



Anoulack Chanthivong MP

MEMBER FOR MACQUARIE FIELDS

General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

FEB22'18 08:08:08 RQUD

21 February 2018

Dear Lindy,

I write in reference to file number 3293/2017/DA-C. I note that 166-176 St Andrews Road Varroville is a parcel of land centrally located in the Scenic Hills.

I would like to reaffirm my consistent, long-held view and position advocating for the protection and preservation of Campbelltown's iconic Scenic Hills. This is a position shared by many others in our community, who have consistently and strongly opposed the development of this important and vital green open space corridor in Sydney's south west.

The Scenic Hills not only provides a unique and beautiful backdrop to the City of Campbelltown – it has major heritage significance and provides valuable open space for our growing community. The green 'lungs' of Campbelltown serve as an environmental buffer between Campbelltown and Liverpool – one that is more important than ever given the region's continued growth and sustained pressure from increasing urban overdevelopment.

For generations, the Scenic Hills has been protected and preserved by the Campbelltown community and it is my steadfast belief that this should not change.

I do not support the application (file number 3293/2017/DA-C) by the Catholic Metropolitan Cemeteries Trust to develop the land in St Andrews Road, Varroville. In fact, I would overwhelmingly support stronger protections for this land and our much-loved and revered Scenic Hills.

I have grave fears that this application for a cemetery and parklands on the subject land marks the beginning of the end for our Scenic Hills. That, over time, the rolling hills and green expanse that is so intrinsic to our community's environmental heritage and identity will be replaced with more tar, more concrete and more congestion as incremental development insidiously destroys the Scenic Hills.

The subject development application will unlock a tidal wave of new development applications across the Scenic Hills. It begs the question – what is next? Funeral parlours, a florist and retail outlets or perhaps even a retirement village or housing subdivision?



Anoulack Chanthivong MP

MEMBER FOR MACQUARIE FIELDS

This is why it is so important to reject the subject development application before it irreversibly changes the local landscape and we lose the Scenic Hills as we know it forever.

Campbelltown City Council has historically taken a strong stance when it comes to preserving our environmental heritage. I look forward to Council upholding its traditional position on this issue and doing all it can to protect the Scenic Hills now and into the future.

The ongoing protection of the subject land in Varroville and our Scenic Hills is vital. Anything less would be too little, and sadly, too late.

The community has fought long and hard to protect the Scenic Hills from development. Approving this development application would forever change the character and destroy the Scenic Hill's unique environmental heritage.

The Scenic Hills has always distinguished Campbelltown from other Sydney metropolitan areas and made our city unique. Therefore, this development application should be rejected in its entirety.

I would request a formal acknowledgement of my submission.

Yours sincerely,

SIGNATURE REDACTED

Anoulack Chanthivong, MP
Member for Macquarie Fields



Anoulack Chanthivong MP

MEMBER FOR MACQUARIE FIELDS

NOV07'17 08:11:09 RCVD

The General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

6 November 2017

Dear Lindy,

I am writing to you again in relation to my letter dated 30 October 2017 concerning DA 3293/2017/DA-C (construction and use of a new cemetery and parklands, 176 St Andrews Road , Varroville NSW 2566).

I have received advice from [REDACTED] Convenor of the Scenic Hills Association, that Council has agreed to extend the Exhibition Period to three months. I am grateful for this response from Council but would support the request from the Scenic Hills Association that this three month extension be extended to 22 March 2018 so as not to include school holidays.

Further, I also support the request from the Scenic Hills Association that the DA be available to the public on the Council's web site.

I would be grateful for your advice on these matters.

Yours sincerely,

SIGNATURE REDACTED

Anoulack Chanthivong, MP
Member for Macquarie Fields

23MAR'18 10:53 RCVD

The General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Fax: 02 4645 4111

Email to: council@campbelltown.nsw.gov.au

23 March 2018

Dear Madam,

Subject: Development Application: 166-176 St Andrews Road Varroville
(file number 3293/2017/DA-C) **Submission in objection**

Submission against the Development Application received from Catholic Metropolitan Cemeteries Trust for the construction and use of a new 136,000 plot cemetery and parklands at St Andrews Rd, Varroville.

The submission is summarised below.

- In objection to the non-compliance with the Act and statutory requirements and the Director General's requirement
- In objection to the siting of the proposed cemetery, certain site specific conditions not being met, the inaccuracy and adequacy of the environmental impact assessment of the cemetery and the impacts that this proposal would have on the current owners of heritage listed Varro Ville House and owners of other properties in the vicinity of the proposed cemetery.
- In objection to the siting of roads, modern buildings and graves near and along the boundary of 166-176 St Andrews Road that will affect the amenity and the value of the Varro Ville House and other properties in the vicinity.

The owners of Varro Ville House requested a curtilage extension and received from the State Heritage Council:

"Notice of Intention to consider a curtilage extension on the State Heritage Register of:

Varroville (SHR No. 00737), 196 St Andrews Road, Varroville"

and

"(T)he Heritage Council of NSW resolved, at its meeting of 5 July 2017, to give notice of its intention to consider a curtilage extension for **Varro ville** on the State Heritage Register in acknowledgement of its heritage significance to the people of New

South Wales. This advice is in accordance with section 33(1)(a) of the *Heritage Act 1977 (NSW)*."

The Heritage Council of NSW made a recommendation to the Minister to expand the curtilage of Varro ville House onto 166-176 St Andrews Road land and in accordance with cl 34(1) of Heritage Act 1977(NSW) this should have been undertaken by the Minister within 14 days from the date of notification by the Heritage Council

The Heritage Minister failed to make a decision regarding curtilage expansion within 14 days and so is in breach of the Heritage Act , 1977 (NSW)

Also, the Minister must make a decision on the curtilage extension and the Minister's decision needs to be known before there can be meaningful public comment.

The Consent Authority should immediately reject this development application on the grounds of non-compliance with the Act and it should not be re-exhibited until the Consent Authority assesses it as being compliant and ready for public exhibition.

Landowners felt only misleading discussion was ever held on the possible siting of the buildings, graves or roads on the adjacent property at a site that could not be closer to the historic Varro Ville House.

Landholder concerns about any of the proposed works have been met with information evenings with glossy brochures filled with pictures of happy families in a green park-like setting, but little else. This is despite the Director General of the Department of Planning and Environment requiring (from 10 June 2003) that, with proposals assessed in accordance with the EP&A Act 1979, "you should consult with the surrounding landowners and occupiers that are likely to be affected by the proposal."

The Cemetery is inappropriately sited, on the basis that the site is unsuitably hilly and known to be subject to slip.

This could have future implications for the cemetery in times of flooding rains, as a Queanbeyan cemetery found to its embarrassment and as revealed in the following extract from the ACT Government Archives: (Ref.

https://www.archives.act.gov.au/find_of_the_month/2017/october/previous-find-of-the-month-102017):

"But the most gruesome result of the 1974 flood was the extensive flooding of the Queanbeyan Riverside Cemetery. The Member for Monaro, Mr Steve Mauger, said after his inspection of the city that almost all of the cemetery was completely under water.

It was absolutely tragic to see...Coffins and bodies were afloat, and I would say that not one of the graves was left untouched. When I was watching this afternoon, about 20 feet of the bank fell into the river, and I was talking to one couple whose parents' graves had completely disappeared.

A week after the event, Inspector Percy Hale of the Queanbeyan Police denied rumours that bodies had been recovered from Lake Burley Griffin. But he did confirm several bodies had been recovered from the Queanbeyan River with the assistance of the ACT Police.

Estimates vary on how many graves were actually lost in the flood, as earlier flood events were also responsible for breaking up and washing away both graves and headstones, although it could have been as high as 100. Some reports say that 63 bodies and body parts were eventually

reburied. Many of the lost remains would never be recovered due to their age or because they are potentially buried beneath a part of the cemetery that had subsided from past erosion.

The rumour of the bodies in Lake Burley Griffin continues to persist 43 years on, with stories circulating of bones still embedded in the mud at the bottom of the lake."

If the Varroville cemetery does proceed, sturdy trash traps need to be installed at the entrance to all the Sturt dams to protect water quality and to facilitate the remediation of graves and their occupants should a similar incident arise.

Also the site does not appear to have been assessed in accordance with the Environmental Planning and Assessment Act 1979 in that it seems there has been no assessment of alternatives to the proposed siting as required under this Act. There has been assessment of other sites but these appear to be in addition to this site, not as an alternative for this site.

Further, a cemetery was not a permissible land use in the Scenic Hills. However an amendment to the CLEP 2015 allowed clause 7.8A to be added and this allows a cemetery on the site, subject to site specific conditions.

However it appears that conditions (2)(a), (2)(b), and (2)(c) are not met.

Under condition (2)(a) the addition of roads, non-rural fencing along St Andrews Road, modern buildings, art forms, above ground crypts and headstones will not "complement the landscape and scenic quality of the site" which is essentially an historic scenic rural landscape.

Under condition (2)(b) the partial destruction of heritage terracing associated with early farming on Varro Ville will "adversely affect the visual or physical qualities of the site."

The importance of this feature to the heritage landscape is described in the Heritage Council Letter to the owner Varro Ville dated 11/7/2017:

"Varroville's remnant vineyard trenching, directly linked to original grantee Dr Robert Townson, is rare in Australia on account of its unusually extensive area, its very early period, its unusual trenching patterns relative to the topography and its dual function as a means of intercepting rainfall and runoff for water conservation (it is also possibly unique in an Australian context as a vineyard apparently inspired directly from ancient Roman writers on agriculture)."

Under condition (2)(c) (again) the partial destruction of terracing, the remodelling of the Sturt dams with boardwalks and the removal of 119 trees including trees belonging to native critically endangered vegetation communities (described later) will result in causing **more than** a "minimal effect on the existing landform and landscape"

With respect to federally listed threatened ecological communities, Appendix AA shows there are two critically endangered communities that will be impacted. These are Cumberland Plain Shale Woodland (1.45ha) and Moist Shale Woodland (.28ha), totalling 1.73ha.

Under the EPBC Act 1999, if an impacted patch is larger than .5 of a ha and of moderate or better quality, it must be subjected to a significance assessment and potential referral to the federal Dept of Energy and Environment.

In this case the Fauna and Flora Assessment at Appendix AA says at page 26 :

"Therefore whilst to total pf 1.73 ha of native vegetation will be impacted, 0.5 ha of of moderate or better condition vegetation and 1.2ha is of low condition vegetation will be lost."

The assessment concludes that "the impacts are minor, can be compensated by revegetation works and are not considered significant under the EPBC Act."

However Table 4.2 shows this outcome is reversed.

