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25 March, 2019

Ms Dianne Leeson  
Chair of IPC Panel – Crown Cemetery Development Varroville  
NSW Government Independent Planning Commission  
Level 3, 201 Elizabeth Street  
Sydney NSW 2000

Dear Ms Leeson,

**Independent Planning Commission Review and Public Hearing  
Crown Cemetery Development Varroville**

On 19 March, 2015, the National Trust of Australia (NSW) wrote to the Secretary, Department of Planning expressing deep concern in regard to the planning processes which then appeared to be leading towards facilitating a cemetery development at Varroville. The Trust argued that the proposal would seriously degrade the important curtilage, dating from 1810, of the property Varroville and would damage a long term proposal, supported by the National Trust, for statutory recognition of the Scenic Hills Environmental Protection Area.

The National Trust urged rejection of the Joint Regional Planning Panel advice to the Minister for Planning on this development proposal, recommending that it be sent to the planning gateway process. The Trust understood that Campbelltown City Council had already written to the Minister for Planning also requesting that the JRPP advice be rejected.

Varroville and its curtilage was listed on the National Trust Register in December, 1976. The cemetery development proposal is within the Trust's listed curtilage.

The Trust also understood that the NSW Heritage Council had recommended to the Minister for Heritage the making of an Interim Heritage Order over a broader Varroville curtilage, in view of damage which was occurring to important historic buildings on the site. The immediate Varroville property had been listed on the State Heritage Register in 1999, following an earlier 1993 Permanent Conservation Order.

The Statement of Significance for the State Heritage Register Listing commenced –

Varroville is a 'celebrated early farm estate dating from 1810 with early structures, the 1850s homestead, layout, agricultural (vineyard) terracing and evidence of early access road.'

'Varroville is rare as one of the few larger estate landscapes remaining in the Campbelltown area where the form of the original grant and the former agricultural use of the estate and its rural landscape character may be appreciated.'

Campbelltown City Council had zoned this land Environment Protection (Scenic) (7d1) in its earlier Local Environmental Plan. In the Draft Campbelltown Local Environmental Plan 2014, the land was proposed to be zoned *Environmental Management (E3)*, as recommended in Campbelltown Council's Visual Study by Davies and Britton in 2010-11. Commercial cemeteries are prohibited land use under both plans. The Trust also understood that the NSW Heritage Council had written to Campbelltown City Council on 28 November, 2013 lodging its objections to the cemetery proposal.



On 16 March, 2017 the National Trust wrote to the Regional Panels Secretariat lodging its strongest objections to a proposal to amend the Campbelltown Local Environmental Plan (Central Hills) to permit a lawn cemetery at 166-176 St Andrews Road, Varroville.

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

"Lawn burials" and "Natural Woodland burials" are the only two types of burial that could conceivably be argued to potentially co-exist with an Environment Protection Scenic zoning intended to retain the visual character of this historic pastoral landscape.

Crypts for nine people and monuments to 1.5 metres tall would transform this area from the historic agricultural estate to what is really being proposed here, a massive cemetery.

The Conservation Management Plan confirms that Varroville Estate is of State Heritage Significance and states that this places an obligation for owners, occupants, operators and users of the site to conserve this identified significance.

The CMP also notes that the site is in the vicinity of, and inextricably linked to Varroville House which is in separate ownership on an excised lot within the subject site. Varroville House is listed on the State Heritage Register (SHR) and is a heritage item on the Campbelltown Council Local Environmental Plan. The identified significance of Varroville House and the associated values of the estate must be retained and conserved. This includes significant views and vistas.

The Trust strongly agrees with the Conservation Management Plan's statement that "the current statutory curtilage for Varroville is considered to be inadequate to maintain, to retain and protect the heritage values of the place and the curtilage for LEP Listing and that the State Heritage Register Listing curtilage should be expanded.

As argued in the CMP, it was essential to expand the State Heritage Register Listing Curtilage to incorporate an area around Varroville House comprising the outbuildings, former drive, remnant vineyard terraces and the majority of the potential Sturt dams.

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

The National Trust has twice put in submissions (on 3 November, 2017 and 19 March 2018) to Campbelltown City Council opposing this Development Application.

The National Trust of Australia (NSW) is a former owner of the Varroville Homestead, which is the subject of the present State Heritage Register Listing. At the time of sale by the National Trust a protective covenant was placed on the property to protect its heritage values.

The National Trust had recently successfully argued against a cemetery proposal, within a State Heritage Register listed property, Fernhill at Mulgoa. The arguments used at Fernhill are the same for Varroville - "this





development is totally incompatible and in fundamental conflict with, and destructive of the use of, this site as an historic landscape of State Significance.”

### **The cemetery does not meet a need for burial space in the Macarthur and South-West Sydney Regions**

The Statement of Environmental Effects ‘The Public Interest’ section (page 70) argues that “the proposal will provide needed burial space for the South West of Sydney. The Statement’s ‘Strategic Planning Context’ (page 44) argues “The proposal directly relates to a recognised shortage of burial space across Metropolitan Sydney, as identified within *A Plan for Growing Sydney* and publications released by Cemeteries and Crematoria NSW.”

