may be limited to left in/left out movements as it is the first intersection people will encounter coming from the residential area and therefore motorists may use it in preference to the main Access B.</p>
<p>2.4 Road Widening</p> <p>Insufficient details have been provided with regard to the proposed design for Access B including details of impact on trees, drainage and whether any localised road widening is required.</p>	<p>The supplementary Civil Engineering Plans prepared by Warren Smith and Partners and attached as Appendix B detail the localised road widening at Access Road B. The plans also detail the required vegetation trimming and removal. Drainage will be unaffected in this location, as confirmed in the supplementary plans at Appendix B.</p>

2.3. STORMWATER

Table 4 –Response to Stormwater Items raised by CCC

Information Request	Proponent Response
<p>1. Chapel Location</p> <p>The proposed Chapel straddles an existing overland flow path. Site inspection of the small headwater catchment located in the adjoining Council land showed evidence of significant Hewlettian (saturation excess) flow, as well as interflow, contributing to overland flow. The soil layer hydraulic conductivities provided in the Soil Landscapes of the Wollongong Port Hacking 1: 100,000 sheet would be expected to result in significant Hewlettian flow in the right circumstances.</p> <p>In this regard the hydrologic model used to generate overland flow only accounts for Hortonian (infiltration excess) flow. Hewlettian flow can be dominant in small headwater catchments such as the subcatchments draining to the road above the Chapel.</p> <p>This possibility and how overland flow can be diverted away from the Chapel must be addressed in an amended Flood Assessment.</p>	<p>Whilst it is acknowledged that Hewlettian flow may be occurring at the site, by definition, should a flood event occur, this method of flow generation will be minor relative to overland flow. As such, the design put in place by Warren Smith & Partners, will function to divert the flow such that it is controlled and drained in an orderly fashion. Hence, regardless of its origin (whether Hewlettian or Hortonian), flow will not reach the chapel.</p> <p>The design consists of a swale and kerb and gutter system on Road 1 north (and upstream) of the Chapel. This is shown the amended civil engineering plans (Drawing C7.01- Stormwater Layout Plan) attached as Appendix B of this report.</p>
<p>2. Technical Information Required</p> <p>The following technical information is required:</p> <p>1.The TUFLOW model developed for the proposal must be submitted to Council. The model should show results of the full range of rainfall events considered for the study, the minimum duration of rainfall event should be 15minutes. The Max files</p>	<p>The TUFLOW model and MUSIC model have been submitted electronically in conjunction with this report.</p> <p>The respective models demonstrate compliance with the requirements of the Campbelltown Development Control Plan.</p>

Information Request	Proponent Response
<p>must be sent with the model results. The results layers should be readable in MapInfo.</p> <p>2.The MUSIC model is required to be submitted for review.</p>	

2.4. VEGETATION REMOVAL/LAND SLIP RISK

Table 5 – Response to Vegetation Removal/Land Slip Risk items raised by CCC

Information Request	Proponent Response
<p>1. Insufficient information has been submitted to properly assess the risk of land slip in areas of moderate and high stability risk, particularly in regard to the extensive revegetation works proposed, which are not referred to in the Stability Assessment. An amended Stability Assessment and an amended Vegetation Management Plan are required providing detailed recommendations in regard to vegetation removal and replanting areas, practices and timeframes and drainage control.</p> <p>Furthermore, additional information is required to assess the stability of the existing dams and if necessary, detailed recommendations for suitable stability measures must be prepared.</p>	<p>An additional land slip assessment has been prepared for the application by JK Geotechnics and is attached as Appendix F of the report with an amended Vegetation Management Plan provided as Appendix N of this report.</p> <p>A Geotechnical Assessment has been undertaken by JK Geotechnics and is attached as Appendix G of this report. The assessment has confirmed that without immediate improvement it is likely that a breach could occur at any moment.</p> <p>The proposed development will seek to undertake the appropriate works to facilitate the improvement of the embankments in a matter which will ensure the long term safety of the environment.</p>

2.5. LANDSCAPE DESIGN RESPONSE

Table 6 – Response to Landscape Design Reponse item raised by CCC

Information Request	Proponent Response
<p>1. The Landscape Design Response (LDR) does not include the presence of Picton Soil Landscape at the north western vegetated part of the site which has limitations of steep slopes, mass movement (slump) hazard, water erosion hazard, localised shallow soils, localised surface movement potential; some impermeable and highly plastic subsoils. There are localised soil erosion tunnels and rills on the ephemeral drainage lines on the site which needs to be carefully managed in the VMP and remediated on the site.</p>	<p>An area of Picton Soils has been added on our map (page 10 of the LDR report) to the extent shown in the Soil Stability Assessment report by Douglas and Partners where the subject is addressed in details. The proponent is are aware of the stability issues and had already made reference to it in the LDR, both the text on the plan and in the left column (page 10 of LDR report).</p>

2.6. ACOUSTIC

Table 7 – Response to Acoustic Items raised by CCC

Information Request	Proponent Response
<p>The Acoustic Assessment only addresses Stage 1 of the proposal and this is insufficient to enable approval to be granted to subsequent stages. Furthermore, the Stage 1 shown in the Acoustic Report does not correlate to Stage 1 shown on other</p>	<p>The Acoustic Report submitted as part of the application has been amended to consider the holistic impact of the proposed development in</p>

Information Request	Proponent Response
<p>documentation submitted with the DA. An updated acoustic report is required should approval be sought for development outside the "Stage 1" area identified in the Acoustic Report.</p> <p>The Acoustic Assessment recommends that noise mitigation measures are required to mitigate adverse external road noise impacts although no detailed recommendations are included, and no other documentation submitted with the DA provides information in regard to how the design has been amended to include such mitigation and contrary to the SEE suggestion, Conditions of Consent cannot be imposed to address this matter.</p> <p>The Acoustic Assessment does not include any assessment of potential noise impacts associated with site activities such as grave digging, lawn mowing, hedge trimming, etc which are likely to cause significant disturbance to surrounding properties, particularly the residence at Varroville House.</p> <p>An amended Acoustic Assessment must be submitted addressing the above matters prior to determination of the DA and where necessary amended plans may also be required. Where any proposed mitigation measures involve removal or addition of vegetation or other built structures, other relevant amended supporting plans and reports must also be submitted.</p>	<p>accordance with the comments received from CCC and is attached as Appendix J of this report.</p> <p>The Acoustic Assessment concludes the following:</p> <p>Based on the traffic generation estimates associated with the MMP, traffic noise generation along St. Andrews Road is expected to exceed the relevant criteria at the following locations:</p> <ul style="list-style-type: none"> • Parish of Our Lady of Mount Carmel for all Stages between 2 and 5 dB above the absolute criteria. • Mount Carmel Retreat Centre at full development only and only by 1 dB which is considered marginal. <p>Property treatment to the Parish of Mount Carmel to include alternative means of ventilation such that windows can remain closed should be considered and will required a more detailed review.</p> <p>It is however noted that the prediction of traffic noise levels for the full development (beyond 100 years) is considered unreliable, given the significant changes in transportation and technology that are likely to occur over this period. Any assumptions made today as to the way in which a community might travel to the development beyond the foreseeable future cannot, in our view, be used as the basis for establishing a noise mitigation treatment that might be relevant for the full development.</p> <p>As a consequence of this factor, it is recommended that:</p> <ul style="list-style-type: none"> • That within 5 years of the commencement of operations within Stage 1, a review of actual traffic noise levels be undertaken at the Parish of Our Lady of Mount Carmel. Mitigation - provision of an alternative means of ventilation (such as mechanical ventilation or air conditioning should it not already exist) enabling windows to be kept closed in order to achieve the relevant criteria could then be proposed and negotiated with the property owners. • Subsequent 5 yearly traffic noise reviews be implemented throughout the stages of the development to confirm whether or not traffic noise levels do increase and the extent of the actual impact. The need for further mitigation should be considered within these reviews

2.7. BUSHFIRE

Table 8 – Response to Bushfire Items raised by CCC

Information Request	Proponent Response
<p>1. Road Access</p> <p>Additional information is required to demonstrate that all internal roads for each stage will be through roads or dead ends no longer than 100m with a 12m outer radius turning circle, noting that some roads in Stage 1 and Stage 4 will be dead ends until later stages are completed.</p>	<p>The supplementary Civil Engineering Plans prepared by Warren Smith and Partners and attached as Appendix B provide information in relation to proposed layout of internal roads throughout each construction stage.</p>
<p>2. APZs</p> <p>The Bushfire report must be amended to detail how the proposed APZs around buildings will be achieved given the requirement to maximise the conservation of trees - e.g. will this be through weed removal, modification of understorey, trimming of canopy. A detailed plan of proposed APZ works is required and this must be consistent with the FFAR and the VMP.</p>	<p>In accordance with the comments received from CCC the bushfire report has been updated to reflect a detailed plan of works. A copy of this bushfire report is attached as Appendix K of this report.</p> <p>The amended bushfire report is consistent with the amended FFAR and VMP as required by CCC.</p>

2.8. CONTAMINATION

Table 9 – Response to Contamination Items raised by CCC

Information Request	Proponent Response
<p>A Detailed Site Inspection (OSI) by Douglas Partners September 2017 has recommended a Remediation Action Plan (RAP) be prepared to address:</p> <ul style="list-style-type: none"> Fuel/ oil spillage near TP 14 - RAP to inform how to remediate and validate; Lead (at TP17) and zinc contamination (at TP 17, 39 and 41) - RAP to inform how to remediate and validate (NB: Drawing 9 in Appendix A shows the Test Pit locations but omits TP 39); Dieldrin and Aldrin pesticides near the homestead and sheds; Asbestos near the former homesteads and sheds - RAP to identify HazMat Survey prior to demolition and disposed of by licensed contractor and ground surface inspection after demolition and hand removal; Poly Aromatic Hydrocarbons (PAH) in surface soils next to timber power poles - RAP to investigate and delineate impact, remediate and validate. <p>The OSI also recommends an Unexpected Finds Protocol be prepared.</p> <p>A RAP must be prepared and submitted prior to determination of the DA and will not be considered as a Deferred Commencement matter.</p>	<p>In accordance with the request from Campbelltown City Council a RAP has been prepared for the site and is attached as Appendix H.</p> <p>The RAP concludes that the site can be made suitable for the proposed use of the site as a cemetery.</p>