It is .5ha of low condition vegetation and 1.23ha of moderate condition vegetation that will be lost:

Table 4.2 – Vegetati on impact and restorati on calculati ons EEC	Remove Total (ha)	Retain Total (ha)	Loss (%)	Loss due to pathways (ha & %)	Reveg Total (ha)	Final Area (ha)	Total Gain (%)
Cumberland Plain Woodland (low)	0.46		3.52		11.6%	0.09ha (19%)	
Cumberland Plain Woodland (mod)	0.99		9.01		9.9%	0.22ha (22%)	
Total	1.45	12.53	10.37%	0.31ha (21%)	7.86	20.40	163%
CPW							
Moist Shale Woodland (low)	0.04		3		1.3%	0.04ha (100%)	
Moist Shale Woodland (mod)	0.24		6.27		3.7%	0.24ha (100%)	
Total	0.28	9.27	2.93%	0.28ha (100%)	9.66	18.93	204%
MSW							
Dam with occasional fringing sedges	0.08		3.15		2.5%	NIL	
Total	0.08	3.15	2.5%	NIL	1.1	4.25	135%
Dam Sedges							

As more than .5 ha of critically endangered ecological communities are impacted, the environmental impacts of this proposal are not minor and there should be a significance assessment under the EPBC Act and possible referral to DoEE.

The Assessment's assertion that the impacts "can be compensated by a combination of revegetation works and or biodiversity offsets" is vague and does not give any surety that these works or offsets will be implemented to mitigate the impacts .

The Vegetation Management Plan (VMP) in Appendix EE is merely "to guide the ongoing restoration on the existing native vegetation areas, and to protect and restore native landscape" while acknowledging (at page 18) that "a significant number" of thirty five hollow bearing trees will be removed "due mostly to poor health and safety reasons."

If the site remained as Scenic Hills these scarce nesting trees would not need to be removed.

The Memorial Park Masterplan of the site (Page 3 of Appendix B Landscape Masterplan) is deceptive. The yellow dotted line east of Varro Ville House states that this is a "no Build" area and the pink dotted line outlines the heritage precinct. One would suppose that these areas are exempt from the development.

However that is not the case. Close inspection reveals all these areas will have graves; it just means there will not be "buildings" in these areas. There is nothing sympathetic to Heritage in the heritage precinct. Above ground tombs and Crypts will be built in elevated positions and roads and graves will be built close to the Varro Ville House boundary.

The amenity and financial value of Varro Ville House and its land will be adversely impacted.

For all the above reasons, this development application should be refused.

Yours Faithfully

[Redacted Signature]

[Redacted Name]

[Redacted Title]

**Objection: Development Application, Macarthur Memorial Park, 166-176 St Andrews Road,
Varroville – File No. 3293/2017/DA-C**

From: [REDACTED]

To: council@campbelltown.nsw.gov.au

Dear Council:

I object on principle to this D.A. which I consider premature. I recommend Council vote to defer it and not consider it or any revised version of it, until:

- a) Resolution of the issue of **State Heritage Register-listing of an additional area (the subject site/portion of it)** is considered by the Minister for Heritage;
- b) Prior consultation with and advice is received from the **Heritage Council of NSW** on this DA;
- c) Prior consultation with and advice is received from **Campbelltown City Council's heritage adviser**, heritage advisory committee, or an independent heritage consultant on its impacts;
 - Noting its proximity to and potential direct physical and indirect visual and other adverse impacts on the heritage values of, the landscape character (i.e. setting of) adjacent Varroville Homestead site, a SHR-listed and Campbelltown Local Environmental Plan-listed item;
 - Noting potential adverse direct physical and indirect visual and other impacts on the heritage values (which seem yet-to-be-well, or independently, defined) of the subject land itself, as the core landscaperemnant of Varroville's original grant, i.e. its farm, once-renowned in the colony;
- d) **A revised scheme demonstrably consistent with the:**
 - Campbelltown LEP 2015's zone objectives*;
 - Campbelltown LEP 2015 section 5.10 - heritage objectives and controls; and
 - Campbelltown LEP 2015 section 7.8A;
 - stated planning objectives, zoning and controls over the Scenic Hills sector of Campbelltown City, as outlined in LEP 2015 and other instruments*;
 - the applicant's conservation management plan policies (e.g. policy 29) to undertake archaeological investigation to confirm the age of, and 'conserve, where possible' explorer Charles Sturt (then resident at Varroville)-era connected dams up the subject valley; and similarly to 'retain and conserve' colonial vineyard terracing on the subject land (which is LEP-listed);
- e) **Revised supporting information** is prepared that takes into account **more up-to-date and more-comprehensive research and assessment of Varroville estate's heritage values**, including of historic and surviving views of significance. In this regard I mention recent work done by Orwell & Peter Phillips; and work done by Geoffrey Britton Environmental and Heritage Consultant for the owners of adjacent Varroville homestead;

More specifically, I object to:

1. **Stated 'need' for additional cemetery space on this site** (as part of South-West Sydney)**;
2. **Stated 'acceptable impacts'** (which I contest are unacceptable) on both the subject land; and on adjacent Varroville homestead's site, its access, its landscape setting and ability to be interpreted (i.e. understood) as a once-expansive, unified farm;
3. **Excessive proposed numbers, and sizes of buildings**, requiring screening, all collectively increasing adverse heritage impacts, including the cafe and function buildings removing perhaps explorer (then Varroville owner) Sturt-era connected dams/water-retention system in this valley, archaeological potential of known early vineyard terracing, cutting off (roads, parking) Varroville's original and its more latter-era (1940s+_ driveways), etc;

4. **Excessive scaled and numbers of roads and (350 space) car parking on site**, both above and below-ground, for this site in particular.

*I note the objectives of the land's zone in Campbelltown LEP 2015, which are below (underlining is my own emphasis of what appear to be relevant factors with the subject DA's non-compliance):

Zone E3 Environmental Management

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *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.*
- *To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.*
- *To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.*
- *To preserve the rural heritage landscape character of the Scenic Hills.*
- *To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.*
- *To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.*
- *To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.*

I cannot see the 'need**' for additional cemetery space in South West Sydney. P. 39 of the Metropolitan Sydney Cemetery Capacity Report says:

The heat-map in Chart 4.4 illustrates the ratio of deaths to grave plots available in each region over the period 2015–56 for the metropolitan Sydney regions. Capacity in the Central, South and North regions carry very low numbers of available grave plots in proportion to the number of deaths projected for those regions through to 2056. Only the West-Central and South-West regions are well served for capacity in proportion to the number of persons projected to die in each region.

I remind Council of its own excellent, comprehensive Scenic Hills planning work (by Paul Davies P/L), confirming their value as '*backdrop, frame and recreational and cultural resource*' for the entire city, enacted by progressive state and local planning of the 1980s and greatly reinforced by detailed recent work, mapping views, various values and benefits of planning to retain, celebrate and embrace them. This formerly progressive work risks total dismissal with recent planning proposals for Macquarie Field House, the site of former Leppington House/farm on Denham Court Road and this, at Varroville. Enough, I say, it is time for some 'line-in-the-sand' and Council being seen to stand by its former admirable planning work!

I recommend that Council:

- a) **defers any consideration** of this DA until resolution of the SHR status of the subject land; and
- b) **requires revision and due consultation** with the parties and issues outlined above.

Thank you for the opportunity to make comment on this matter.

██████████

5 December 2017

Ms Lindy Deitz
General Manager
Campbelltown City Council
PO BOX 57
Campbelltown
NSW 2560

By email: council@campbelltown.nsw.gov.au

Copy to: jim.baldwin@campbelltown.nsw.gov.au

Dear Ms Deitz

3293/2017/DA-C: Varroville Cemetery

We act for the Scenic Hills Association and write with regard to the above development application to raise the following concerns:

- The notification of the development does not comply with the Campbelltown Development Control Plan (**CDCP**) and therefore Council is in breach of the *Environment Planning and Assessment Act 1979 (Act)*.
- The failure to make available the development application and accompanying documents for copying is a breach of the *Environment Planning and Assessment Regulation 2000 (Regulation)* and therefore a breach of the Act.
- The public exhibition period should be extended for at least a further month to rectify the notification and exhibition error.

Breach of the notification requirements

1. Section 79A of the Act requires the notice and advertising of development which is not designated development to be conducted in accordance with the Act, the regulations, the relevant environmental planning instrument and development control plan.
2. Clause 9.4.2.3 of the CDCP requires the notification on Councils' website to contain:
 - i) the description of the land (including the address) on which the development is proposed to be carried out;
 - ii) the name of the applicant and the name of the consent authority;
 - iii) a description of the proposed development;
 - iv) the time/period within which written submissions will be received by Council;
 - v) where the DA can be viewed; and
 - vi) who to contact for further information.

3. Council have notified the development in two locations on its website, one in the DA Tracker and the other in 'Have your say'.
4. Unfortunately neither of these locations contain:
 - a description of the land (apart from the address)
 - a description of the development (we would expect a short statement giving some idea of the size of the land, number of graves and space for ashes expected to be allocated, if buildings such as a chapel are involved and the number of vehicle movements expected) rather than the title of the development such as 'cemetery and parklands' which has been provided.
 - the name and contacts of a person from whom to seek further information.
5. Therefore in our view the notification does not comply with the CDCP and subsequently is in breach of the Act. The development has not yet been properly notified.

Failure to allow copies of DA and accompanying documents

6. We are instructed by our client that members of the community are unable to make copies of the DA material on exhibition. The failure to allow making of copies of the DA and accompanying documents is a breach of the Act and the Regulations and may lead to invalidity of the Development.
7. As above s79A of the Act requires public notification in accordance with the Act, Regulations and development control plan.
8. Regulation 91 is set out below (emphasis added):

91 Public notification of development application and accompanying information

(1) The consent authority must ensure that a development application is publicly notified in accordance with the relevant requirements and that any accompanying information is available for inspection during the relevant submission period at the place or places specified in the public notice.

(2) During the relevant submission period:

(a) any person may inspect the development application and any accompanying information and make extracts from or copies of them, and

(b) any person may make written submissions to the consent authority with respect to the development application.

(3) A submission by way of objection must set out the grounds of the objection.

9. It is a matter of common acceptance that access to the documents which seek to justify a development is necessary in order to make an informed

submission. Members of the public are entitled to make a submission on this development application, which proposes substantial changes to the surrounding environment. In our view the purpose of the Act and Regulations in specifying that any person may make copies is a recognition that development applications can be complex and lengthy, and detailed study of the accompanying documentation may be required before an informed submission can be made. This is in keeping with the object of the Act to *provide increased opportunity for public involvement and participation in environmental planning and assessment*¹.