However, the *Metropolitan Sydney Cemetery Capacity Report*, a survey of available burial space in metropolitan Sydney, released by the NSW Government in November, 2017 has found 300,000 plots available, enough for the next 34 years. In fact, this Survey also noted that the Cemeteries and Crematoria NSW (CCNSW) *Metropolitan Sydney Cemetery Capacity Report* predicted a shortage of burial space in Sydney would occur by 2051, if no additional space is made available. This is not the “needed burial space” and “recognised shortage” put forward as justification for the development in the Statement of Environmental Effects.

The National Trust supports the considered approach adopted in the Metropolitan Sydney Cemetery Capacity Report that “the NSW Government has initiated preliminary work to consider the criteria for potential locations for additional cemetery space in the metropolitan area.” The conclusions from the Fernhill Estate, Mulgoa decision are that cemeteries should not be sited on historic colonial landscapes which are better conserved for heritage conservation and public recreational purposes.

The *Metropolitan Sydney Cemetery Capacity Report* also found that the South-West Sydney Region was well served with the number of grave plots available at 95,000 (at 1 Jan 2015). Of the six Sydney Regions only the West Central Region was better served with 145,000 grave plots available.

### **The Provisions of the Greater Sydney Region Plan and the Western City District Plan**

The Greater Sydney Commission’s Western City District Plan includes the Varroville site in Campbelltown City Local Government Area and is a guide for implementing the Greater Sydney Region Plan at a District level.

The Greater Sydney Commission states that this 20-year District Plan is a bridge between regional and local planning. It is intended to inform local environmental plans, community strategic plans and the assessment of planning proposals. The District Plan also helps councils to plan for and deliver growth and change, and to align local planning strategies to place-based outcomes. The Commission’s District Plan was finalised in March 2018.

The new Greater Sydney Region Plan Objective 13 is that Environmental heritage is identified, conserved and enhanced. Strategy 13.1 states

Strategy 13.1 for Objective 13 states –

Identify, conserve and enhance environmental heritage by:

- engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
- applying adaptive re-use and interpreting heritage to foster distinctive local places
- managing and monitoring the cumulative impact of development on the heritage values and character of places.



In terms of the proposed cemetery development on this State Heritage Significant place, the National Trust would contend that the community has clearly articulated the heritage values of this property and how they contribute to its significance and that the development proposed would destroy the distinctiveness of this local place and its rare heritage.

The Western City District Plan has Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes with its corresponding Objective 18 – Scenic and cultural landscapes are protected. Specifically mentioned in the list of scenic landscapes requiring protection is the Scenic Hills between Campbelltown and Camden.

Action 76 states –

“Identify and protect ridgelines, scenic and cultural landscapes, specifically the Scenic Hills, Mulgoa Valley and the escarpments of the Blue Mountains.” Responsibility – Councils, other planning authorities and State agencies.

Action 77 states –

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

In the Trust’s view, the protection of the Scenic Hills as specific Actions in the District Plan overrides the more general planning priority – “A growing Greater Sydney requires additional land for burials and cremations.”

The cemetery proposal is totally incompatible with the current Scenic Hills E3 zoning objectives set out in the Campbelltown Local Environmental Plan 2015 – “To preserve the rural heritage landscape character of the Scenic Hills.”

The Development Application’s Design Statement identifies seven major new buildings and various shelter buildings. An examination of the various building designs for the Chapel accommodating 500 people, the Administration Office, the Function Room, the Gatehouse, the Café for 80 people, Ground Staff Facilities, 75 Crypts and sixteen Shelters confirm that none of these buildings contribute to “preserving the rural heritage landscape character of the Scenic Hills.” On the contrary, these buildings and the redeveloped areas around them would be totally out of character with the Scenic Hills rural heritage landscape.

### **Proposed Destruction of the Early Colonial Period Remnant Viticultural Trenching**

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

In fact, the remnant Viticultural ‘terracing’ is in fact ‘trenching’ and it is within the proposed State Heritage Register Listing curtilage extension. Despite its stated high significance and the Conservation Management Plan’s requirement for heritage items of identified ‘high significance’ to be ‘retained and conserved’, the development proposes their destruction for the construction of grave sites and associated roadworks.





It should be noted that the area of 'trenching' is much more extensive than indicated on Plan L102 (Burial Extent and Types) and even more extensive than indicated in orange (High Significance) on Picture 83 – Site Plan Showing Significant Elements, on page 93 of the Conservation Management Plan.

The destruction of the vineyard trenching, a key element of high state heritage significance totally belies the Heritage Impact Statement's conclusion "The result is a highly considered proposal that not only retains and conserves but also celebrates the heritage aspects of the place."