2.9. FLORA AND FAUNA

Table 10 – Response to Flora and Fauna Items raised by CCC

Information Request	Proponent Response
<p>1. Inconsistencies</p> <p>1. The submitted Statement of Environmental Effects (SEE) indicates that 35ha of native vegetation will be conserved whereas the Flora and Fauna Assessment Report (FFAR) indicates that there is 23.53ha of native vegetation of which 1.73 ha will be impacted resulting in retention of 21. Bha. The actual area of native vegetation to be retained must be clarified.</p> <p>2. The SEE indicates that 119 trees are proposed to be removed although the FFAR indicates that 35 trees are to be removed. The actual number of trees to be removed must be clarified.</p>	<p>1.73 ha of native vegetation will be impacted by the proposal. Of this 1.73 ha 0.5 ha of moderate or better quality vegetation and 1.23 ha is of low condition vegetation will be lost. 21.80ha of Cumberland Plain Woodland will be retained under the proposal.</p> <p>This is further detailed in the Flora and Fauna Assessment attached as Appendix L of this report.</p> <p>119 trees will be removed by the proposal. This is comprised of 91 trees with an unsafe SULE rating and 28 trees which are within or immediately adjacent to the development footprint.</p> <p>This is reflected in the Tree Report attached as Appendix M of this report.</p>
<p>1. Natural Burials</p> <p>Council is not supportive of burials under remnant CPW trees and further information is required in this regard.</p> <p>The SEE indicates that there will be burials around each remnant tree at the rate of 5 every five years at double depth and that there will be ash interment although no justification has been provided why there will be reburials after 5 years as comparable cemeteries in Kemps Creek and Gungahlin ACT have a 30-year reburial period in natural burial areas.</p> <p>There is also no description of whether the burials will be horizontal or vertical and no assessment of the impact of leachate or deep digging on the remnant trees in either the Arborists Report or the FFAR.</p>	<p>A small portion of Cumberland Plain Woodland is proposed to be used as a natural burial area. Whilst the trees will be retained on site they have been classified as “removed” for the purpose of the Flora and Fauna Assessment prepared by Travers and attached as Appendix L.</p> <p>All graves within the Natural Burial area are double depth and permit two burial interments. The purchase is, initially, for 30 years, and can be renewed on expiry.</p> <p>Coffin materials within the natural burial area will be biodegradable and made of wicker, sea grass, bamboo, cardboard or similar materials.</p> <p>Materials which cannot be used include the following:</p> <ul style="list-style-type: none"> • Any type of plastic or metal fittings (exclusive of nails and screws) • PVC, glass, ceramic, metal, treated varnished timber, toxic glues or plastic sheeting inside the coffin/casket. • Non-biodegradable material inside or outside the coffin/casket. <p>Embalming fluids will not be used in preparing the deceased for burial within the natural burial area of the Macarthur Memorial Park.</p>
<p>2. Migratory Species</p> <p>The FFAR must be amended to include an assessment of the impact of removal of the dam/s on EPBC migratory species such as Cattle Egret, waterbirds, frogs or on aquatic fauna utilising the dam.</p>	<p>Dams which are retained by the project will be restored as vegetated wetlands. The existing dam walls have however been deemed unsafe, therefore these larger dams will be reconstructed. This will happen in succession with the upper dams repaired first so open water habitat will be present throughout this process. The result will attempt to achieve a similar extent of open water surface however the wetland may be shallower. This will also increase potential for fringing macrophytes and other aquatic</p>

Information Request	Proponent Response
	<p>surface vegetation. This process will eventually enhance long term-habitat potential for waterfowl and wading birds as well as frog breeding and small reptiles.</p>
<p>3. Habitat Trees</p> <p>The FFAR indicates that 15 significant habitat trees and 87 habitat trees (Table 4.5) occur on the site with 35 trees requiring removal according to the Tree Assessment Report (TAR), six of which occur along the roads HT2 (T413), HT4 (T1437), HT5 (T1438), T1362, SHT9 (T1364) and T1365. The exact location of the habitat trees to be removed must be mapped within the FFAR at A3 scale with a readable Legend.</p> <p>The map (Figure 4) appears to contain an error where HT2 should read as T415 (not T413) in the text to align with Table 4.5 and the TAR. Figure 4 must be amended to include the location of HT2 (T413), HT4 (T1437), HT5 (T1438), T1362, SHT9 (T1364) and T1365. Figures 3 & 4 must be resubmitted at A3 scale with mapping labels legible.</p>	<p>An updated tree removal plan has been provided in the tree report attached as Appendix M of this report with relevant maps reproduced at A3 size as requested.</p>
<p>4. Moist Shale Woodland EEC</p> <p>The presence of Moist Shale Woodland on the site is of note as this does not occur elsewhere in the Campbelltown LGA. The FFAR however does not provide an adequate justification for its identification. It states 'There was not a lot of difference in species make up between the Cumberland Plain Woodland and Moist Shale Woodland. ' ... 'However, the soil type, aspect and topography are more suited to this vegetation unit as opposed to Cumberland Plain Woodland vegetation however.'</p> <p>No reference has been made to the NSW Scientific Committee Final Determination or any systematic floristic study to justify the identification of Moist Shale Woodland as being present on the site. There is no mention of what the soil type is or how this links to the identification of the vegetation community. The species list does not indicate which quadrats or random meander the species were located within and does not demonstrate how this vegetation community identification was derived.</p> <p>The FFAR must be amended to provide discussion and evidence of how the identification of this community was determined as being present on the site.</p> <p>If the vegetation is found not to be MSW then a number of the DA documents will require updating to reflect this.</p>	<p>As noted in the Flora and Fauna assessment attached as Appendix L of this report In June 2018, Travers bushfire & ecology revisited the escarpment area and undertook a series of 20x20m plots and a meander to determine if some of the more mesic species were present that would indicate Moist Shale Woodland. The results showed these mesic species are absent, even though the soil types, topography and south facing slopes were present.</p> <p>Tozer (2003) and OEH (2013) describe a variation of Cumberland Plain Woodland which occurs in the southern part of the Cumberland Plain Woodland on the hills. One (1) of the dominant sub-canopy species present is <i>Acacia implexa</i> which helps to distinguish this variation, and it was present on the escarpment.</p> <p>Therefore, Moist Shale Woodland has been removed from the figures and redescribed as part of the Cumberland Plain Woodland community.</p>
<p>5. Koala Habitat</p> <p>The FFAR has not examined the draft Campbelltown Comprehensive Koala Plan of Management 2016 that maps the land at Varroville as being land to which the</p>	<p>A Koala survey has been undertaken s part of the FFAR and is attached Appendix L of this report. The survey has confirmed that Koalas are not</p>

Information Request	Proponent Response
<p>Plan applies. It also maps the land as 'Potential koala habitat - Secondary (Class B). Both the CKPoM and SEPP 44 Guidelines (Circular B35) Section 2.1, state that to investigate whether that potential koala habitat is- core koala habitat requires a survey to be undertaken on the site in accordance using standard reportable techniques of koala survey.</p> <p>Therefore, a koala survey must be undertaken on the site in order to investigate whether the site is core koala habitat, using standard reportable techniques of koala survey in accordance with Circular B35 - SEPP 44 Koala Habitat Protection Guidelines - Section 2.1 <i>Investigating Potential Koala Habitat for Core Koala Habitat (i)-(iv)</i>, such as RG-bSAT technique outlined in Appendix D of the CKPoM.</p> <p>6. Asset Protection Zones</p> <p>A map of the APZs must be provided as an overlay within the FFAR and the impacts of APZ establishment and maintenance need to be described along with methods to minimise the impacts.</p>	<p>present on the site and the proposed development is fully compliant with the requirements of SEPP 44.</p> <p>A Map of the APZs has been provided within the FFAR as requested by CCC.</p>

2.10. TREE ASSESSMENT REPORT

Table 11 – Response to Tree Assessment Items raised by CCC

Information Request	Proponent Response
<p>The Tree Assessment Report (TAR) states that there will be 28 trees removed for the development and 91 trees removed due to safety reasons; totalling 119 trees. It states that there are 89 hollow-bearing trees on the site but does not quantify the number of hollow bearing trees to be removed. The number of hollow bearing trees to be removed must be identified in an amended TAR.</p> <p>The statement that 'no tree will have the TPZ impacted by the proposed development' implies that there is no reason to remove trees due to the development and this shall be clarified and if correct, amended plans and supporting reports must be submitted.</p> <p>The Schedule 2 map 'Tree Survey and Assessment (Overview)' must be submitted at A3 size or larger with legible legends, all codes appearing as the top layer and identified in the legend.</p> <p>How tree management will be addressed through the five development stages of the 150-year planning time frame must be addressed in an amended TAR including replacement of the trees removed as part of the development and ongoing tree replacement as trees senesce through time.</p>	<p>The proposed development seeks to remove 33 habitat trees all of which are identified as being poor health. This is noted within the updated tree assessment report attached as Appendix M of this report.</p> <p>Within the life of the memorial park, trees will be assessed on a regular basis by an appointed arborist. If for any reason a tree is nominated for removal, it is to be replaced with the same species at a ratio of 2:1. Should any disease, soil conditions or damage be the cause of tree loss, the arborist is to recommend mitigation measures to enhance the trees' health and protect the replacement plants.</p>

2.11. VEGETATION MANAGEMENT PLAN

Table 12 – Response to Vegetation Management Plan items raised by CCC

Information Request	Proponent Response
<p>The VMP must be amended to extend to 20 years as it states that the restoration program will be at least 20 years. The plan must be reviewed every five years.</p> <p>Any development consent will be subject to a condition requiring a new VMP to be prepared at every new development phase throughout the 150-year life of the planning approval.</p> <p>Section 3.1.1 Management Zone A - Escarpment Reserve must be amended to include the weed removal techniques that are appropriate for the steep land within this zone. It must detail how vegetation restoration and soil erosion control techniques are to be coordinated in the large erosion gullies within the zone.</p> <p>The VMP must be amended to recognise that riparian restoration is to be undertaken in a manner so as to not destabilise or further destabilise creek banks and that techniques such as 'All weeds will be stripped from the riparian corridor within the site' are inappropriate.</p> <p>The VMP must be amended to include appropriate techniques for riparian restoration including staged removal of small areas of the riparian zone weeds using manual techniques such as 'cut and paint' and 'drill and frill', bagging and removal of weed propagules from the site, reuse of logs to stabilise the creek bank. In revegetation areas along the creek the use of pegged and overlapped jute matting and long-stem planting should be included as a suitable technique. The VMP must specify planting density of trees, shrubs and ground covers for the riparian zones in addition to CPW and MSW areas.</p>	<p>The Vegetation Management Plan will be reviewed every 5 years as requested and can be enforced as a condition of development consent.</p> <p>The amended Vegetation Management Plan is attached as Appendix N of this report which confirms the management for the proposed revegetation works. This includes the following</p> <ul style="list-style-type: none"> • Using cut-and-paint or drill-and-fill techniques to minimise soil disturbance within Management Zone A across a 20 year plus timeline. • Stabilisation of creek embankments; • Staged removal of weed thickets along creek line embankments using manual techniques • Progressive restoration to a natural state where remnant native vegetation is present