10. It is completely unreasonable to expect the community (who may well have to work or attend to family responsibilities during the day) to sit in a library for hours or days digesting accompanying documentation to the DA, in order to make an informed submission.
11. If the public exhibition process for this DA is inaccessible (as it currently is), the Sydney Western City Planning Panel will be deprived of the opportunity to consider informed public submissions made in accordance with the Act. We note that the public submissions are a mandatory relevant consideration under s79C(1)(d) of the Act. Clearly it is Parliament's intention that informed public submissions are able to be made. If this is defeated by a lack of reasonable access to the DA material there is a real question of whether the DA process in this case will comply sufficiently with the Act such that a decision can actually be made by the Panel. Our client's concern is that by not allowing the public to make copies of the DA, the public exhibition and submissions process is fundamentally flawed such that the Panel will be deprived of informed public submissions as required by the law. This is not in the interests of any party, including the developer.
12. We understand that Council has informed our client that it believes it is exposed to prosecution for a breach of copyright should it allow copies to be made or publish the documents on its website. To this end the Council has approached both the Sydney West Planning Panel and the local Member to host the documents.
13. It is our view that whether or not Council is exposed to prosecution for a breach of copyright, Council is covered by a statutory indemnity via s158A of the Act which was enacted by Parliament specifically for this purpose.
14. In this regard, we draw your attention to Mr Brad Hazzard's second reading speech for the *Environmental Planning and Assessment Amendment Bill 2012* in the NSW Legislative Assembly on 24 October 2012 that relevantly, in regard to section 158A, reads (emphasis added):

*Making planning content available online goes hand in hand with the Government's aim of increasing the levels of transparency and fostering greater public confidence in the planning system. The State cannot overrule Federal copyright legislation but **the bill expands the regulation-making power for a statutory copyright indemnity***

¹ s5(c), *Environment Planning and Assessment Act 1979*

for all types of information published by councils during all planning processes and encourages councils to make all relevant documents publicly available to the community.

15. As such Council is indemnified against any claim for breach of copyright. In any event, we also understand that the developer has consented to publication of the documents. In such circumstances, there should be no barrier to publication of the material on Council's website.
16. In summary, Council is in breach of the *Environmental Planning and Assessment Act* if it does not make copies of the documents associated with this DA available and is potentially in breach of the Commonwealth Copyright Act if it does. However, Council is indemnified against the potential breaches of copyright law, and it is required by the Act to allow copies to be made of the DA material. In the circumstances, it is entirely open to Council to allow copies to be made, and Council is in fact required to do so under the law.

Conclusion

17. As stated above it is our client's view that Council is breaching the Act by not complying with the notification requirements of the CDCP, and by not making copies of the DA documentation available as required by Regulation 91.
18. We request, on behalf of our client, that in order for the objects of the Act to be upheld, the public exhibition must be extended to allow Council to issue the legally correct notification, and make the documentation available to the public, and allow it to be copied in accordance with the law.
19. Given that we are approaching the annual holiday period, and that this period is recognised in the CDCP, the public exhibition period should be extended for at least a further month to rectify the notification and exhibition error.

Thank you for your attention to this matter. We would appreciate your written response within seven days of the date of this letter.

If there are any matters that you would like to discuss please do not hesitate to contact the writer on 9262 6989 or by e-mail Elaine.Johnson@edonsw.org.au

Yours sincerely,
EDO NSW



Elaine Johnson
Principal Solicitor

Our Ref: 1624289JR

The General Manager
Campbelltown Council
PO Box 57
CAMPBELLTOWN NSW 2560



By email: council@campbelltown.nsw.gov.au

DEVELOPMENT APPLICATION, 166-176 ST ANDREWS ROAD VARROVILLE – File no. DA3293/2017/DA-C

Dear Ms Deitz,

The Australian Garden History Society is the leader in concern for, and conservation of, significant cultural landscapes and historic gardens through committed, relevant and sustainable action. It has three branches in NSW and this submission is made on behalf of the Sydney and Northern NSW (i.e., the local) branch (the Branch).

We are pleased to provide this letter of objection to the proposed 136,000 grave cemetery at Varroville in the Scenic Hills (Macarthur Memorial Park).

The reasons for our objection is as follows,

1. Adverse impacts on the heritage significance of Varro Ville

A 2001 study specifically commissioned by the Heritage Council to report on the remaining pre-1860 colonial farms on the Cumberland Plain, described Varro Ville as, 'a *'celebrated early farm estate dating from 1810 with early structures, the 1850s homestead, layout, agricultural (vineyard) terracing and evidence of early access road.'* It concluded that it was '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.**' (p98, *Colonial Landscapes of the Cumberland Plain & Camden Morris and Britton, 2000*). The proposed cemetery development will introduce a more intensive use of the site over time resulting in its rural landscape character being dominated by an excess of roads, introduced avenue plantings and formal garden rooms, buildings and memorials that will dominate the simplicity of the expansive pastoral setting that now surrounds Varroville house and garden.

2. Adverse impacts on the curtilage of Varro Ville house and garden

The subject cemetery development is within the curtilage of the historic Varro Ville estate. Varro Ville's historic and visual curtilages have survived substantially intact for 200 years and can still be readily understood and appreciated as a Colonial cultural landscape. It is critically important for Campbelltown, the Cumberland Plain (as the site of the earliest Colonial settlement) and the State of NSW that this rare historic complex remains intact and able to be interpreted as a cultural landscape (p84, *Visual Analysis of*

Campbelltown's Scenic Hills and East Edge Scenic Protection Lands, P Davies, G Britton, 2011).

The NSW Heritage Council (NSWHC), through the Minister for Heritage, has given a heritage grant to the owners of Varro Ville to conduct a curtilage study. This NSWHC study has recommended that almost all of the cemetery land should be state heritage listed. The proposed 10 metre 'no burial' buffer zone along the perimeter of the current property boundary to Varro Ville is unrealistic and will not be read within the significant view corridors to and from the item. The location of the proposed road between the Varro Ville house and its outbuildings (Figure 15, Civil Report, Warren Smith and Partners) will sever this important connection and further erode the significance of this State Heritage listed item. The AGHS urges the Council assessment officers and the determining body **to defer any consideration of this application until the Heritage Minister provides a response. This NSWHC study should be considered alongside the development application documents.**

3. The Visual Assessment by RLA consideration of the car parking requirements of the site is inadequate

The visual assessment is fundamentally flawed as it has not assessed the true visual impact on both Varro Ville house and the Campbelltown urban area of the development proposed. The proposed cemetery development includes 350 car spaces on site (93 underground) plus kerbside parking on all roads. This is a staggering 1750% difference between the 20 spaces provided in a single formal carpark (p36 Traffic Impact Assessment, GTA Consultants, 2015) proposed under the Planning Proposal. Due to the steep topography of the proposed cemetery, it is now evident that the required areas of level land for parking will require extensive cut and fill of the more visually prominent parts of the site, particularly since the designers have chosen to locate the multi-purpose chapel on the steeper part of the site. The landscape site sections prepared by JFLA still largely indicate that the existing levels are to be retained untouched, even where dams are proposed (Section DD). This is wholly incorrect and misleading. These sections have not considered the requirement for cut and fill associated with the proposed construction of roads and carparks clearly indicated in the Civil and Hydraulic plans prepared by Warren Smith and Partners. The AGHS urge the Council to **refuse the development on the visual impact of the parking requirements for the proposed development**

4. The increase in roads and buildings across the site is out of character with the surrounding rural land.

The number and size of proposed roads and buildings associated with the development has considerably increased from the Planning Proposal now including a larger Chapel for up to 500 people, a Café, a Function Building and 16 shelters for up to 30 people. The true extent of works across the site is revealed most clearly in the General Arrangement Plan prepared by Warren Smith and Partners (Dwg C1.01 Issue 1 24/8/17). This plan and the detailed plans accompanying it indicate the full extent of bulk earthworks, retaining walls, roads, paths, drainage swales, headwalls and further additional structures that are to be scattered across the rural landscapes. With likely signage and lighting, it can be concluded that the proposal will be closer related to a large new residential subdivision. The combined impact of roads, car parking is not in character with the surrounding rural land and fails to achieve the objectives of the E3 zoning. The AGHS urge the Council to **refuse the development on the failure to achieve the objectives of the E3 zoning.**

5. The tree impact assessment prepared by Travers Bushfire and Ecology is inadequate

The assessment of tree impacts from the proposed excavation of roads, retaining walls and burials has not been considered in accordance with AS4970-2009 Protection of trees on development sites (Section 4.3 Travers Bushfire and Ecology). The claim in the report that 'no tree will have the TPZ impacted by the proposed development (p6, Travers Bushfire and Ecology) is unsubstantiated as the plans used for their assessment are simple line drawings and vastly different from the true extent of works as indicated on the Civil and Hydraulic Plans prepared by Warren Smith and Partners. The proposed road impacts alone include extensive excavation and filling for batters on either sides that will result in major encroachment and likely removal of a significantly greater number of existing trees than is indicated. The proposed circular design of grave excavations such as to the east of the Chapel will result in major encroachments within the TPZ of remnant trees and should not be permitted. Similarly concealed concrete beams proposed for burial plots within the TPZ of trees will require further excavation within the TPZ (Dwg 601, Sheet 20, JFLA). Burial designs have not considered the long term viability of these trees, have not been included in the arborist assessment and conflict with the proposed requirement for retention of remnant critically endangered vegetation across the site. The proposed excavation for graves and associated structures should not be permitted within the TPZ of existing critically endangered vegetation and instead these areas should be preserved as conservation zones. The arborist report itself acknowledges the additional deficiencies of the assessment stating that the 'calculated areas of impact of the proposed buildings is not required at this Stage' (p6, Travers Bushfire and Ecology). It should also be noted that the footer to the report refers to a property in Kellyville. The AGHS urge the Council to **refuse the development due to the inadequacies of the tree assessment and the clear and significant impacts on existing critically endangered vegetation that is proposed to be retained.**

6. The Landscape Plans prepared by JFLA are inadequate

The landscape plans for this vast development are inconsistent with the more detailed Civil and Hydraulic Plans prepared by Warren Smith and Partners. The landscape plans provide insufficient existing and proposed levels, top of wall levels to demonstrate achievable landscape outcomes. There is inadequate notation as to what much of what is shown on the plans. Details of the proposed materials for paths and 900mm high retaining walls (Typical Terraced Burials, Dwg 605, FJLA) have not been provided. The full monumental burials (Dwg 604, FJLA) appear to conflict with the natural topography. The AGHS urge the Council to **refuse the development due to the inadequacies of the landscape plans.**

We would be happy to discuss points made in this letter if that is of assistance. Please contact me at the address below.

Yours sincerely

John Maurer
AGHS Committee

W1603/599 Pacific Highway
ST LEONARDS NSW 2065

DEVELOPMENT APPLICATION, 166-176 ST ANDREWS ROAD VARROVILLE – File no. DA3293/2017/DA-C

23 March 2018

From: OpenForms <noreply@openforms.com>
Sent: Saturday, 3 February 2018 6:23 PM
To: Council
Subject: Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C
Attachments: SubmissionReceipt-HYSDevelopmentProposal166176StAndrewsRdVarroville-2.pdf

Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C

Hi,

A Development proposal - 166-176 St Andrews Rd, Varroville feedback form has been submitted.