### **Roads & Car Parking**

The sheer scale of the road network and car parking provisions is, in the Trust's view extraordinary and highly destructive of this early colonial period rural landscape of State Heritage Significance. There is car parking provision for 350 vehicles as well as kerbside parking on all roads. There will be 8.5 kilometres of concrete roadways up to 8 metres wide with provision in the majority of cases for car parking on both side of roadways. That equates to more than 50,000 sq metres of concrete roadways.

The new road design has no regard to, and the proposed landscape design obliterates, the historic driveway from the outbuildings to St. Andrews Road.

### **Direct Adverse Impacts on the Historic Homestead**

A burial zone with headstones is proposed directly west south west of the Homestead along the entrance road to the Homestead and forming the main foreground view of the homestead when viewed from St. Andrews Road. This is especially unsympathetic and will totally destroy the rural character of the vista to the Homestead.

### **Visual Impacts of the Development Proposal and Environmental Constraints**

Section 7.6 of the Campbelltown Local Environmental Plan 2015 – Scenic protection and escarpment preservation objectives include

- (a) to recognise and protect the scenic, environmental, cultural and historic qualities of the Scenic Hills and the landscape setting of Campbelltown.
- (b) to protect visual aesthetic amenity and views to and from the Scenic Hills,
- (c) to reinforce the visual dominance of landscape over built form,
- (d) to ensure development on land to which this clause applies is appropriate for the location and is located and designed to minimise its visual prominence in the landscape.

On this land the developer proposes major roadworks (concrete roads up to 6 metres in width) totalling 2 kilometres in length. While these roads provide access to the lawn cemetery they also provide access to the other general cemetery areas and 'intervene' between Varroville Homestead and its historic outbuildings. The use of these roads for other than lawn cemetery purposes, their overscaled design and their impact on the historic link between Varroville Homestead and its outbuildings are all factors for not permitting the current proposed road system within the 'No Build Area'.

On the 28 November, 2013 the Heritage Division of the NSW Department of Environment and Heritage provided a detailed comment on the planning proposal for the cemetery, advising Campbelltown City Council of the Division's refusal to support the proposal. The letter mentioned that the Heritage Division did not



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

A subsequent Heritage Division submission stated –

"The Heritage Division believes that additional cemetery usage of the subject land contradicts the aims and objectives of the existing Local Environmental Plan and the existing zoning of the land. The Planning Proposal also appears inconsistent with the findings of the Visual and Landscape Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands, Final Report prepared for Campbelltown City Council by Paul Davies P/L and Geoffrey Britton Environmental Design Consultant, dated October 2011.

The Heritage Division maintains that the landscape and the outbuildings surrounding Varroville Homestead is an exceptionally significant part of heritage of the Varroville Homestead – its remnant estate that explains its creation, siting and where funding originated to build it. Any change of use in this land may substantially change the landscape and identity of the former estate and the ability of site users, visitors and passers-by to comprehend and interpret that history.

On the basis of the above the Planning Proposal for the Macarthur Memorial Park is not supported."

The National Trust argues, in support of the views put by the Heritage Division and, in the knowledge that most of these lands are proposed to be added to the State Heritage Register Listed Area, the development proposed will NOT complement the landscape and scenic quality of the site and will adversely affect the visual and physical qualities of the site.

## Conclusions

The National Trust is firmly of the view that major cemetery proposals must not be sited within State Heritage Register listed early colonial agricultural landscapes. The two land uses are totally incompatible and the various provisions in Campbelltown City Council's Local Environmental Plan confirm this.

The Trust re-iterates its strong objection to this development proposal and puts the alternative proposal that cemeteries should be included on the list of land uses considered for Western Sydney Parklands Trust's land bank of 'operational lands' (that is lands that can be subdivided and sold, to generate funds to run the Western Sydney Parklands).

Both the Greater Sydney Region Plan and the Western City District Plan do have an objective that a growing Greater Sydney and the Western City District require additional land for burials and cremations. However, the strategy for providing this will be through the Metropolitan Sydney Cemetery Capacity Report, which has confirmed that the South-West Sydney Region is well served with the number of graves available.

However, the Greater Sydney Region Plan has a specific objective to identify, conserve and enhance environmental heritage. The Western City District Plan has a planning priority and objective for protecting and enhancing scenic and cultural landscapes and the Scenic Hills is specifically highlighted – *"identify and protect ridgelines, scenic and cultural landscapes, specifically the Scenic Hills, Mulgoa Valley and the escarpments of the Blue Mountains"* It is notable that the other State Heritage Listed landscape threatened by a cemetery development was in the Mulgoa Valley.



The Varroville Homestead is State Heritage Register Listed, its original surrounding estate has now been recognised by the Heritage Council for its State Heritage Significance and recommended to the Minister for Heritage for Listing on the State Heritage Register and the Heritage Division has lodged an objection to this development proposal.

A cemetery development on the Varroville Estate is unthinkable and should be rejected outright.

We look forward to due consideration being given to the concerns raised by the National Trust.

Yours sincerely,

Graham Quint  
Director, Conservation