2.12. LANDSCAPE SPECIES PLAN

Table 13 – Response to Landscape Species Plan items raised by CCC

Information Request	Proponent Response
<p>The Landscape Species Plan must be amended to change the colours used as there are three similar shades of green and there are no codes on the plan making it impossible to evaluate where the different tree species are proposed for planting. For example, where are the Turpentine trees, a species that is not indigenous to the site, proposed for planting?</p>	<p>The Landscape Species Plan has been amended in accordance with the request from CCC. and is attached as Appendix A of this report.</p>

2.13. LANDSCAPE MASTERPLAN

Table 14 – Response to Landscape Masterplan items raised by CCC

Information Request	Proponent Response
<p>The Overall Site Plan must be amended to have clearer hatching as it is not possible to read the map to distinguish between the four types of burial zones in the legend. There is no legend key for the orange circular symbol within the natural burial area.</p> <p>Although the legend indicates a symbol for Cumberland Plain Woodland to be cleared and there are areas of CPW to be cleared referred to in the FFAR, there are no areas of clearing shown on the site plan.</p>	<p>The overall site plan has been amended in accordance with the request from CCC and is attached as Appendix A of this report.</p>

2.14. PUBLIC ART STRATEGY

Information Request	Proponent Response
<p>The proposed Public Art Strategy includes indicative maximum heights for sculptures up to 10m in height which exceeds the LEP building height of 9m. Further information is required for all proposed sculptures and gateways (including to St Andrews Road), particularly where it is intended to exceed the 9m building height limit or alternatively, consent for sculptures will be subject to future development application/s.</p>	<p>The public art strategy has been revised and reducing the maximum height of art works of 9m to ensure compliance with the CLEP.</p> <p>Formal design of the artwork will be compliant with the Public Art Plan which has been revised as part of this report and attached as Appendix E of this report. Detailed design will however require the engagement of individual artists and as such the following condition is proposed.</p> <p>PUBLIC ART</p> <ul style="list-style-type: none"> a) High quality public art work(s) shall be installed in accordance with a Public Art Strategy endorsed by the NSW Department of Planning and Environment/Campbelltown City Council in relation to the site. b) Prior to the issue of a Construction Certificate for above ground building works, a Detailed Public Art Plan, prepared in accordance with the Public Art Strategy, must be submitted to and approved by Council's Director, City Planning, Development and Transport. c) Public art is to be installed, to the satisfaction of Council, prior to the issue of the relevant Occupation Certificate

2.15. ADDITIONAL INFORMATION

Table 15 – Response to Additional Information items raised by CCC

Information Request	Proponent Response
<p>1. Fencing and Gates</p> <p>Detailed fencing and gate (including adjoining walls) designs including materials and finishes are required to be submitted prior to determination.</p>	<p>Design detail of the proposed fencing is [provided within the Landscape Design Response attached as Appendix C of this report. 3 separate typology of fences are proposed based on the location along St Andrews Road or the perimeter of the site.</p>

Information Request	Proponent Response
<p>2. Materials and Finishes</p> <p>A detailed Materials and Finishes Schedule for all buildings must be submitted prior to determination.</p>	<p>A Materials and Finishes Schedule was submitted as part of the Development Application and is attached as Appendix P of this report for further consideration. The Design Report prepared by FJMT and submitted as part of the Development Application provides further information regarding the proposed building materials.</p>
<p>3. Waterbody Safety</p> <p>An assessment relating to safety near waterbodies must be submitted for consideration by Council's Executive Manager Infrastructure, including depth of waterbodies, fencing, safety equipment, etc, noting that there are playgrounds areas proposed near waterbodies contrary to the assertions within the Landscape Design Response document submitted with the DA.</p>	<p>The edges of retained dams will be modified to ensure safety bench compliance (1:5 above NWL and 1:8 below as per RLSS's Guidelines for Water Safety in Urban Water Developments).</p> <p>Where compliance is impossible dam edges and wall will be fenced off as required by the relevant Australian Standards.</p>
<p>4. Pathways through Vegetation</p> <p>Further details relating to the proposed pathways through vegetation on the upper slopes of the northern part of the Site must be submitted including an assessment of the visual impact of these pathways cutting through vegetation to be retained/revegetated, drainage, landslip/stability, materials, etc.</p>	<p>The proposed pathways through the vegetation has been removed from the upper slopes of the site as reflected in the amended landscaping plans attached as Appendix A of this report.</p>

3. AGENCY SUBMISSIONS

A total of 4 submissions were received from various government agencies, roads and utility providers, and other stakeholders, including:

- Heritage Council of NSW;
- NSW Roads and Maritime Services
- NSW Rural Fire Service; and
- NSW Department of Industry - Water

The following sections provide a response to the issues raised in each of the submissions.

3.1. HERITAGE COUNCIL OF NSW

Following a meeting on 06 December and 07 February 2018 the Heritage Council of NSW provided 7 comments for consideration by the applicant. These comments were included in Council's additional information request. A response to these comments which has been undertaken in **Section 2.1** of this report.

3.2. NSW ROADS AND MARITIME SERVICES

On 09 January 2018 the NSW Roads and Maritime Services requested additional information to advance the assessment of the application. A summary of the response provided to the NSW Roads and Maritime Services is provided below.

Table 16 – Response to NSW Roads and Maritime Services

Information Request	Proponent Response
It is noted that the subject proposal seeks new vehicular access on St Andrews Road, which is currently under the care and control of Council. Council should be satisfied that the proposed access arrangements are safe and efficient.	CCC have raised no concerns with the quantity of entrances proposed off St Andrews Road which are considered to be suitable for the proposed development.
<p>The submitted Traffic Report indicates that approximately 70 percent of the expected vehicle movements from the proposal will be travelling via the St Andrews Road/ Campbelltown Road roundabout intersection. However, the proponent has not carried out a traffic impact assessment on this intersection. Given there are no current plans to extend St Andrews Road to Camden Valley Way the proponent should consider the traffic impacts on this intersection.</p> <p>It is requested that the applicant undertakes detailed traffic modelling (including the background traffic growth using EMME data if required) for Campbelltown Road/St Andrews Road roundabout and determine whether the proposed additional traffic would trigger improvements to the roundabout.</p>	<p>The supplementary traffic modelling report at Appendix I provides an assessment of the traffic impacts of the proposal on the additional requested intersections.</p> <p>The supplementary modelling provides the forecasted split of trips for the four proposed vehicle access points.</p> <p>SIDRA modelling has been undertaken for the following scenarios:</p> <ul style="list-style-type: none"> • Existing Conditions • Post Development (incl. traffic generation on special holidays) • Year 2038 (without Development) • Year 2038 Post Development (incl. traffic generation on special holidays). <p>The modelling confirms that the development of the Macarthur Memorial Park would not trigger the requirement for the roundabout to be upgraded</p>
The submitted traffic generation analysis does not consider potential traffic generation during special holidays and All Saints Day. Nor does it consider the cumulative traffic impacts on the road network from	Additional traffic modelling has been undertaken by TTPP to address Council's comments (Appendix I). The study assumes a trip increase of 20% in the site's traffic generation for the weekday holidays and

Information Request	Proponent Response
<p>visitors as well as the potential traffic generation from funerals, especially when the burial plot capacity increases over the various stages of construction.</p>	<p>a 25% increase for the weekend peak for special public holidays (such as Mother's Day, Father's Day and All Souls Day).</p> <p>The supplementary traffic modelling models for a future case scenario taking into account visitor trip generation as well as funeral trip generation when burial capacity has increased with time. The study models the cumulative traffic impacts at the year 2038.</p> <p>The modelling confirms that the development of the Macarthur Memorial Park would not trigger the requirement for the local road network to be upgraded beyond that proposed by the application.</p>
<p>The Statement of Environmental Effects proposes the burial sites to be provided in five stages over a 150 year period. The anticipated total capacity of the proposed cemetery is 136,000 plots. It is recommended that Council only considers Stage 1 and that Stages 2 – 5 are not approved until the cumulative traffic impacts are adequately addressed. Future stages should be subject to separate applications and require detailed traffic assessment utilising the traffic volumes at the time of lodgement. This approach will ensure that appropriate network upgrades are identified for each stage of this development</p>	<p>As noted above the modelling undertaken for the site and submitted in conjunction with the application has considered the cumulative impacts of the proposed development in full.</p> <p>The modelling confirms that the development of the Macarthur Memorial Park would not trigger the requirement for the local road network to be upgraded beyond that proposed by the application.</p>

3.3. NSW RURAL FIRE SERVICE

The NSW Rural Fire Service recommended a series of conditions to accompany any Development Application which would be issued for the site. The proponent confirms they are satisfied with the conditions and no amendments proposed to or warranted as a result of comments received from the NSW Rural Fire Service.

3.4. NSW DEPARTMENT OF INDUSTRY – WATER

The NSW Department of Industry – Water confirmed that the Development Application is exempt from approval under Section 91E of the Water Management Act. No amendment to the scheme or the proposal are warranted as a result of the submission received by the NSW Department of Industry - Water.

4. PUBLIC SUBMISSIONS

A total of 67 submissions were received from members of the public and community groups during the public notification of the application and reviewed by Urbis. A total of 30 submissions were received in support of the proposal whilst the remaining 37 opposed the application.

This report has not provided a response to the submissions of support however it is noted that these submissions were received by local residents, community groups and parties within the internment industry.

4.1. SUBMISSIONS IN OBJECTION

4.1.1. Scenic Hills Association

A review of the Scenic Hills Association submission has been undertaken and a detailed response to the issues is provided in **Table 17**.