Attached is the detailed response or supporting documentation: This proposal is unfair to the residents of the Varroville residence. I most certainly would not relish living in a house surrounded by a cemetery.

Further, this is the thin end of the wedge, allowing development in our Scenic Hills area. What will the cemetery trust next request. A crematorium, a kiosk, buildings in the scenic hills. This is a one way street. If this development is allowed in the scenic hills, then that part of the scenic hills is gone - gone for good, and won't/cannot be replaced. Development can only go one way. We are not removing any development from the scenic hills to make it an even swap.

Leave the scenic hills alone. They belong to all of us /

Name: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

OpenForms

Product of **Seamless**



HYS - Development proposal 166-176 St Andrews Rd, Varroville

Submission date: 03/02/2018 06:23 PM

Receipt number: 2

Question	Response
Development proposal	166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Is your submission/feedback?	Unsupportive
Please enter your submission	<p>This proposal is unfair to the residents of the Varroville residence. I most certainly would not relish living in a house surrounded by a cemetery.</p> <p>Further, this is the thin end of the wedge, allowing development in our Scenic Hills area. What will the cemetery trust next request. A crematorium, a kiosk, buildings in the scenic hills. This is a one way street. If this development is allowed in the scenic hills, then that part of the scenic hills is gone - gone for good, and won't/cannot be replaced. Development can only go one way. We are not removing any development from the scenic hills to make it an even swap. Leave the scenic hills alone. They belong to all of us</p>
Please attach your submission	
Given name	
Surname	
Email address	
Phone number - Business hours	

Miriam Afan

From: [REDACTED]
Sent: Friday, 16 March 2018 3:13 PM
To: Council
Subject: Re Yarraville Cemetery

Dear Manager

Varroville Cemetery DA – File No. 3293/2017/DA-C

I note that public submissions close **Friday 23 March 2018**.

As former Chair of the World Heritage Committee of UNESCO and of the Australian Heritage Commission and having regard to the heritage values of the Cemetery and the site I urge the Council to stop this intensive development of the Scenic Hills, and to save this cemetery in the interests of conservation of an important cultural heritage place in the municipality.

Campbelltown is one of the more significant cultural heritage parts of Australia in terms of post –settlement activity, and the cemetery has unique significant not only for the names of those recorded as buried there but also for its location and presentation.

I have also read the submissions of [REDACTED] and support that submission for the reasons there given.

Please don't hesitate to contact me if you have any questions.

Yours sincerely

[REDACTED]
16 3 2018

Liability limited by a scheme approved under Professional Standards Legislation.

Miriam Afan

From: [REDACTED]
Sent: Friday, 16 March 2018 4:51 PM
To: Council
Subject: Submission On Varroville Cemetery

To Whom It May Concern, I am writing to you with a submission to stop the proceedings of the planned Varroville Cemetery File Application Number=3293/2017/DAC166 as we do not need to destroy more land & natural surroundings so close to our cities as PLEASE Preserve what little we have left as it is more beneficial to the people that have to live here so i am putting in my protest as leave our beautiful Scenic Hills alone Thanking You With Kind Regards [REDACTED]
[REDACTED]

Miriam Afan

From: [REDACTED]
Sent: Saturday, 17 March 2018 12:09 PM
To: Council
Subject: File No. 3293/2017/DA-C

The Historic Houses Association of Australia would like it put on the record that we have serious concerns regarding this proposed cemetery development. The long term impact on the built heritage in this region by a development of this nature and scale is totally unacceptable. We are of the view that these issues have not been taking into account and therefore we respectfully ask that council rejects current development application.

Yours faithfully,

[REDACTED]
Chair
M. [REDACTED]
T [REDACTED]
E [REDACTED]
www.hha.net.au

[REDACTED]
1 Carthona Avenue,
Darling Point, 2027



From: [REDACTED]
Sent: Saturday, 17 March 2018 3:30 PM
To: Council
Subject: DA 166-176 St Andrews Road, Varroville File No. 3293/2017/DA-C

Campbelltown Council
PO Box 57
CAMPBELLTOWN NSW 2560

RE: Development Application, 166-176 St Andrews Road, Varroville File No. 3293/2017/DA-C

We object to the: DEVELOPMENT APPLICATION FOR A 136,000 GRAVE CEMETERY AT VARROVILLE IN THE SCENIC HILLS (MACARTHUR MEMORIAL PARK) – FILE NO. 3293/2017/DA-C

We, a family, with extended family in the area, have always believed this area would stay as the Scenic Hills Heritage Area, and hopefully become a Public passive recreation space.

This submission, and, these continued submissions by the Catholic Cemetery Trust, to build a cemetery in this location after repeated opposition by the council and local residents is not right, this development is clearly 'not in the public interest'.

There is plenty of suitable Rural type locations that would be better suited for a cemetery and a crematorium.

The Council and Government need to stop this application and any future subsequent applications to develop this land as a cemetery (which no doubt in my mind, will have a supplementary application for a crematorium or two if approved).

A question for Council (please respond in writing)

Has the Council looked into doing a GIPA search on the dealings of the Catholic Cemetery Trust (a Public Body) and the State Government, if not why not?

As the connections between the two don't seem to be transparent, I cannot see a standard developer e.g. Invocare or other private cemetery operator, having the ability to change zonings to permit a cemetery and over-right Council and local the people.

This intensive and invasive commercial development is not consistent with the E3 zoning objectives of the **Campbelltown Local Environment Plan 2015**

'To preserve the rural heritage landscape character of the Scenic Hills': <https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/partlanduseta/include21> , or heritage conservation objectives: <https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/part5/cl5.10>

Nor does not satisfy the special provision -clause **7.8A** -in the **Campbelltown Local Environment Plan 2015**: <https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/part7/cl7.8a>

Please explain: Why the The Visual Impact Study has not been revised.

'CMP... Visual Impact Study and Design Master Plan may all need revision...as a result of...this curtilage study' (NSWHC Submission to the JRPP 2016)

Nearly all the early colonial vineyard trenching will be destroyed by roads and graves. These are locally heritage listed and are also within the proposed state heritage boundary awaiting gazetting.

The CMCT's own **CMP** requires (as for the dams) that heritage items of identified 'high significance' be '*retained and conserved*'.



Miriam Afan

From: [REDACTED]
Sent: Monday, 19 March 2018 11:53 AM
To: Council
Subject: Objection to Developemnt Application Varroville Cemetery DA3293/2017/DA-C Squires

Campbelltown Mayor and Councillors

As a resident and rate payer in Campbelltown we object to the proposed Varroville Cemetery DA 3293/2017/DA-C

The proposed Cemetery will have a huge impact on the on our beautiful Scenic Hills which should be protected rather than develop with a cemetery. The proposed buildings will have an impact on the rural outlook in the area.

Please consider the DA carefully and decline the application.

[REDACTED]

Sent from [Mail](#) for Windows 10

[REDACTED]
[REDACTED]
[REDACTED]

The General Manager
Campbelltown City Council
PO Box 57
Campbelltown
NSW 2560

19th March 2018

SUBMISSION: Application for A136,000 Grave, Cemetery at Varroville in the Scenic Hills
(Macarthur Memorial Park) – File No. 3293/2017/DA-C

I am opposed to this development for the following reasons:

HERITAGE Varroville house is an important building in the Heritage of Campbelltown, home of and visited by many of Australia's early pioneer leaders. Like so many heritage buildings before this will once more be part of our history lost to development, in this case a cemetery which will completely wrap around the historic building.

I was a founder member of the Campbelltown Council Heritage Committee and we were invited to morning tea by the previous owners, the then owner told me that when Governor Macquarie and his wife Elizabeth were visiting Varroville they walked to the top of the hill (now park) and the Governor turned to his wife and said "this will be Campbelltown named after you" or words to that effect. The previous owner was not a man given to fancy or conjecture, and therefore, I must assume he had found that comment in writing.

As each historic building or home is either lost or surrounded by concrete, so the history and tourist potential of our city will be lost. Campbelltown should be a proud tourism centre, but instead we are being buried in concrete.

Time and time again the city is being devalued, downgraded and if any pride is left in the residents completely ignored. We were once a proud city with our agriculturists, explorers, and leaders boldly taking a stand for what they believed in, today it appears whatever the State Government tells us we must do and our leaders appear to just agree.

St Helens Park House, Mount Gilead and Meadowvale are or will be testament to this tremendous loss of value, and the list could continue we have lost so much and so many buildings.

If this were Tasmania our historic homes would be heritage listed and valued, such as Callington Mill and Woomers Estate the latter being a World Heritage Site. The main difference being that this is Campbelltown and the buildings older and still being used as they have been for approximately 200 years.

TRAFFIC The roads leading in and out and within the suburb of Varroville were never intended to cope with the amount of traffic that will be generated by a cemetery. Slow moving traffic or

collections of vehicles following coffins will increase the congestion on the Hume Highway as family members accompany vehicles to the cemetery.

We already have too many vehicles on our roads; road rage is on the increase along with drivers making terrible mistakes because of their shear frustration of road conditions.

THE NEED FOR THIS CEMETERY? I question the need for another cemetery. Forest Lawn at Leppington will continue to be large enough to accommodate the needs of our local population for many years to come. This new cemetery is not required for local people, but the scenic hills will soon be the only open space left to generate clean air and well being in our region.

OVERSEAS THINKING In many countries where space has become almost impossible to find, burying the dead is considered out of date, and in other cemeteries, the area is being turned into parkland and ashes are spread in beautiful gardens with trees and picnic areas.

This has to be the way we will eventually have to deal with the dead. Instead of row after row of plaques or grave stones, normally neglected after the first few years.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Miriam Afan

From: [REDACTED]
Sent: Tuesday, 20 March 2018 6:39 AM
To: Council
Subject: Varroville Cemetery DA File No. 3293/2017/DA-C

[REDACTED]

20.03.2018

Campbelltown City Council
Queen Street,
Campbelltown
NSW 2560

General Manager & Town Planner

Dear Sirs

I am writing to confirm I do not support the Varroville Cemetery DA whose file number is: 3293/2017/DA-C and wish to lodge my objection. It appears a tragedy that these Scenic Hills and wonderful historic area should be subject to a development of this kind.

I hope and pray this development may not proceed.

Kind regards

[REDACTED]

20.03.2018

E & O E

From: [REDACTED]
Sent: Wednesday, 21 March 2018 1:18 PM
To: Council
Subject: Submission on Varroville Cemetery DA – File No. 3293/2017/DA-C

I wish to lodge my objection to the proposal by the CMCT to build a cemetery in the Scenic Hills.

No cemetery should be built on land that is one of the icons of Campbelltown: the Scenic Hills. of Campbelltown.