Table 17 – Response to the Scenic Hills Association Submission

Submission Matter	Response
Heritage Conservation	<p>The MMP concept is underpinned by a strong understanding of the heritage values and significance of the place (including built form, the cultural landscape, views and vistas, European and Indigenous archaeology etc). This has informed every aspect of the proposal, from the treatment of the landscape, the location and different types of memorialisation, tree plantings, siting of roads, siting and architectural design of new buildings, the conservation and adaptive reuse of the outbuildings precinct, on-site detention and treatment of the dams, reinterpretation of significant landscape elements, provision for public art, and regeneration of CPW.</p> <p>A Conservation Management Plan has been endorsed for the site by the DPE under the provisions of the CLEP2015. A detailed assessment against the 104 adopted policies have been undertaken by the Heritage Impact Statement submitted with the Development Application.</p> <p>As the DPE is aware Section 1.17 Ministerial Directions are not relevant to Development Applications.</p>
Scenic Impact	<p>As previously noted the CMCT has made multiple requests to the owner of Varroville House to allow photomontages to be prepared when viewed from Varroville House. These requests have been denied.</p> <p>The existing Visual Impact Assessment has considered the effect of the proposed built structures and the proposed landscape on the site, on views to Varroville House. The house is not visible from locations off site that would be negatively affected.</p> <p>It is noted that the visual impact assessment referred to by the Scenic Hills Association has not been made publicly available or formally adopted by any government agency.</p>
Land Stability	<p>As previously noted an additional land slip assessment has been prepared for the application by JK Geotechnics and is attached as Appendix F of the report with an amended Vegetation Management Plan provided as Appendix N of this report.</p> <p>A Geotechnical Assessment has been undertaken by JK Geotechnics and is attached as Appendix G of this report. The assessment has confirmed that without immediate improvement it is likely that a breach could occur at any moment.</p>

Submission Matter	Response
	<p>The proposed development will seek to undertake the appropriate works to facilitate the improvement of the embankments in a matter which will ensure the long term safety of the environment.</p> <p>It is further noted that the walking paths proposed throughout the western portion of the site have been completely removed.</p>
Public Interest	<p>As demonstrated not only by the Urbis Cemetery Demand Report submitted with the Planning Proposal for the site, the Metropolitan Sydney Cemetery Capacity Report and the representations of multiple faith based organisations as part of the public submission the need for the Macarthur Memorial Park is critical in addressing a documented shortage. A failure to provide for the burial requirements of the Metropolitan Sydney community would in our opinion lead to a failure to provide critical infrastructure for which this is a demonstrable need.</p> <p>The proposal has additional public benefits by rendering the site accessible by members of the public. The proposed open space which will not be used for burials will ensure this access is maintained for all members of the community in perpetuity.</p> <p>For this reason the proposal is considered to be in the public interest.</p>

4.1.2. Varro Ville House Owners

A review of the Varro Ville House Owners submission has been undertaken and a detailed response to the issues is provided in **Table 18**.

Table 18 – Response to Varro Ville House Owners Submission

Submission Matter	Response
Security	<p>The proposal is considered to increase the overall safety of the site and its surrounds by allowing for a regularly staffed use to operate on the site.</p> <p>Regular security monitors and CCTV will be installed by CMCT to allow for monitoring of the site and the long term safe operation of the site.</p>
Heritage Assessment	<p>The curtilage study referenced by the owners of Varro Ville House has not been made available to the proponent nor has it been formally adopted by any level of government be it state or local.</p> <p>As previously noted however A Conservation Management Plan has been endorsed for the site by the DPE under the provisions of the CLEP2015. A detailed assessment against the 104 adopted policies have been undertaken by the Heritage Impact Statement submitted with the Development Application.</p>
Land Value	<p>The submission has provided no evidence that the approval of the Macarthur Memorial Park would have an impact on property prices. It is further noted this does not form a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.</p>
Project Need	<p>The Metropolitan Sydney Cemetery Capacity Report and Cemetery Demand Report prepared by Urbis for the site specific Planning Proposal identifies Metropolitan Sydney will have no burial space in 2056. If the capacity of the proposed cemetery at Varroville is</p>

Submission Matter	Response
	<p>included in projections, between zero and 13 years cemetery capacity would be remaining at 2056.</p> <p>The need for the project has been established.</p>
Land Stability Assessment	<p>As previously noted an additional land slip assessment has been prepared for the application by JK Geotechnics and is attached as Appendix F of the report with an amended Vegetation Management Plan provided as Appendix N of this report.</p> <p>A Geotechnical Assessment has been undertaken by JK Geotechnics and is attached as Appendix G of this report. The assessment has confirmed that without immediate improvement it is likely that a breach could occur at any moment.</p> <p>The proposed development will seek to undertake the appropriate works to facilitate the improvement of the embankments in a matter which will ensure the long term safety of the environment.</p> <p>It is further noted that the walking paths proposed throughout the western portion of the site have been completely removed.</p>
Permissibility	<p>The CLEP2015 as presently gazetted permits the development of the subject site as a cemetery subject to compliance with the relevant planning controls. As noted throughout this report and the originally submitted Statement of Environmental Effects the proposal complies with the requirements of the CLEP2015.</p> <p>The use of the site as a cemetery is therefore permitted with development consent.</p>

4.1.3. Discalced Carmelite Nuns Varroville

A review of the Discalced Carmelite Nuns Varroville submission has been undertaken and a detailed response to the issues is provided in **Table 19**.

Table 19 – Response to the Discalced Carmelite Nuns Submission

Submission Matter	Response
Project Need	<p>The Metropolitan Sydney Cemetery Capacity Report and Cemetery Demand Report prepared by Urbis for the site specific Planning Proposal identifies Metropolitan Sydney will have no burial space in 2056. If the capacity of the proposed cemetery at Varroville is included in projections, between zero and 13 years cemetery capacity would be remaining at 2056.</p> <p>The need for the project has been established.</p>
Constraints on the site	<p>The site constraints are acknowledged by all parties and have directly guided the design of the proposed Macarthur Memorial Park. The location of matters such as headstones, plaques, buildings and the road network directly demonstrate how the sites constraints have been considered to provide a scheme which will allow the development to occur on the site.</p>
Parklands along St Andrews Road	<p>Apart from the channalised right hand turn lane from St Andrews Road no augmentation to the road network is proposed or required. Any further upgrade of St Andrews Road is not proposed by this application or announced by the NSW Government.</p>
Stability Assessment	<p>As previously noted an additional land slip assessment has been prepared for the application by JK Geotechnics and is attached as</p>

Submission Matter	Response
	<p>Appendix F of the report with an amended Vegetation Management Plan provided as Appendix N of this report.</p> <p>A Geotechnical Assessment has been undertaken by JK Geotechnics and is attached as Appendix G of this report. The assessment has confirmed that without immediate improvement it is likely that a breach could occur.</p> <p>The proposed development will seek to undertake the appropriate works to facilitate the improvement of the embankments in a manner which will ensure the long term safety of the environment.</p>
Traffic Impact Assessment	<p>The supplementary traffic modelling report at Appendix I provides an assessment of the traffic impacts of the proposal on the additional requested intersections.</p> <p>The supplementary modelling provides the forecasted split of trips for the four proposed vehicle access points.</p> <p>SIDRA modelling has been undertaken for the following scenarios:</p> <ul style="list-style-type: none"> • Existing Conditions • Post Development (incl. traffic generation on special holidays) • Year 2038 (without Development) • Year 2038 Post Development (incl. traffic generation on special holidays). <p>The modelling results indicate that the proposed development would have a minor impact to the study intersections with performance levels generally consistent. Overall it is considered that any capacity constraints would not be the result of the Macarthur Memorial Park.</p>
Acoustic Assessment	<p>As previously noted the Acoustic Report submitted as part of the application has been amended to consider the holistic impact of the proposed development in accordance with the comments received from CCC and is attached as Appendix J of this report.</p> <p>The Acoustic Assessment concludes the following:</p> <p>Based on the traffic generation estimates associated with the MMP, traffic noise generation along St. Andrews Road is expected to exceed the relevant criteria at the following locations:</p> <ul style="list-style-type: none"> • Parish of Our Lady of Mount Carmel for all Stages between 2 and 5 dB above the absolute criteria. • Mount Carmel Retreat Centre at full development only and only by 1 dB which is considered marginal. <p>Property treatment to the Parish of Mount Carmel to include alternative means of ventilation such that windows can remain closed should be considered and will required a more detailed review.</p> <p>It is however noted that the prediction of traffic noise levels for the full development (beyond 100 years) is considered unreliable, given the significant changes in transportation and technology that are likely to occur over this period. Any assumptions made today as to the way in which a community might travel to the development beyond the foreseeable future cannot, in our view, be used as the basis for establishing a noise mitigation treatment that might be relevant for the full development.</p>

Submission Matter	Response
	<p>As a consequence of this factor, it is recommended that:</p> <ul style="list-style-type: none"> That within 5 years of the commencement of operations within Stage 1, a review of actual traffic noise levels be undertaken at the Parish of Our Lady of Mount Carmel. Mitigation - provision of an alternative means of ventilation (such as mechanical ventilation or air conditioning should it not already exist) enabling windows to be kept closed in order to achieve the relevant criteria could then be proposed and negotiated with the property owners. <p>Subsequent 5 yearly traffic noise reviews be implemented throughout the stages of the development to confirm whether or not traffic noise levels do increase and the extent of the actual impact. The need for further mitigation should be considered within these reviews</p>

4.1.4. National Trust of Australia

A review of the National Trust of Australia submission has been undertaken and a detailed response to the issues is provided in **Table 21**.

Table 20 – National Trust of Australia Submission

Submission Matter	Response
<p>The cemetery does not meet a need for burial space in the Macarthur and South-West Sydney Regions</p>	<p>The Metropolitan Sydney Cemetery Capacity Report and Cemetery Demand Report prepared by Urbis for the site specific Planning Proposal identifies Metropolitan Sydney will have no burial space in 2056. If the capacity of the proposed cemetery at Varroville is included in projections, between zero and 13 years cemetery capacity would be remaining at 2056.</p> <p>The need for the project has been established.</p>
<p>The Provisions of the Greater Sydney Region Plan and the Western City District Plan</p>	<p>It is considered that the Greater Sydney Region Plan and the Western City District Plan are not strictly matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979.</p> <p>We note however Cemeteries the Greater Sydney Region Plan states that:</p> <p>“Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking.”</p> <p>It is therefore in the public interest that the objects of the Sydney Region Plan be acknowledged as this proposal is consistent with its objectives.</p>
<p>Proposed Destruction of the Early Colonial Period Remnant Viticultural Trenching</p>	<p>No burials are proposed within the identified Viticultural Trenching area of the site.</p>
<p>Development Application based on outdated supporting reports</p>	<p>As noted throughout this report the <i>Curtilage Study Varro Ville, May 2016</i> by Orwell and Peter Phillips has not been made available to the proponent and has not been adopted by any government agency.</p>

4.1.5. Additional Submissions in Opposition

The key reasons of opposition highlighted by the remaining private residents and the proposals response are summarised in **Table 22** below

Table 21 – Response to Additional Items raised by public submissions

Submission matter	Response
Scenic amenity destroyed by placement of roads, graves etc	<p>As noted in the Visual Impact Assessment prepared and submitted as part of the Development Application 3D modelling of the Site, buildings and landscape in rendered photomontages of representative views prepared by VI on advice from RLA, show that the proposed development of the Site in the DA would not significantly degrade the quality or significantly alter the character of the Site.</p> <p>The internal character of views in the parts of the Site that are of low sensitivity to external views will be significantly changed, however the character of the Scenic Hills as perceived from Campbelltown would be maintained</p>
Consultation has not occurred with surrounding land owners	The Development Application was notified from 7 November 2017 and 26 March 2018. The proponent also undertook 2 community information sessions prior to the lodgement of the Development Application.
Flooding of the site may affect water quality.	No burials have been proposed within riparian corridors or within land identified by the CLEP2015 as being flood prone land.
There has been no assessment of other suitable cemetery sites	No other sites within the Campbelltown Local Government Area permit the development of a new cemetery as a result of the provisions of the CLEP2015. Further no significant cemeteries are located within the Campbelltown Local Government Area.
The biodiversity offset arrangements are vague and do not appropriately	The Biodiversity offset arrangements have been detailed within the Flora and Fauna Assessment Report prepared by Travers and attached as Appendix L .
The no-build area is deceptive – there is nothing stopping above ground tombs and crypts being built in these areas.	No above ground tombs or crypts are proposed within the no build area.
The application should not be determined until the proposed heritage curtilage extension is determined.	The proposal is unaware of the status of the curtilage extension. It is noted that the Development Application was lodged prior to the curtilage being considered by the relevant authorities.
The heritage assessment must consider the works undertaken by Orwell & Peter Phillips; and work done by Geoffrey Britton Environmental and Heritage Consultant for the owners of adjacent Varroville homestead to properly assess the proposal's impact.	The works completed by Orwell & Peter Phillips; and work done by Geoffrey Britton Environmental and Heritage Consultant has not been released to the proponent or adopted by any government. Completing an assessment of this works is therefore unachievable.

Submission matter	Response
The number of buildings proposed is excessive.	Each building located on the site has been designed to accommodate a specific purpose. The floor plates of each building but rather will meet the requirements of CMCT and are responsive to site conditions.
The number of roads proposed is excessive	The proposed road network has been designed to allow equitable access to the entirety of the site to ensure the site facilities can be used by all parties accessing the site.
The scenic hills should be reserved for public passive recreation space.	Public passive recreation space is proposed as part of the application along St Andrews Road.
<p>Heritage</p> <ul style="list-style-type: none"> • The dams hold historical value and should not be altered or built over. • Historic Vineyard areas should not be used for burials 	<p>The proposed dams are currently unsafe and will be at high risk of failing. The proposed development seeks to repair the dams in a manner reflective of their heritage value.</p> <p>No burials are proposed within the identified historic vineyard areas.</p>
<p>Cemetery Demand</p> <ul style="list-style-type: none"> • Forest Lawn will have burial capacity for an additional 70 years, why is a cemetery in Varroville needed, consider the CCNSW 2017 Capacity Report notes that South west Sydney is “well served” for burial space. • The cemetery is being built to cater for burial demand from the CBD and eastern suburbs. • Why is the DA proceeding before the GSC review the need for land for cemeteries and crematoria in the Sydney Region? 	<p>As previously noted the Metropolitan Sydney Cemetery Capacity Report identifies Metropolitan Sydney will have no burial space in 2056. If the capacity of the proposed cemetery at Varroville is included in projections, between zero and 13 years cemetery capacity would be remaining at 2056.</p> <p>The need for the project is clearly established.</p>
<p>Traffic generation and road networks</p> <ul style="list-style-type: none"> • St Andrew’s Road is a no through road and cannot accommodate the demand created by the cemetery. • St Andrews Road should be extended to link to the Camden Valley Way. • Increased traffic will create safety issues for school children crossing St Andrews Road. 	<p>Additional traffic modelling has been undertaken by TTPP to address Council’s comments (Appendix I). The study assumes a trip increase of 20% in the site’s traffic generation for the weekday holidays and a 25% increase for the weekend peak for special public holidays (such as Mother’s Day, Father’s Day and All Souls Day).</p> <p>The supplementary traffic modelling models for a future case scenario taking into account visitor trip generation as well as funeral trip generation when burial capacity has increased with time. The study models the cumulative traffic impacts at the year 2038.</p>
The development sets a precedence for similar development and intensification of the Scenic Hills.	<p>The supplementary traffic modelling report at Appendix I provides an assessment of the traffic impacts of the proposal on the additional requested intersections.</p> <p>The supplementary modelling provides the forecasted split of trips for the four proposed vehicle access points.</p>

Submission matter	Response
	<p>SIDRA modelling has been undertaken for the following scenarios:</p> <ul style="list-style-type: none"> • Existing Conditions • Post Development (incl. traffic generation on special holidays) • Year 2038 (without Development) • Year 2038 Post Development (incl. traffic generation on special holidays). <p>The modelling results indicate that the proposed development would have a minor impact to the study intersections with performance levels generally consistent. Overall it is considered that any capacity constraints would not be the result of the Macarthur Memorial Park.</p>
Cemeteries encourage vandalism.	<p>The proposal is considered to increase the overall safety of the site and its surrounds by allowing for a regularly staffed use to operate on the site.</p> <p>Regular security monitors and CCTV will be installed by CMCT to allow for monitoring of the site and the long term safe operation of the site.</p>

5. CONCLUSION

This Response to Submissions Report has been prepared on behalf of the Catholic Metropolitan Cemeteries Trust, the proponent for the Development Application relating to the Macarthur Memorial Park. The application was lodged with Campbelltown City Council on 17 October 2017 and seeks approval for the construction and use of a new cemetery and parklands at 166-176 St Andrew Road Varroville. The proposal has been modified in order to respond to the key issues raised by the public and agencies during the exhibition period.

The additional justification and technical information, appropriately respond to all relevant issues raised in the submissions. We reaffirm that this project represents critical infrastructure due to the significant shortfall in burial space in metropolitan Sydney. The proposed development addresses this shortfall whilst ensuring that the environmental constraints of the site are appropriately considered. The proposal therefore is considered well-worthy of support from the NSW Department of Planning and Environment and ultimately approval from the NSW Independent Planning Commission.

DISCLAIMER

This report is dated 21 June 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Catholic Metropolitan Cemeteries Trust (**Instructing Party**) for the purpose of Request for Additional Information (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A AMENDED LANDSCAPE PLANS

APPENDIX B AMENDED CIVIL ENGINEERING PLANS

APPENDIX C LANDSCAPE DESIGN REPORT

APPENDIX D INTERPRETATION STRATEGY REPORT

APPENDIX E PUBLIC ART PLAN

APPENDIX F LANDSLIP REPORT

APPENDIX G DAM STABILITY ASSESSMENT

APPENDIX H REMEDIATION ACTION PLAN

APPENDIX I TRAFFIC IMPACT ASSESSMENT

APPENDIX J ACOUSTIC ASSESSMENT

APPENDIX K BUSHFIRE REPORT

APPENDIX L FLORA AND FAUNA REPORT

APPENDIX M TREE REPORT

APPENDIX N VEGETATION MANAGEMENT PLAN

APPENDIX O WATERCOURSE ASSESSMENT

APPENDIX P FINISHES SCHEDULE



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4 April 2019

Panel Chair
Dianne Leeson
Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Madam Chair,

FURTHER SUBMISSION FOLLOWING THE IPC PUBLIC MEETING FOR PROPOSED CROWN CEMETERY AT VARROVILLE

Following the presentations made by David Hoy (Regional Director, Urbis), (Florence Jaquet, Landscape Architect) and Stephen Davies (Director of Heritage, Urbis) on behalf of our client, the Catholic Metropolitan Cemeteries Trust (CMCT), at the Public Meeting of the Independent Planning Commission (IPC) for the *Crown Cemetery Development Varroville* IPC matter, held on Monday 25th of March, we have prepared this further written submission in relation to heritage.

Items have been addressed below and respond to the various presentations made by members of the public and the owners of Varroville House (Ms. Kirkby and Mr. Gibbs), and questions by the panel. We have used direct quotes based on our notes taken on the day and we acknowledge that we have not as yet received the recorded transcript to rely on.

Please note, that this submission is not an exhaustive response to all issues raised throughout the IPC Public Meeting. We have responded where possible, to the pertinent issues surrounding potential heritage impact of the proposal.

1. EXPECTATION OF PROFESSIONALISM

We reiterate that Urbis Heritage Director Stephen Davies is a member of Australia ICOMOS and has an obligation to abide by the professional standards accorded by that membership. In this regard, we have approached this application with reference to the Australia ICOMOS Burra Charter, 2013, and the standards of practice outlined therein.

2. RESPONSES TO PRESENTATIONS

2.1. PRESENTATION MADE BY ANOULACK CHANTHIVONG, MP

Throughout his presentation, Mr. Chanthivong made several claims regarding the purpose of the Scenic Hills, including that the purpose of the Scenic Hills designation was to 'prevent development', and that it is currently 'free from' development. Both of these statements are incorrect.

The purpose of the Scenic Hills designation is to recognise and acknowledge the scenic and environmental qualities of the region, and to manage development in such a way as to protect these identified values. It is not to prevent all development. In fact, some of the objectives of the E3 Environmental Management zone, as defined under the *Campbelltown Local Environmental Plan 2015* (CLEP 2015), which applies to the majority of land within the Scenic Hills, are;

- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To enable development for purposes other than rural-residential only if that development is compatible and complementary, in terms of design, size and scale, with the character of land in the zone.¹*

Further, the E3 Environmental Management zone under the *CLEP 2015* specifically provides for a wide range of permissible uses (with consent) throughout the Scenic Hills, including, but not limited to, the development of;

- *Animal boarding or training establishments;*
- *Bed and breakfast accommodation;*
- *Dual occupancies (attached);*
- *Dwelling houses;*
- *Educational establishments;*
- *Farm buildings;*
- *Farm stay accommodation;*
- *Home-based child care;*
- *Places of public worship;*
- *Restaurants or cafes; and*
- *Rural workers' dwellings.²*

When considered in comparison with the other permissible uses outlined above, and the existing development already located throughout the Scenic Hills (including the Mount Carmel Catholic College & Mount Carmel Retreat Centre, which have required substantial development of the land), we contend that the proposed cemetery use of the site is the most appropriate, low-impact use available, to ensure that a balance is achieved between providing for new development (not sterilising the land)

¹ CLEP 2015, Part 2, Land Use Table, E3 Environmental Management, 1 Objectives of zone, accessed online at <https://www.legislation.nsw.gov.au/#/view/EPL/2015/754/partlanduseta/include22>

² CLEP 2015, Part 2, Land Use Table, E3 Environmental Management, 3 Permitted with consent, accessed online at <https://www.legislation.nsw.gov.au/#/view/EPL/2015/754/partlanduseta/include22>



and conserving the natural and environmental qualities of the Scenic Hills as well as the cultural landscape of Varroville. The proposed development has been designed to meet the objectives outlined in the E3 Environmental Management zone under the *CLEP 2015*, and is compatible and complementary to the rural and natural qualities of the place. Where new structures are proposed, their scale, location and design have been carefully considered to respond to and respect the scenic character of the place.