The Scenic Hills of Campbelltown should be preserved and protected for future generations for the following reasons:

- Its historic and has heritage value
- Its natural beauty and green open space which is the background of the city of Campbelltown
- Biodiversity that in many cases involves endangered species.
- A cemetery at the entrance of Campbelltown would be an ugly view for visitors and people who live in Campbelltown.
- There was opposition of the Campbelltown Community to build this cemetery via the Campbelltown Council, that unanimously, except for one councillor, opposed the cemetery.

It doesn't make sense to build another cemetery so close to the Forest Lawn Cemetery at Leppington, after an official spokesperson from Forest Lawn said that they have burial capacity for **another 70 years** and even the NSW Government's own cemeteries capacity report states that South West Sydney is "well served" for its future burial capacity.

Proposing to import the dead from other areas of Sydney only serves to distort the true needs of the local community into the future. Economics and trade experts would term that behaviour "dumping"

In any case if the CMCT is in a hurry to built a cemetery, it makes more sense it should be further down south of Campbelltown where all the housing development is and will be taking place.

Community Consultation Sessions and CMCT Hidden Agenda

The so called consultation sessions were not really consultations with the community of Campbelltown. A real consultation is an open and structured forum with people able to express their opinions. These so called consultations were mostly a marketing exercise to sell the product.

Another issue that I believe the CMCT is having in mind (proven by the fact that they have up to 5 businesses registered under Campbelltown or Macarthur Cemetery and Crematorium) is that in a very short time in the future they would be applying to the Southwest Sydney Planning Panel to grant them to permission to have a crematorium. It all makes sense if we take into account that the CMCT is a business and they exist to make money and compete with other neighbouring cemeteries that *do* have a Crematorium.

The CMCT have provided no adequate explanation as to why they have registered 5 business names referencing either Campbelltown or Macarthur Cemetery and Crematorium.

Heritage Council Listing

The Heritage Council has indicated that they would be prepared to list the majority of the land in question for preservation under the Heritage Act.

The importance of Varroville House to the history of this area will be enormously diminished if the surrounding land outside the proposed extended curtilage were to be open for development, either as a cemetery or other project. This area is the only historically significant land mass in the west of Sydney and provides a green belt separating the LGAs of Liverpool and Campbelltown.

If Varroville house is worth preserving for posterity, then I think the Scenic Hills is historically enmeshed with the history of Varroville House and the two should be treated as one heritage site and not broken into sections for both Heritage and cemetery or any other development.

I applaud the curtilage extension, but to have any preservation significance, the whole area of the Scenic Hills should be treated as a heritage site, much like we have protection for our Royal National Park.

Re-Imagine Campbelltown Strategy

This Council plan is getting much publicity, with the Council waving the flag of its green credentials all over the press and media.

How embarrassing if the rest of Sydney were to discover, that part of the greening of Campbelltown was the inclusion of a 136.000 grave cemetery as you enter the LGA from the north. All of the media attention for this plan has no mention of this huge cemetery. It is conveniently forgotten to be mentioned, because that would spoil the message.

Ultimately, this is another assault on this remaining green space by the Liberal/National State Government. Campbelltown Council doesn't want it, the Heritage Council doesn't want it, the neighbouring Carmelite nuns don't want it and the Campbelltown residents don't want it. This is not a question of a shortage of future burial capacity as claimed by the proponents. This is a proven deception. Talk to anyone from Forrest Lawn Cemeteries.

This is simply another profit making business by the CMCT, seeing an opportunity and spending lots of money on lobbyists to get the NSW Government convinced to push this through, against the will of the Council and the residents of this LGA.

This proposal should not proceed.



Miriam Afan

From: [REDACTED]
Sent: Thursday, 22 March 2018 8:23 AM
To: Council
Subject: Varroville cemetery

The Mayor;

I am strongly oppose the proposal to build the cemetery @ Varroville, the following reason.

The cemetery just opposite to Mt Carmel secondary school & opposite to the playground where the kids from age five to 18 years plays. Their health affect due the poisonous gas which will emitted to the surrounding areas if cemetery build @ Varroville.

The people live around Raby, St Andrew & other suburb due these gaseous.

As a person like in Raby for thirty odd years this first time we coming this hardship first time in our life.

Regards

[REDACTED]

Miriam Afan

From: [REDACTED]
Sent: Thursday, 22 March 2018 12:53 PM
To: Council
Subject: Council <Council@campbelltown.nsw.gov.au>

The site where the catholic trust going build cemetery is just opposite to MT Carmel secondary school & the playground where the young kids play sport . The children will breath poisonous gases emitted from the surrounding which will affect children health. This the main reason object the cemetery. Please may serious consider about this fact.

The second point I like raise is traffic surrounding area.(specially Raby area) Then it affect the property value and distract scenic hill beauty.

REGARDS

[REDACTED]

From: OpenForms <noreply@openforms.com>
Sent: Friday, 23 March 2018 12:56 AM
To: Council
Subject: Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C
Attachments: SubmissionReceipt-HYSDevelopmentProposal166176StAndrewsRdVarroville-3.pdf; [REDACTED]

Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C

Hi,

A Development proposal - 166-176 St Andrews Rd, Varroville feedback form has been submitted.

Attached is the detailed response or supporting documentation:
I object strongly to the Development proposal 166-176 St
Andrews Rd, Varroville File number: 3293/2017/DA-C / [REDACTED]
[REDACTED]

Name: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

OpenForms

Product of **Seamless**



HYS - Development proposal 166-176 St Andrews Rd, Varroville

Submission date: 23/03/2018 12:55 AM

Receipt number: 3

Question	Response
Development proposal	166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Is your submission/feedback?	Unsupportive
Please enter your submission	I object strongly to the Development proposal 166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Please attach your submission	
Given name	
Surname	
Email address	
Phone number - Business hours	

20th March 2018
To Campbelltown City Council

DEVELOPMENT PROPOSAL: for a cemetery at 166-176 St Andrews Road, Varroville File number: 3293/2017/DA-C

I STRONGLY OPPOSE the Catholic Metropolitan Cemeteries Trust (CMCT) proposed development proposal for a cemetery at 166-176 St Andrews Road, Varroville NSW.

I do NOT give permission for my name NOR my address to be published.

I am writing to you as a concerned resident of the Macarthur Region.

There are a number of issues I am concerned about that brings me to my OBJECTION of this development proposal for the CMCT cemetery within the Scenic Hills Varroville, the implication of this, and also for any surrounding areas, especially those currently protected for the future!

It is abhorrent if Campbelltown City Council even remotely consider such a proposal to allow a cemetery in this protected area in which cemeteries were NOT permitted under the previous 7 (d1) zone (Environmental Protection – Scenic), and continue to be prohibited under the new E3 zone (Environmental Management).

I wish to draw your attention to the new zone E3 (Environmental Management), which is listed below from (CLEP 2015), in which the proposal for a cemetery does NOT fulfil any of the listed objectives past or present. It also is classed as prohibited. Therefore, in order to allow such a proposal to go ahead would mean this area would need to be re-zoned which goes against EVERYTHING under the Zone E3 Environmental Management section of the CLEP 2015. This is utterly disturbing, and actually outrageous and hypocritical! Again I have to ask HOW is it, that this proposal is even on the table for consideration!!

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- 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.
- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To preserve the rural heritage landscape character of the Scenic Hills.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural workers' dwellings; Viticulture; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; **Retail premises**; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

In the Draft 2014 CLEP the only listed area in the Scenic Hills that was listed for any potential rezoning was as follows:

Lot averaging controls to potentially allow some limited subdivision in the East Edge Scenic Protection Lands.

There was absolutely **NO mention** of the Scenic Hills of Varroville even being considered for any changes. In fact the previous CLEP was amended to include the words cemetery being **prohibited**, and they **remain prohibited**.

I would like to draw your attention to a letter from the NSW Government Planning and Infrastructure Director General Mr Sam Haddad to Mr Paul Tosi of Campbelltown City Council dated 24th March 2014 – ref: 13/19771. Within this document Mr Haddad states:

‘I have also agreed to Council’s proposed prohibition of “cemeteries,” “crematoria” and “mortuaries” from the following proposed zones:

- RU@ Rural Landscape
- E3 Environmental Management
- E4 Environmental Living
-

‘I agree to this on the basis that these land uses are not mandated under the Standard Template and their exclusion from these zones reflects the existing zoning status.’

It truly troubles me to see that something the local community objected to vehemently, as did councillors (I had been present at some of these meetings), and this was taken out of OUR Local Governments hands and into the NSW State Government. Rezoning occurred to Crown Land, now it is back into our Local Government (Campbelltown City Council) hands again. How can this be so?! Why was this so?! State Government should NEVER have become involved in the first instance.

I am urging Campbelltown City Council, to act in the best interests of OUR community! It is OUR heritage landscape and views! WE are the ones who reside here! Squash this development proposal!

Our local community has been fighting now since 2007 against developments in this protected zone. This clearly demonstrated to the NSW State Government that the community of Campbelltown does NOT want a cemetery, or for that matter any other development that will impact on the rural heritage value, and aesthetic views within the Scenic Hills at Varroville, especially in an area which includes the historical homestead of Varro Ville which is steeped in history from early settlement days of our Nation! Nor did we want this land re-zoned. We want it to remain protected and used ONLY for those purposes permitted under the Zone E3 Environmental Management plan. It seems ludicrous that this proposal has even managed to get to DA proposal stage.

Personally I would like to see this land to stay as is, but if it was to be used, that it is as a vineyard again. Bringing back that historic value of its past. That would blend into the natural surroundings, whereas a cemetery with all its headstones, plaques and crypts does not. It detracts from the natural beauty of the land, not blends nor enhances.

This CMCT cemetery proposal should have had the word '**DENIED**' stamped immediately given it does not meet CLEP requirements! Not only that, the studies used by CMCT for the purpose of this DA were from outdated studies from 17-26 years ago to assess views to and from Varro Ville Homestead. I believe these views have been re-assessed as part of a new study, partly funded by the NSW Heritage Council (NSWHC). Why has CMCT not waited for this new curtilage study to be tabled? Why are they rushing to push this DA through?

I refer you to a thesis written by Dr Phillip Norrie in 2005 titled *Wine and Health Through the Ages* with Special Reference to Australia. Dr Norrie states:

'Dr Townson was the first Doctor to establish a vineyard, which was in Varroville after being granted 405 hectares in 1811 in Minto. Dr Townson was a Doctor of Law.'

The Australian National University (ANU) biography published in *Australian Dictionary of Biography*, Volume 2, (MUP), 1967 on Dr Townson. Here is an excerpt from *Australian National University* (ANU's) website:

'Varro Ville became a show place for its beauty, abundance and variety in orchard and garden; his vineyard was second only to that of Gregory Blaxland; his fine-woolled sheep and their clip were in great demand; his cattle were numerous and in the opinion of his contemporaries 'no single man had accomplished more in the rearing of stock'.