Mr. Chanthivong claimed that the proposed cemetery at the subject site would provide for 'a tidal wave of new development'. We reiterate that the proposal seeks consent to provide for a Crown cemetery to service the public for more than 100 years; a public purpose use to address an identified gap in this essential service. The proposed cemetery cannot therefore be reasonably seen as providing precedent for any other future development of the Scenic Hills which as stated above, already allows for specific permissible uses. Further, cemetery use is only permissible on the subject site under Clause 7.8A of the *CLEP 2015*, and therefore cemeteries are not permissible in any other location within the Scenic Hills.

Lastly, Mr. Chanthivong claimed that this proposal for a cemetery on the subject site is 'circumventing the heritage listing process'. We note that that when the CMCT initially purchased the site and prepared its Planning Proposal, the subject site was not heritage listed on any statutory heritage list. The CMCT pre-emptively engaged Urbis to undertake further investigation of the Estate, culminating in the preparation of a Conservation Management Plan (CMP). In fact, the CMCT supported the heritage listing under the *CLEP 2015* which greatly extended the existing heritage curtilage for the Varroville Homestead to include the majority of CMCT's land.

The CMCT also supported the extension of the heritage curtilage for the NSW State Heritage Register listing for Varroville, subject to obtaining Site Specific Exemptions in accordance with the permissible cemetery use as outlined in Clause 7.8A of the *CLEP 2015*. The CMCT has in good faith repeatedly engaged with the NSW Office of Environment and Heritage (Heritage Division / Heritage Council of New South Wales). The Heritage Council of New South Wales has provided feedback on the proposal (DA) which has led to amendment of the proposed landscape masterplan to address any concerns.

2.2. PRESENTATION MADE BY JACQUI KIRKBY ON BEHALF OF THE SCENIC HILLS ASSOCIATION INC

Varroville Curtilage Study

Ms. Kirkby claimed that the CMCT and its representatives have made misrepresentations regarding their ability to access the 'Curtilage Study' report dated May 2016, prepared by Orwell & Peter Phillips at the instruction of Ms. Kirkby and Mr. Gibbs (hereafter referred to as the 'OPP' report). Ms. Kirkby claimed that the OPP report was made available for public viewing at the Campbelltown City Council from March 2018, and that she never restricted access to the report.

The CMCT tried to gain access to the OPP report, through the *Government Information (Public Access) Act 2009 No 52* (GIPA) access to information process. CMCT made an application to view this report under application GIPA858. Under this application, the NSW Office of Environment and Heritage (OEH) agreed to grant access in part on 24 March 2017. However, the CMCT was advised on 24 May 2017 that this decision was being revised and access would not be granted because "*This decision has been challenged by a third party who objected to release*".³

Urbis has consulted with the Heritage Division and the Heritage Council of NSW on numerous occasions, and the restricted access severely hindered Urbis' ability to actively participate in

³ Letter from NSW Office of Environment and Heritage, Marianne Moore, Manager Privacy and Information Access, 24 May 2017, Page 1



discussions regarding the significance of the place, as information that OEH were relying on was being deliberately withheld from Urbis and the CMCT.

The CMCT did not gain access to the OPP report until late 2018, thereby demonstrating the length of time through this process that the CMCT was unable to review, consider and assess the OPP report, its impact on the land that they own and the development application with respect to that land or as the basis for OEH to support a proposed curtilage extension of Varroville Homestead across the CMCT land.

At the 14 January 2019 Hearing for the IPC proposed heritage curtilage matter (*Varroville: Request for advice on proposed listing on State Heritage Register*), Ms. Kirkby questioned how the CMCT had accessed the OPP report, and stated the following:

“Access has been provided and I would be interested – I think it’s important for the Commission to know, because a couple of statements have been made here, where the copies of those reports came from” ... “So I would like to know where they got the copies from, because I know what I provided to whom, and I think it’s important to know that.”

...

*“Well, what I have been informed is that Campbelltown Council has provided access under its open access relating to DAs, which I wasn’t aware of, **and I had made it clear to council that they should consult us before they actually did something like that.**”*

...

“You don’t go through this process of developing these reports, identifying State heritage to destroy it. You identify it in order to protect it. And by putting it out there with two landowners who are requesting intensive development of that land contrary to the original zoning of environmental protection which we all bought the land under. There is a very real risk that that heritage will be destroyed before protections can be put in place.”⁴

These statements appear to show that Ms. Kirkby was of the view that the CMCT should not have access to the OPP report contrary to her statements that the report was always available from March 2018. The latter statement also implies that access to the OPP report was purposely withheld from the CMCT and adjoining land owners, due to perceived risks to the identified heritage elements.

Subsequently, the OPP report was made available for viewing via the IPC at the IPC Sydney office, for a very restricted number of the CMCT’s representatives (specifically its heritage consultants, but excluding the CMCT’s Executive Director). There was no ability to receive a digital or hard printed copy. The IPC provided the OPP report for viewing both in relation to this IPC matter (*Crown Cemetery Development Varroville*) and in relation to the separate proposed Heritage Curtilage IPC matter pertaining to the subject site (*Varroville: Request for advice on proposed listing on State Heritage Register*).

Additional Comments and Responses

- Ms. Kirkby also stated that a State Heritage listing of the Varroville Estate would enable the Heritage Council of New South Wales ‘to veto any development on the site’. We reiterate that the purpose of a heritage listing, be that under a Local Environmental Plan or on the NSW State Heritage Register, is not to sterilise land from all future development, but to recognise heritage

⁴ IPC MEETING 14.1.19R2, Transcript, P-38, P-39 & P-40, accessed online at <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/general/transcripts/varroville-project-20190114reissue2.pdf?la=en&hash=E7A2A79A3FCF74D35C90527DC286AC58>

significance and manage future change accordingly. Heritage significance should not be used as a tactic to block development.

As per our response above regarding the submission made by Mr. Chanthivong, it is reiterated that CMCT and its representatives have undertaken extensive consultation with OEH (Heritage Council of NSW & Heritage Division) and they have provided feedback on the Development Application (DA) which has culminated in amendments to the proposed landscape masterplan.

- Ms. Kirkby also stated that the DA should have been lodged as an Integrated Development Application (IDA) so that the Heritage Council of NSW was a consent authority. We confirm that at the time of lodgement, the subject site was not listed on the NSW State Heritage Register and therefore the DA could not be considered as an IDA in relation to Heritage.
- Ms. Kirkby raised a number of issues with regard to the proposal and the landscape masterplan, including the road between the Homestead and the outbuildings, significance of the dams, concrete road edging and various other issues not related to heritage, including dam safety, traffic and acoustics. We note that CMCT has agreed to amend the landscape masterplan to remove the road between the Homestead and outbuildings in response to feedback received from OEH, and detailed design of the proposal will be subject to specific conditions of consent.
- Ms Kirkby stated that the proposal would have a negative heritage impact on the existing dams on the site, which Ms. Kirkby asserts are significant. We make the following response in relation to the significance of the existing dams, particular in regards to the group of dams along St Andrews Road (western dams):

Sturt owned Varroville for a relatively short period of time (between 3 -4 years) and although he is recorded as having made reference to sinking “tanks” on his farm at Varroville, in a later account published in 1849, he also credits the previous owner, Wills/ Wells, for the dams, noting: *“I would observe that I had several capacious tanks on my property at Varroville, near Sydney, for which I was indebted to Mr. Wells, the former proprietor”*.⁵

Whilst Sturt has claimed that there was a water hole in each paddock when he passed the farm, there is no documentation of the number or location of these dams. It should also be reiterated that the original land holding is much larger than the present CMCT land holding which reflects a smaller subdivision of the original grant, and therefore a number of these dams could be located outside the existing boundaries of the CMCT site. Therefore, there is no certain historical documentation which attests to these dams being early 19th century dams.

In fact, documentation provided by military maps of the site in 1917, 1933 and 1954 directly contradict this, as they do not record any dams on the property at these times. The annotated dams generally appear on natural watercourses and may not reflect man made dams. In addition, the claim that the dams are of heritage significance or associated with the short-term Sturt occupation makes no allowance for changes to drainage and watercourses as a result of the earthworks for the western dams and other environmental factors (over a period of almost 200 years).

Thus, it cannot be established that the dams were built by Sturt. Even if the dams were able to be attributed to Sturt or Wills, this would not provide sufficient evidence to claim Sturt, or Wills, as pioneers of water conservation technologies, especially as building farm dams, was not a new technology for the period.

⁵ Charles Sturt, Narrative of an Expedition into Central Australia, Performed Under the Authority of her Majesty’s Government during the Years 1844, 5 and 6, Together with a Notice of the Province of South Australia in 1847, T&W Boone, 29 New Bond Street London, 1849, Chapter II, cited in the OPP report section 5.1.7.

Oral testimony from Peter Thomson (a former owner of the property and who also presented at the Public IPC meeting) also confirms that these dams were substantially constructed by the Jackamans in the mid-20th Century, and that these cannot be attributed to Sturt.

Lastly, we reiterate that the western dams are to be retained by CMCT, however are not considered to be of state heritage significance. They will be managed and stabilised in accordance with dam safety requirements, and as part of the overall proposed landscape masterplan for the site rather than as specific colonial remnants. The CMCT must conserve and manage this site in perpetuity this means that these dams will be managed in perpetuity.

- Ms. Kirkby stated that a Historical Archaeological Assessment (HAA) had not been undertaken for the proposal. This is incorrect. An HAA was undertaken by Artefact Heritage (*Macarthur Memorial Park, St Andrews Road, Varroville Historical Archaeological Assessment Report to Urbis October 2015*) and this underpinned amendments to the proposed landscape masterplan, specifically the relocation of roads within the hill and the most pronounced area of remnant vineyard trenching.

The HAA has been appended to the CMP as Appendix C. The CMP was lodged with the DA and is on the public record. Further, a revised issue of the HAA (*Macarthur Memorial Park (Varroville) Revised Historical Archaeological Impact Assessment Report to Catholic Metropolitan Cemeteries Trust October 2017*) was lodged as Appendix U2 to the DA, which is also on the public record and is available through the IPC website page for this matter (*Crown Cemetery Development Varroville*).

2.3. PRESENTATION MADE BY GRAHAM QUINT ON BEHALF OF THE NATIONAL TRUST OF AUSTRALIA

It should be acknowledged that the CMCT and its representatives proactively took the opportunity to consult with the National Trust of Australia (National Trust) and provided a presentation on the proposed development and masterplan in 2016.

The presentation provided by Mr. Quint at the IPC Public Meeting on 25 March 2019, was largely drawn from an article published, by National Trust, on the National Trust's website, and which was submitted as their submission of objection to the proposal. The full article can be accessed here: <https://www.nationaltrust.org.au/initiatives/varroville/>

The following responses are made in relation to Mr. Quint's presentation:

1. Mr. Quint states that '*This proposal would seriously degrade the important curtilage, dating from 1810, of the property Varroville*'. We contend that the National Trust has been instrumental in facilitating the severance of the Varroville Homestead from its surrounding Estate. For the benefit of the IPC panel, we have included the following extract from the History section of Urbis's CMP (October 2015) for the Varroville Estate, which outlines the involvement of the National Trust in the subdivision of the Homestead from the Estate in the 1970s, facilitating the transfer of both properties into private ownership.⁶ The present owners of the Varroville Homestead are now the third owners since divestment from the National Trust.

In 1973, after various works had been made around the house, the Jackamans applied to the Council for a special subdivision that would preserve the historic curtilage. This was at first disallowed as the entire area was to be zoned as a Scenic Preserve and the Jackaman's proposed subdivision was considered to be too small. However the subdivision was granted to the family, after an arrangement

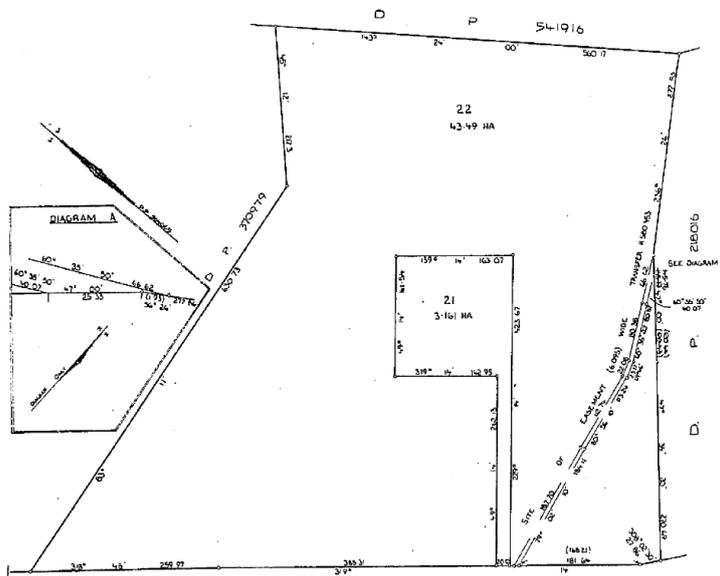
⁶ Urbis 2015, Conservation Management Plan: Varroville Estate 166-176 St Andrews Road, pp52-54

was made with the Council whereby the house was to be offered to the National Trust either during Mrs Jackaman's life or by the time of her and her immediate descendants' death.⁷

Part of the plateau to the north west of the property was subdivided for large-lot (mostly 2ha) development prior to 1974.⁸

The house was classified by the National Trust in 1976.⁹ This included approximately 108 hectares (268 acres), the main house and the outbuildings on the subject site. In the same year, Lot 21 of DP564065 (3.161 hectares) which contained the main house was created out of the larger property. The intention of the subdivision was to enable the bequest of lot 21 to the National Trust (refer Figure 1). Title documentation records that the property was transferred to Belen Investments in 1974 however the company was owned by or affiliated with the Jackaman's who continued to occupy the site until 1980

Figure 1 – 1973 subdivision plan showing lots 21 and 22 (22 being part of the subject site)



source: LPI volume 12288 Folio 210

In 1981 Mrs Jackaman decided to let 'Varro Ville' after the death of her husband, and a local real estate agent, John Knapp, took up residence there until 1988.¹⁰

In 1990 'Varro Ville' was acquired by the National Trust (NSW). This was after a considerable period of discussion with Mrs Jackaman, herself a former board member and president of the National Trust. In the following year, a report was prepared by the Trust which recognised the importance of the property and recommended the sale of the main house into private hands.¹¹ It was withdrawn from sale, after protest from the Jackaman family. Council then resolved to write to the Trust requesting that they retain the house in public ownership, with a view to restoring the property. However a use was unable to be found and the Trust did not have the resources to conserve or use the property and therefore the

⁷ (ibid).

⁸ Scenic Hills 2011 p84

⁹ Pers. Comm. C. Jackaman, in Thorp 1992

¹⁰ (ibid).

¹¹ National Trust NSW Report of the Properties Task Force Volume 1, in Thorp 1992

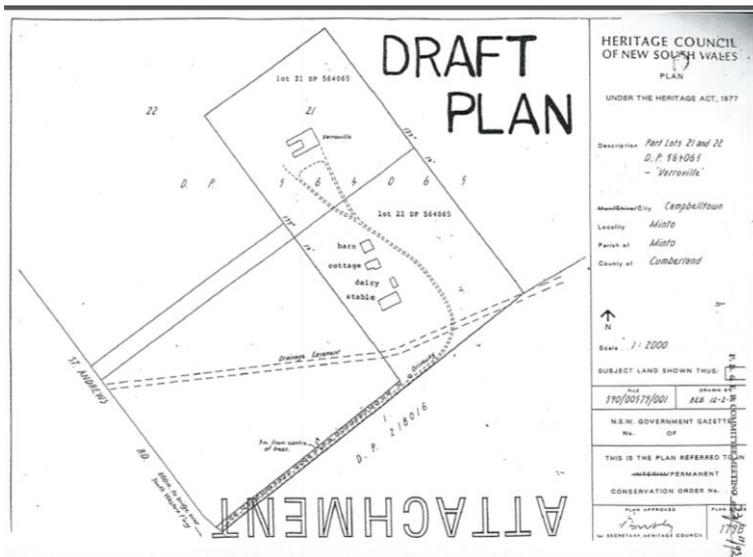
Trust again resolved to sell the property into private ownership.¹² This time the sale was with the consent of the Jackamans.

The farm outbuildings (lot 22 DP564065) however remained in the ownership of the Jackaman's (Belen Investment) until 2007.

The increasing concern with the environmental heritage inherent in this property was embodied by the commissioning of a Conservation Plan for the main house by Orwell and Peter Phillips in 1992. The conservation plan formed part of the agreement of sale and outlined positive covenants for the property, which formed part of the contract for sale when the house was purchased by the new property owners. Ken and Virginia Pearson-Smith, carefully restored Varroville before again selling to new owners. Pearson Smith and Associates Pty Ltd also revised the CMP in 1999.

In the same year attempts were made to have a Permanent Conservation Order placed over the property. The original PCO boundary included lots 21 (the main house) and 22 (the outbuildings) however when the Minister for Planning granted Permanent Conservation Order No. 737 (August 1993), the boundary only included lot 21.¹³ This was based on an assessment of the outbuildings which did not consider the outbuildings to be of sufficient significance. The Trust however maintained that lot 22 should be included, as the subdivision had separated the house from associated component elements, which contributed collectively to the setting and context of the house.¹⁴

Figure 2 – Draft and approved PCO plans



Picture 1 – The draft PCO curtilage included part of lot 22 incorporating the outbuildings source: PB& EP Committee meeting 23/11/1993, Campbelltown Local Studies Vertical File

¹² Campbelltown Council: Minutes of the ordinary Meeting of the Campbelltown City Council 9th February 1999: pg 17

¹³ Ibid: 18

¹⁴ Ibid: 20



Picture 2 – The gazetted PCO curtilage included only lot 21

source: PB& EP Committee meeting 23/11/1993, Campbelltown Local Studies Vertical File

2. Mr. Quint claimed that the proposed cemetery use would have a detrimental impact on the significant remnant vineyard ‘trenching’, notwithstanding that the proposed cemetery landscape masterplan seeks to retain a significant portion of and interpret this element of the site. We do not dispute the significance of the remnant vineyard trenching, which at one point extended across a large portion of the subject site as well as the adjoining Varroville Homestead lot, and neighbouring properties (refer below to Figure 3). Evidence of this vineyard trenching within the boundaries of the Varroville Homestead lot has largely been lost due to substantial landscaping works.

We reiterate that contour planting is a natural response to hilly landscapes and Townson (owner of the place in c.1810) was also known to have read contemporary treatise on viticulture and was well travelled including traveling extensively throughout Europe in the late 18th century and later undertaking a study tour of the wine regions of Hungary. There is no evidence to suggest however, that the full extent of known vineyard trenching dates back to this early period.

There is significant potential for the vineyards to have been expanded over successive years and periods of ownership. Whilst it is acknowledged that the historic record documents that Townson established a substantial vineyard, its original extent is unknown and there is potential for it to have been expanded under subsequent owners. This is evidenced by remains of vineyards on adjoining holdings, not in the ownership of Townson.

A significant area of the remnant former vineyard trenching has been included for retention and interpretation as part of the landscape masterplan. Further, the interpretation strategy will communicate the known extent of the trenching. As stated above, the landscape masterplan was specifically amended to maximise retention of the most intact areas of remnant trenching. Whilst we have acknowledged the significance of the remnant trenching, we do not consider that this should preclude development in all areas which have evidence of remnant trenching, and that it is more than appropriate for a large representative area to be retained, including the most intact sections.