Dr Townson place in history deserves to be respected, honoured and protected in our region, as with other early famous settlers. Townson was part of the famous 'Rum Rebellion' in 1808 which saw Bligh lose power. Townson named Varro Ville after the ancient Roman agriculturalist and author, Marcus Terentius Varro. Townson was known for having the most extensive library in the early colony. I refer to Campbelltown Councils Website:

'It was only after Macquarie's departure in 1822 that he reentered Sydney life, became a foundation member of the NSW Royal Agricultural Society and was appointed a magistrate in 1826. Townson also helped to establish the Sydney Dispensary which gave free medical attention to the poor.

His library was the most extensive in the colony and dinner parties at his home were always intellectual debating forums. When he died in 1827, Townson left behind a thriving vineyard and sheep/cattle farm.

Varro Ville became the property of Thomas Wills, a brother of Sarah Redfern, and in 1837 it was purchased by one of the greatest Australian explorers, Charles Sturt. He had moved to the Campbelltown area from Mittagong because of the bushranger problems in that region. But he didn't stay at Varro Ville for long, accepting a top government job in the colony of South Australia in 1839.

The new owner was James Raymond, who was to become the NSW Postmaster-General. Supreme Court judge, Alfred Cheeke became another owner, and by the turn of the century the estate was one of the region's leading dairy farms.'

Also Campbelltown City Councils website also states:

'He was also the first was arguably the finest scholar and scientist ever to set foot in the early colony.'

From JRPP's site on the History of Varroville:

After Dr Townson's death Varro Ville Homestead became the property of Thomas Wills, the brother of the famous Sarah Redfern. Thomas Wills sold the property in 1836 to the famous explorer Charles Sturt. Sturt was known for his passion of horticulture. The also famous bird artist John Gould used to visit Sturt at Varroville. Sturt moved to Adelaide in 1839 and sold Varro Ville Homestead back to Thomas Wills, as well as two other partners – also famous – John Gilchrist and John Manning. Gilchrist and Manning sold out in 1929 to James Raymond the FIRST Post Masters General. This is just a brief account of some of the history behind Varro Ville Homestead, and this is why we MUST protect this Homestead and the areas surrounding. To ensure that we always have a snapshot back into the past of life in early Australia. As cemetery really detracts from this. It is not suitable for this location!

As you can see OUR region is **RICH** with history from the early days of settlement. OUR Local Government should be **COMMENDED** on ensuring the preservation of the Scenic Hills thus far, and needs to ensure we preserve these buildings, areas, and the surrounds into the future. There is so much at stake here (past, present and future), that it cannot be ignored! That once it is gone, it is gone forever! **YET** it appears that is exactly what is occurring, and appears this is all about \$\$\$ and not about conservation of scenic heritage land, or its aesthetic values for the residents and visitors of/to the City of Campbelltown.

This land should only be used for purposes that have been outlined as in the Zone E3 Environmental Management CLEP 2015. Deviating for this not only breaches those zones, it will also be the demise of the naturally beautiful aesthetic cultural landscapes of the Scenic Hills. **RESIDENTS** who have purchased to live, do so for a reason. They knew these areas were protected and this is why they choose to reside here. Since this sale to CMCT and re-zoning several residents have sold and moved away.

The protection of the Scenic Hills was established in 1972, and here we are only 46 years on and CMCT are determined to destruct this land with prohibited usage. There is **NOTHING** aesthetic about a cemetery! There is much more suitable land topography wise available elsewhere, but this notion

this land is needed because we are running out of burial space is absolutely outrageous as it is simply not true!

There is NO shortage of burial land locally at all. Forest Lawn cemetery claims it still has enough burial space for the local area for another 70 years!! Refer to the Macarthur Chronical 19/02/16 where they state: 'Burial plots are not in short supply in the Macarthur region, says Forest Lawn...'

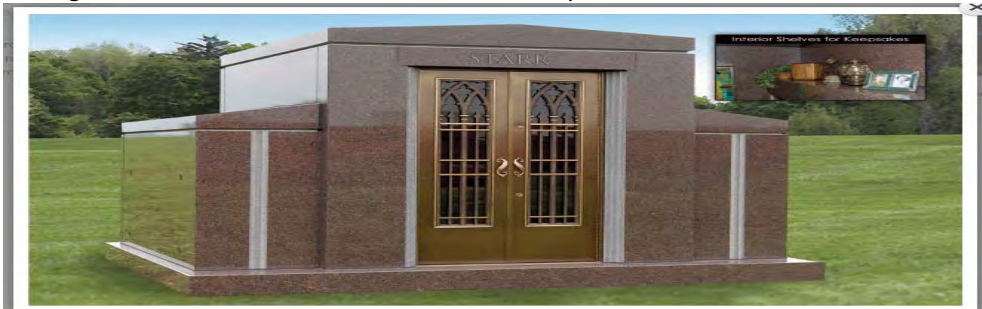
The NSW State government even released a capacity report on November 2017 demonstrating this shortage is not true. That the South-West of Sydney is 'well served' (pg. 39) and will only run out of space in 2056 as it will be taking the dead from South Sydney (pg.34). The report demonstrates strongly the need for cemeteries in South and Northern districts of Sydney (pg. 39). Please refer to link listed directly below:

https://www.crownland.nsw.gov.au/__data/assets/pdf_file/0010/746947/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf

In the CMCT's development proposal Varro Ville Homestead will be surrounded, within 10 metres, by all types of burial plots.

- Monumental Lawn Burial: with headstones 300mm in height
- Monumental graves: with monuments 1.2 metres in height.
- Family Estate Blocks: described as 'cubes with an expected capacity for none interment' (i.e. 'Family Crypts').

Note an image of a Family Crypt. Is this an example of what the Scenic Hills will be dotted with? What about these Monumental Lawn Burial headstones up to 300mm in height, and Monumental Graves up to 1.2 metres in height. The latter is basically nearly as high as residential fencing!! How is that aesthetic? How is the preserving the heritage of the Scenic Hills in this area? One of the major points of the protection of the Scenic Hills is protecting its aesthetic value! The views will be changed forever from the ridge lines. This site is highly visible. It will be ugly! It is going to be an eyesore set amongst the hills, as aesthetic value will be destroyed forever...



I would like to draw your attention to Campbelltown Council's Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands Paul Davies Pty Ltd in association with Geoffrey Britton (Environmental Design Consultant) in October 2011.

Imagine this image below totally dotted with low and high headstones! How is that fitting with keeping to 'preserve the rural heritage landscape character of the Scenic Hills'?

<https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/partlanduseta/include21>

Or for that matter the heritage conservation objectives.

<https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/part5/cl5.10>



Figure 4.0.4. From St Andrews Road looking towards north-east towards Bunbury Curran Hill and over the significant Colonial cultural landscape of Varroville

Imagine this image being dotted with ugly Monumental Headstones or Graves in the above setting as there will be no control over this side... Again I ask, how is that aesthetic, and how does that 'blend' in with the current use of the land? Remember there are Monumental Headstones, Monumental Gravestones and also Family Crypts being proposed in this development application.



This cemetery proposal is not incompatible with retaining views to and from the Varro Ville Homestead. Therefore, it is again incompatible with Zone E3 Environmental Management. There is no way the rural landscape character of the Scenic Hills (as defined in the objectives zone E3 Environmental Management) can be maintained in conjunction with the development of this, or any other cemetery. The land is totally unsuitable and retracts from the objectives that the E3 Environmental Management is supposed to be protecting.

Please note: excerpt from the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Section 4.0.1 page 62:

'The prevailing character of the landscape is one in which the aesthetic of the natural landscape dominates over the constructed even though it contains many historic farms and structures at a density which is now rare in such close proximity to a major conurbation such as the Sydney metropolitan region. Most evidence of human occupation 'sits lightly' in this landscape, being modest in scale, simple in design and built using traditional materials and finishes. The more sympathetic structures are visually connected to the landscape through densely planted gardens around the house which blend into the landscape when viewed

from a distance. Outbuildings, sheds and fences are simple, vernacular structures and are unobtrusive in their siting and construction.'

'Many of the early farmhouses in the Scenic Hills have survived and most of these are now recognised as being of State heritage significance. The survival of whole Estates has however been a rarer phenomenon, with Varroville being a rare and highly significant example of an early Colonial property (from 1810) still in its original landscape setting, even though the ownership has been divided and the management of its significance as a visually intact historic landscape is now a challenging one.'

This development states there will be six main buildings (refer Appendix G Architectural Design Report), as well as other unspecified buildings.

- Chapel –for 500 people at a time (intentionally visible within the side of the hill).
- Café –for 80 people (cafes are prohibited under the zoning unless associated with agriculture)
- Function Building –for 168 people seated or 300 standing
- Crypts –architectural drawings show a long building of 70+ crypts in length by five crypts high (3.5m).
- Gatehouse
- Administration Building
- Garden Staff Building
- 16 'shelters' –for gatherings of up to 30 people at a time spread across the site.

The Café and Function Building are planned to be constructed on the side of rural dams, with adjoining carparks, boardwalks, sculptures, then trees. The trees will hide the natural aspect of view of these dams from the road.

These dams hold significant historical value. They fall within the proposed State Heritage Boundary (curtilage) recommended by the Heritage Minister last year. This is not yet been gazetted. In Appendix X (policy 9) in CMCT's Conservation Management Plan state these dams should be archaeologically assessed and those dams found to be colonial (Charles Sturt) are to be 'retained and conserved where possible'. It is outrageous to this this development proposal has even been put forth before this assessment has even taken place (Appendix X Heritage Impact Assessment, pg.115).

The carparks indicate a capacity for 350 cars at one time, plus kerbside parking on all proposed roads. Again another eyesore from the road, and from Varro Ville House, which is privately owned. The roads are proposed at 8 metres wide, this in itself will be an ugly site as one drives up or down St Andrews Road, or even from the M5 motorway.

I refer to the same study as mentioned above, section 4.0.2 – Issues Affecting the Scenic Hills - pages 68,69:

'The landscape of the Scenic Hills is essentially a cleared, pastoral one. The areas of significant tree growth are limited to the highest prominences and in gully lines, and the remainder of the landscape is undeveloped. The juxtaposition of these in distant views creates a textural depth to the landscape that is lost when developed, even if screened by emergent trees.

Any increase in the density of development and/or introduction of non-agricultural uses into the landscape of the Scenic Hills will have a significant adverse impact on the setting of the City of Campbelltown and its integrity as a mature and truly unique urban landscape which has been so carefully protected over the last 50 years of development.'