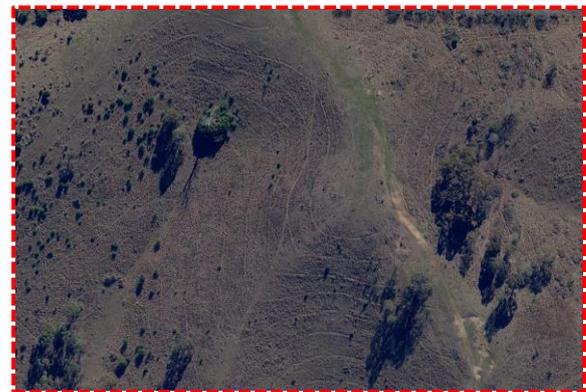
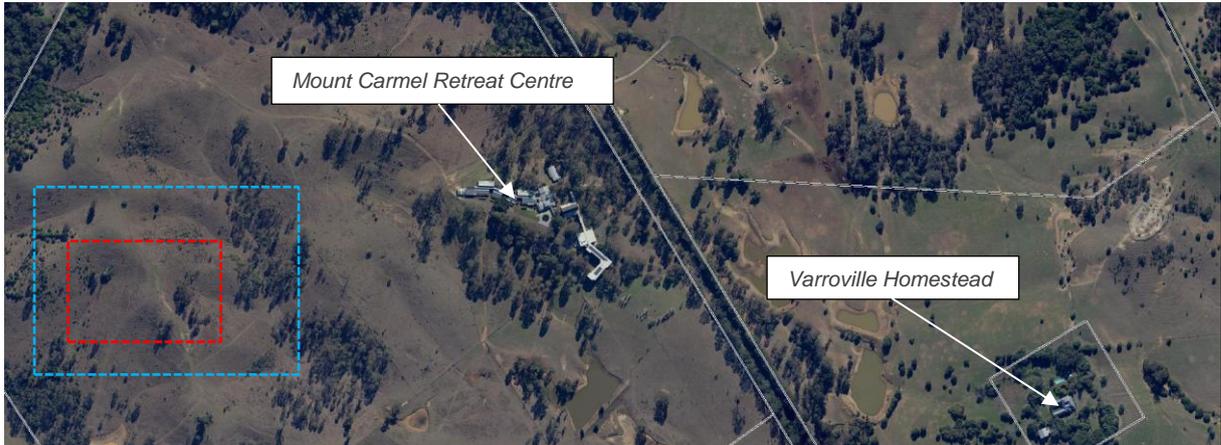


Figure 3 – Extract of current aerial showing clear evidence of similar trenching across the adjacent Mount Carmel Retreat Centre with zoomed in extracts provided below

Source: SIX Maps 2019

3. The National Trust submission asserts that cemeteries are *'totally incompatible with the current Scenic Hills E3 zoning'*. This should be assessed on a case by case basis. Nevertheless, it is noted that the report commissioned by the Cemeteries and Crematoria NSW in 2018 has the following conclusions, which demonstrate the compatibility of cemeteries within environmental settings where the design and approach is considerate of the scenic values of the place:
 - *Current assessments in relation to planning and approvals for new cemeteries, require that they deliver a range of public values well beyond providing for interment and remembrance. Values such as public access, landscaped open space, and management of heritage and environmental values are all benchmark provisions for all new facilities.*
 - *Multipurpose open and green spaces are being provided across Sydney, to ensure valuable and limited land resources are not provided for single-use functions, instead catering to the many functions open space can perform. Cemeteries can provide some of the functions of this open space, if carefully planned and managed, thereby increasing their relevance to those living and visiting Sydney.*

- *The idea of a large landscaped park should be a principle for new cemeteries and ongoing functions of old cemeteries, providing multipurpose open space for the entire community, whilst providing for a range of interment options.*¹⁵

2.4. PRESENTATION MADE BY PETER GIBBS

1. Mr. Gibbs cited Stuart Read (Senior Heritage Operations Officer, South Metro Team, Southern Region, NSW Heritage Division) as providing assistance and historical research. Mr. Gibbs also stated that OEH would be amending the proposed Statement of Significance to include the Jackaman's driveway from St Andrews Road (this item is not currently included in the statement).

Urbis' extensive consultation with OEH has been with Pauline Mackenzie Executive Director of the NSW Heritage Division, and assisted by Katrina Stankowski, Senior Team Leader – Regional Heritage Assessments, NSW Heritage Division. It is appropriate that all correspondence pertaining to the DA or curtilage matters for the CMCT property, is provided by Pauline Mackenzie, and any other comments / advice (indeed if advice was provided), should be considered informal and not endorsed by the Heritage Council of NSW.

2. Mr. Gibbs suggested that Urbis had 'down played' the significance of the Jackaman ownership period. The Jackaman's were acknowledged in the significance assessment of the Urbis CMP (Criterion B – Associative Significance), and we do not dispute the contribution of the Jackamans. However, we consider that their contribution is more vested in the restoration works to the Homestead, rather than essentially ancillary structures such as the dairy building and a formalised driveway.

Mr. Gibbs continues to assert that the Jackaman driveway from St Andrews Road is a mid-nineteenth century driveway. This is based on the 1850 Shone Plan (*Survey of proposed new line of road between Cowpasture and Campbelltown Roads, Parish Narrellan, St Peter and Minto*, NSW State Archives Map 5155) which he asserts features a line indicating a main entrance to the property. This is not clear and was not adequately demonstrated in the presentation. Analysis of an aerial view dating back to 1947 confirm that there may have been a partial track in a similar location, however, this did not extend to the outbuildings, and appears to have been a track to access the paddocks.

By contrast, the 1955 aerial shows a very defined driveway lined with new trees, extending to the outbuildings and the Homestead beyond, and is clearly an addition dating to the Jackaman period of occupation. Typically, colonial homesteads featured a formal entrance drive which allowed for a sense of ceremony and arrival. This is reflected in the main drive from Campbelltown Road, remnants of which survive today, and which is documented in the Shone Plan and subsequent aerial views. This significant main driveway is partially retained and interpreted in the proposed landscape masterplan.

3. Mr. Gibbs asserted that the proposal has not taken into account the significance of a view from one of the rear, northern wing windows of the Varroville Homestead, view facing north-west towards the western dams (modified / constructed by the Jackamans in the mid-20th Century). Mr. Gibbs has supported his argument by including the following image (refer Figure 4), suggesting that this demonstrates that the subject view is a significant heritage view, an important planned landscape vista and a specific consideration in locating and laying out the Varroville Homestead, (the concept of which is reputedly demonstrated by the illustration). We make the following comments in response to Mr. Gibbs' assertion, based on our own research

¹⁵ Tallents, C. 2018, Cemetery Land Use: Contribution to Environmental and Heritage Values, p.68-69

and the research of Dr Richard Lamb (who provided expert heritage views advice in relation to the subject site):

- The view of and from the western valley as being of significance is highly contested. The extant dams in the view from the house were not constructed in the formative period of significance claimed for the place (being the colonial period and latter 19th century). They were constructed in the 1960s (by the Jackamans), are not of heritage significance and do not support claims of exceptional aesthetic heritage value on the aesthetic criterion. As mid-20th century dams, the claim cannot be made that they influenced the siting of the house or provided important vistas from the Homestead.
- The view from a window provided in Mr. Gibbs' presentation does not relate to Varroville Homestead and is misleading with respect to current views. The painting which Mr. Gibbs refers to does not demonstrate significant views from houses towards particular landscape features, as he might suggest, and is in fact taken from Rudolph Ackermann's *Repository of the Arts* from the early nineteenth century, which demonstrates fashionable window dressings of the period, and therefore the provided external view is not relevant (refer Figure 4).
- Despite the lesser heritage contribution, it is reiterated that the dams are nevertheless being retained and hence the views will generally be retained, albeit with some modifications to the landscape.

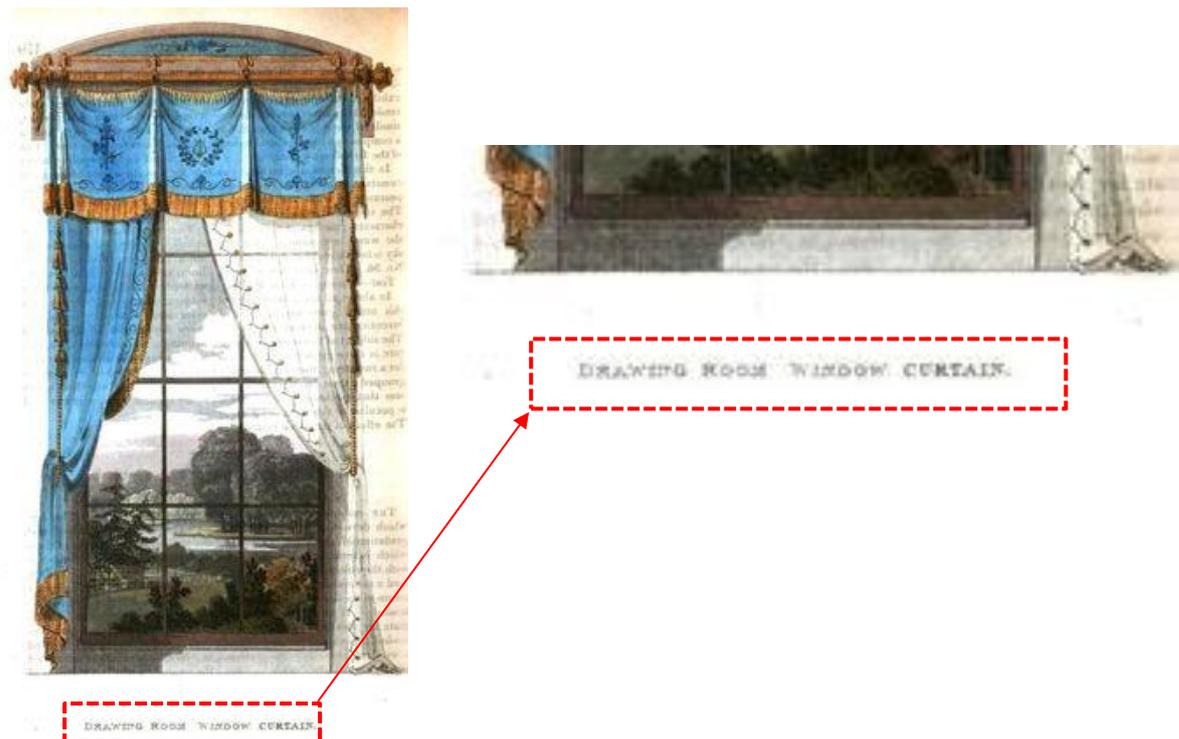


Figure 4 – Painting from Rudolph Ackermann's *Repository of the Arts* showing 'Drawing Room Window Curtain' (caption indicated in red), an illustrated British periodical published from 1809 to 1829

Source: Rudolph Ackermann, *Repository of the Arts*



4. Mr. Gibbs raised the potential significance of what appears to be a former garden layout to the north west (rear) of Varroville Homestead, which in part extends onto the CMCT land. An opportunity exists to undertake archaeological investigation of this feature where required, however it is noted that its presence on a 1947 aerial does not necessarily imply that it is a nineteenth century development or belongs to the Townson period of occupation. This has not been substantiated elsewhere in the historical record.

2.5. ADDITIONAL SUBMISSIONS

Other members of the public provided submissions at the Public Meeting of the IPC on 25 March 2019, including Elizabeth Michie, Sister Jocelyn Kramer and Elizabeth Pemberton. We will not outline the heritage issues of the proposal contained in those responses as they generally relate to concerns of potential heritage impact and recognition of heritage significance, and have been already addressed above throughout this submission or via design amendments as detailed in Florence Jaquet's presentation.

3. CONCLUSION

We trust the above assists the IPC Panel in making their determination and we are grateful for the opportunity to provide further clarification and responses to the submissions outlined at the IPC Public Meeting for this matter. We welcome any further questions from the Panel if needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stephen Davies".

Stephen Davies
Director of Heritage