'The integrity of the cultural landscape of the Scenic Hills depends not only on the aesthetic qualities of views over the landscape, but also the retention of rural land uses throughout the area. Although the desire of owners to pursue active farming activity varies, the Scenic Hills still contains a range of rural uses including dairy farming, large-animal grazing and the growing of plants such as grapes and olives and these should be encouraged to continue and thrive through land use zones. This includes ensuring that the uses allowed in adjoining zones will not be likely to give rise to complaints and conflict over the essential incompatibility of some agricultural uses and suburban living caused by pollutants such as noise and odours. One type of land use that has a strong precedent in the landscape of the Scenic Hills is that of education and religious centre St Gregory's College, the Mt Carmel High School, the Carmelite retreat and priory and the recently approved St Sava's College are all within the landscape. It should be noted however that none of these uses includes facilities for active worship such as churches or other religious gathering places.'

So this proposal by CMCT for a cemetery goes against everything outlined in our Local Governments Visual Impact Study used for the CLEP 2015. It goes against everything under the Zone E3 Environmental Management area. What is the point of having LEPs if the NSW State Government just thinks it can override things without proper community consultation. More importantly the question needs to be raised on HOW is it that the NSW State Government has even become involved and able to re-zone?! Instead of fair and transparent consultation process, we have seen the CMCT lead people to believe untruths, which, has also led people in the community to believe this is a done deal. Therefore, the proper due process did not occur!

I was raised in Varroville, and moved there in 1971 and have family still who reside there. Even though I do not live in Varroville itself, I do live close by and I can still enjoy the views of the Scenic Hills daily. I would not want live anywhere else as the visual aspect of the Scenic Hills is one of the major things that I LOVE about this area. If this was to go ahead it makes me very concerned as a resident as to what is in store for the rest of the protected areas. It is the aesthetic nature and historical heritage aspect that I love about this area. However, soon there will be nothing aesthetic about it if this cemetery goes ahead. My walks along St Andrews Road will no longer be serene peaceful pictorial walks. Its rich and heritage will be lost amongst ugly headstones, buildings and sculptures which the community itself has no control over.

I want to be able to drive along Spitfire Drive, Raby, or from St Andrews Road from the bridge and look onto the beautiful rolling hills. Every day when I drive this I always think how beautiful and truly lucky we are in Campbelltown to still have such lovely areas. I cannot begin to image how horrid that drive will be looking onto buildings, headstones, cars and the like. I cannot even begin to envisage how Varro Ville Homestead's state-heritage rated pastoral views will be decimated.

Campbelltown City Council publicly acknowledged that the development around Historic Blair Athol House was a HUGE mistake! YET here we go again with the proposed CMCT cemetery, and Varro Ville Homestead... Here is an excerpt from the Macarthur Advertiser dated March 11th, 2016:

In a 2002, former Campbelltown councillors admitted to Fairfax Media that the development at Blair Athol was not sensitive to the area's heritage.

“In the case of Blair Athol, we messed up badly,” former councillor and three-time mayor Aaron Rule said at the time.

It is like our rich heritage of early settlement is something of the past that is not worthy of preservation.

This whole proposal from the beginning was wrong. CMCT misled our local community from the get go. I cannot for the life of me see how this ultra-modern invasive commercial development is consistent with the E3 zoning objectives of the Campbelltown LEP 2015.

I highlight inside the front cover of the Macarthur Memorial Park brochure in 2016, stated:

‘Macarthur Memorial Park **will be situated** on land what was once in the sights of home builders and commercial developers, with 38 hectares to be used as public parkland for the fast growing Macarthur Community.’

The phrase – will be situated - implies this cemetery is already approved, and that was even before this development proposal. It also implies that this is better than having residential or commercial developments. YET, neither of those developments are permitted, NOR is a cemetery under the Zone E3 Management Plan, or the previous CLEP! In my opinion this appears unconscionable conduct misleading the local community! Retail is also prohibited yet there will be retail sales occurring for plots, headstones and the like. Not to mention café trading.

I have to laugh at the suggestion that the cemetery will be used by the Local Community for recreational purposes. Who is going to CHOOSE to go to a cemetery for recreational purposes? My young niece and nephew were mortified with this suggestion. Which raises another issue, that this proposed cemetery may encourage vandalism which I doubt the CMCT has not even considered. This may also pose an issue for theft with existing residents in Varroville, not to mention that the value of their land will more than likely decrease significantly, as to who wants to live next to, or opposite a cemetery by choice?! There have already been numerous residents in St James Road Varroville sell their properties because they were concerned if this cemetery goes through where will that leave them property value wise, as well as the area will not be peaceful anymore.

The land in this proposed cemetery is actually unstable. This was another reason for its preservation. Please refer to the original 1973 State Planning Authority of NSW Structure Plan (*The New Cities of Campbelltown, Camden, Appin*). In this report it is also stated that the instability of substantial parts of the Razorback Range and the Central Hills land (which encompasses the Scenic Hills in Varroville) strengthens the case of conserving these areas. It is stated on page 48 under the heading Conservation and Landscape in the Central Hills Land, Razorback and Nepean River Flood Plain, section 8.21 states:

‘The land should remain in its present basically agricultural use and private ownership to ensure the skyline is free from urban development. The public will enjoy the area as a visual setting to the city but will not have access rights except at particular vantage points which will be publicly acquired (e.g. St James Road viewing platform).’

I also want to raise further points in regards to instability.

I noticed Dr Boyd Dent in Appendix P, in the exhibition documents initially in 2016, Contentious issue cleared the site for a cemetery in the documents supplied for consideration.

3.4. Investigation of the geological condition of the site confirming that ground water protection can be achieved - A geoscientific Investigation has been undertaken by a renowned expert, Dr Boyd Dent, and has regard to World Health Organisation documents. Dr Dent's recommendation is that the site is broadly suitable for the proposed development. His report includes site digging and investigation and lists "General Best Practice Guideline" for siting of burials. Such guidelines can inform detailed development assessments in the future. It is considered that this condition is adequately fulfilled and the JRPP's concerns are adequately addressed

YET here he is in 1999, in an interview with A.Salleh from ABC Science published on Wednesday, 17 November 1999, titled - Australian cemeteries given the all clear the following is stated:

'...Nevertheless, Dent's research has successfully identified a number of areas where, for environmental reasons, new cemeteries should not be built.'

'These include: next to or within former swampland areas, next to ponds or natural lakes, locations where the water table rises (which sometimes occurs on floodplains or on coastal areas), locations which are subject to erosion or flooding, and some hillsides and cliff lines.'

It has been noted that the Scenic Hills land is instable. It also is subject to becoming water logged in some areas. Even at the roundabout on St Andrews Road and Spitfire Drive becomes extremely dangerous in very wet weather because it floods through there, and badly at times. Also on this property that the CMCT propose for their cemetery, there are hillsides that are listed as unstable, and this land also contain natural dams, and YET the CMCT proposes to build many pathways along, up and through these unstable hills...

In the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection. Refer to section 4.0.3, page 72, RECOMMENDATIONS RELEVANT TO ALL LANDSCAPE UNITS WITHIN THE SCENIC HILLS, subheading *Continued Protection from Inappropriate Development* states:

'Given the ongoing erosion of the traditional active agricultural landscape in the area (which has led to increasing passive-rural development and more recently to the increasing suburbanisation of built forms found in the landscape), consideration should be given to re-emphasising the importance of active rural activity to prevent it being further eroded. This could be achieved by allowing the erection of a dwelling only when ancillary to agriculturally productive land uses.'

'The nature of significant views makes them particularly vulnerable to unsympathetically designed and sited structures. Continue to limit the density, range of permissible land uses and the built form of any new development to ensure that it does not have any adverse impact on the scenic qualities of the landscape.'

Another point of concern is that from my understanding the sale of this land from the Cornish Group to the CMCT could only proceed if the land was successfully re-zoned and DA's had been approved. It appears the Minister for Planning changed these conditions on the 23rd November 2015 and one has to ask how and why is this so? I would also like to know what the sale price of this land was to the Cornish Group, and was this information has not been made public? Was it sold at the current land value? Or was it sold at the increased value as if the original terms and conditions had been met? There is absolutely NO transparency here, and the residents of Campbelltown and the Macarthur Region have the right to transparency in such an important issue!

The Scenic Hills is a protected area, and is so for a reason. It is basically the last truly beautiful natural part of the Campbelltown District. Lush rolling hills which are home to a few lucky people, including the Discalced Carmelite Nuns and The Friars. The Friars have been in Varroville since 1964. The Nuns since 1987. They are also against this proposed development as it will be disruptive. It will contradict the reasons this area was chosen for them to reside, as it will ruin the beautiful landscape that they find solace and peace within. Not to mention the impact also on other residents in Varroville, and across Campbelltown.

There also is much flora and fauna in the Scenic Hills at Varroville – which also raises concerns about their endangerment. There are black foot wallabies, echidnas, wombats, foxes and the like.

I also cannot understand how this cemetery is even being considered when access will also be limited, as St Andrews Road is a rural road, and in NSW Planning & Environment Leppington (Stage 1) Finalisation Report October 2015, it clearly states in section 4.4 Traffic and Transport – St Andrews Road that the proposed extension and upgrade was amended. That St Andrews Road link is NOT included in the road network that is currently being evaluated, that alternate road connections have sufficient capacity for future traffic growth, therefore completion and upgrading of St Andrews Road from Camden Valley Way to Campbelltown Road will NOT be required!! This is due to the objectives about the road not meeting its environmental objectives as the road upgrade would mean the rural, peaceful and scenic nature of the area could not be maintained.

If this cemetery is allowed, we have the same issue where this portion of St Andrews Road will not be able to meet its environmental objectives!

There also is no public transport. There is no train station in walking distance. There is only access via Campbelltown Road or Spitfire Drive as main access roads. It really is implausible that this cemetery is even being considered even in the context of access. Any changes made to St Andrews Road to accommodate this cemetery will take away this rural, peaceful and scenic nature of this area!! Again breaching the Zone E3 Environmental Management CLEP 2015.

If this proposal goes ahead, it sets precedence for further re-zoning applications for development. Then it will be 'Bye, Bye Scenic Hills, and aesthetic and historical heritage value to the Macarthur Region.' Once it is gone, there is NO turning back. The damage will be irreversible. This land was traditionally used for farming and viticulture. These activities blend into the Scenic Hills, whereas, a cemetery does not. It detracts from this.

It will be absolute abominable behaviour if Campbelltown City Council allows this development application to go ahead.

Please **reject** this absurd development proposal for a cemetery by the CMCT, and allow OUR community to stop feeling threatened. That our rural heritage, and cultural landscapes of the Scenic Hills, and Varro Ville Homestead are protected from cemeteries, and greedy developers now and into the future. Hands **OFF OUR** Scenic Hills!

Yours Sincerely

A black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
Sent: Friday, 23 March 2018 11:43 AM
To: Council
Subject: Submission re D A No 3293/2017/DA-C

TO WHOM IT MAY CONCERN:

Date:
23.03.2018

To:
Campbelltown City Council

From:

[REDACTED]

Re: Development Application Number 3293/2017/DA-C

I am writing to request that you disallow the Varroville Cemetery Development
DA File No 3293/2017/DA-C.

I live in [REDACTED] however I grew up in Campbelltown and I still constantly visit there. On my visits, I like to walk in the main part of the city, and seek out the buildings that are visual reminders of Campbelltown's heritage.

The most obvious visual reminder, however, is not a building and it is one that all the region's population can enjoy. This is the line of scenic hills. That feeling is deep in my psyche. I can remember that in my childhood I was conscious of the fact that the railway line and much of the Campbelltown Road ran along a valley towards Liverpool and that all the towns and villages between Campbelltown and Liverpool were built on one side (the eastern side) along a hill (with the Georges River behind) and that from many parts of those towns there was a view or a sense of the hills on the other side. I was proud of Campbelltown becoming a city in 1968, (the term 'satellite city' was used a lot at that time), I joined in with the Sesquicentennial Celebrations in 1970 and I was very happy when the 1973 Three Cities Structure Plan was released, recognizing the significance of those 'Scenic Hills' to the west. At about the same time, the new freeway opened, also running along the valley towards Liverpool with even closer views of the hills to the west.

Now comes the current proposal for a cemetery touted as being in keeping with open space provisions. Yet how can that be when it involves so much infrastructure?

In 1982, while still a Campbelltown resident, I mounted a campaign with a submission to the then Macarthur Development Board to try to save what was left of the Old Campbelltown Golf Course, so that it could be used as a park similar to that of Centennial Park in Sydney. That campaign was unsuccessful, one of the reasons being given that Campbelltown's population at that time didn't warrant the size of such a park. Six years later, when the time was right, and with Bi-Centennial funding, the Mt Annan Botanic Gardens were begun. These gardens have been phenomenally successful and are visited regularly by a population who feel the need to feel

refreshed in a natural environment. The Open Space buffer provided by the Scenic Hills is every bit as environmentally important as the Botanic Gardens: it is visual and belongs to every one in the district, indeed to everyone in the state who travels on the main Sydney-Melbourne artery. In addition, the Scenic Hills contain historical vistas that are also vital to the identity of the district.

Despite the situation of this cemetery proposal having its largest section of infrastructure presumably hidden from the view of the freeway, (but still to be viewed from the local road, St Andrews Rd) the monuments, plaques and roadways to be seen from the freeway would still be very noticeable interruptions to the pastoral and heritage landscape that is the essence of the 'Scenic Hills' preservation. The concept of a 'satellite city' cannot be maintained if the open space buffer disappears. This whole development - the main infrastructure of the buildings viewed more from the side road and the monuments, plaques and roads viewed from the expressway, even if partly shielded by trees - is not part of an open space buffer; it is not in keeping with the pastoral landscape set down for preservation in the 1973 plan.

There WAS a plan to use the Scenic Hills in its pastoral form as a most important buffer, so, if the cemetery development went ahead, I believe it would negate the value of the money spent on planning in the first place. In the same way, the heritage value of the nearby historic property - as a reminder not only of Campbelltown's early colonial days but of the early days of the colony itself - has been officially recognised in heritage documents. There are some that are local and some that are state and there is one proposed state heritage boundary that is recommended and awaiting gazetting, The Campbelltown Local Environmental Plan 2015 for Zone E3 includes a provision to 'preserve the rural heritage landscape character of the Scenic Hills', yet this development would destroy the curtilage of the house, including the historic vineyard terracing and historic driveway as well as the overall historical vista as I maintained in the main part of my submission.

The long-term recognition of the environmental and heritage value of this site is important and should be honoured. Government approved plans and heritage documents should be acknowledged as items of value. If they are shown to be able to be cast aside as if they had no value in the first place, then future generations will have reason to question the intent of governments to provide for the mental and physical well-being of their populations.

Yours sincerely,

[REDACTED]

From: OpenForms <noreply@openforms.com>
Sent: Friday, 23 March 2018 12:39 PM
To: Council
Subject: Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C
Attachments: SubmissionReceipt-HYSDevelopmentProposal166176StAndrewsRdVarroville-4.pdf; [REDACTED]

Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C

Hi,

A Development proposal - 166-176 St Andrews Rd, Varroville feedback form has been submitted.

Attached is the detailed response or supporting documentation:
I do NOT support this development application for 166-176 St Andrews Road, Varroville File number: 3293/2017/DA-C /
[REDACTED]

Name: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

OpenForms

Product of **Seamless**



HYS - Development proposal 166-176 St Andrews Rd, Varroville

Submission date: 23/03/2018 12:38 PM

Receipt number: 4

Question	Response
Development proposal	166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Is your submission/feedback?	Unsupportive
Please enter your submission	I do NOT support this development application for 166-176 St Andrews Road, Varroville File number: 3293/2017/DA-C
Please attach your submission	
Given name	
Surname	
Email address	
Phone number - Business hours	

21st March 2018
To Campbelltown City Council

DEVELOPMENT PROPOSAL: for a cemetery at 166-176 St Andrews Road, Varroville File number: 3293/2017/DA-C

I STRONGLY OPPOSE the Catholic Metropolitan Cemeteries Trust (CMCT) proposed development application for a cemetery at 166-176 St Andrews Road, Varroville NSW.

I am writing to you as a concerned resident of Varroville, Campbelltown. I am the longest residing resident in Varroville since 1971.

I give permission for my first name ONLY to be published, along with the suburb VARROVILLE only.

I am writing to you as a concerned resident of Varroville. I must state my strong OBJECTION to this development proposal of a cemetery, by the CMCT, in the Scenic Hills of Varroville NSW.

There are a numerous reasons that are of concern to me about this DA, as to why I object to this, as a resident of Varroville. The implication of this DA, and also for any surrounding areas, especially those currently protected for the future, are of great concern!

Firstly, it appears ludicrous to allow a cemetery in this protected area in which cemeteries were not permitted under the previous 7 (d1) zone (Environmental Protection – Scenic), and continue to be prohibited under the new E3 zone (Environmental Management).

The new zone E3 (Environmental Management), which is listed below from (CLEP 2015), indicates a cemetery does **not** fulfil any of the listed objectives past or present. It also is classed as prohibited. Therefore, in order to allow such a proposal to go ahead would mean this area would need to be re-zoned which is against EVERYTHING under the Zone E3 Environmental Management section of the CLEP 2015.

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- 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.
- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To preserve the rural heritage landscape character of the Scenic Hills.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.

- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural workers' dwellings; Viticulture; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

In the Draft 2014 CLEP the only listed area in the Scenic Hills that was listed for any potential rezoning was as follows:

Lot averaging controls to potentially allow some limited subdivision in the East Edge Scenic Protection Lands.

There was absolutely NO mention of the Scenic Hills of Varroville even being considered for any changes. In fact the previous CLEP was amended to include the words cemetery being prohibited, and they remain prohibited.

I would like to draw your attention to a letter from the NSW Government Planning and Infrastructure Director General Mr Sam Haddad to Mr Paul Tosi of Campbelltown City Council dated 24th March 2014 – ref: 13/19771. Within this document Mr Haddad states:

‘I have also agreed to Council’s proposed prohibition of “cemeteries,” “crematoria” and “mortuaries” from the following proposed zones:

- RU@ Rural Landscape
- E3 Environmental Management
- E4 Environmental Living
-

‘I agree to this on the basis that these land uses are not mandated under the Standard Template and their exclusion from these zones reflects the existing zoning status.’

Our local community has been fighting now since 2007 against developments (Business Park, CSG, Truck Stop and now a cemetery) in this protected zone. This clearly demonstrates to the NSW State

Government, and Campbelltown City Council that the community of Campbelltown does NOT want a cemetery, or for that matter any other development that will impact on the rural heritage value, and aesthetic views within the Scenic Hills at Varroville, especially in an area which includes the historical Varro Ville Homestead which is steeped in history from early settlement days of our Nation! We want it to remain protected and used for those purposes only permitted under the Zone E3 Environmental Management plan.

This CMCT cemetery DA should be denied as it does not meet CLEP requirements! It would appear the CMCT does not understand, nor appreciate the **significant** heritage value of this beautiful rural land. Not to mention the beautiful Varro Ville Homestead in which it surrounds.

Here is some information from The Australian National University (ANU) biography published in Australian Dictionary of Biography, Volume 2, (MUP), 1967 on Dr Townson. Here is an excerpt from *Australian National University (ANU's) website*:

'Varro Ville became a show place for its beauty, abundance and variety in orchard and garden; his vineyard was second only to that of Gregory Blaxland; his fine-woolled sheep and their clip were in great demand; his cattle were numerous and in the opinion of his contemporaries 'no single man had accomplished more in the rearing of stock'.

Dr Townson's place in history deserves to be respected, honoured and protected in our region, as with other early famous settlers. Townson was part of the famous 'Rum Rebellion' in 1808 which saw Bligh lose power. Townson named Varro Ville after the ancient Roman agriculturalist and author, Marcus Terentius Varro. Townson was known for having the most extensive library in the early colony. I refer to Campbelltown Council's Website:

'It was only after Macquarie's departure in 1822 that he reentered Sydney life, became a foundation member of the NSW Royal Agricultural Society and was appointed a magistrate in 1826. Townson also helped to establish the Sydney Dispensary which gave free medical attention to the poor.

His library was the most extensive in the colony and dinner parties at his home were always intellectual debating forums. When he died in 1827, Townson left behind a thriving vineyard and sheep/cattle farm.

Varro Ville became the property of Thomas Wills, a brother of Sarah Redfern, and in 1837 it was purchased by one of the greatest Australian explorers, Charles Sturt. He had moved to the Campbelltown area from Mittagong because of the bushranger problems in that region. But he didn't stay at Varro Ville for long, accepting a top government job in the colony of South Australia in 1839.

The new owner was James Raymond, who was to become the NSW Postmaster-General. Supreme Court judge, Alfred Cheeke became another owner, and by the turn of the century the estate was one of the region's leading dairy farms.'

Also Campbelltown City Council's website also states:

'He was also the first was arguably the finest scholar and scientist ever to set foot in the early colony.'

Our region is steeped in rich with history from the early days of settlement – this needs to be preserved. In my opinion there has not been enough protection of historical homes and land in our region. We need to ensure the Scenic Hills remains protected in Varroville. We need to ensure we preserve these buildings, areas, and the area surrounding into the future. We have already seen development encroaching in other areas of the Scenic Hills. Do not let Varroville become another victim. Once it is changed, there is no turning the clock back.

This land should only be used for purposes that have been outlined as in the Zone E3 Environmental Management CLEP 2015. Deviating for this not only breaches those zones, it will also be the demise of the naturally beautiful aesthetic cultural landscapes of the Scenic Hills. Residents who have purchased to live here, do so for a reason. My family chose to live here for this rural aspect. Residents know these areas are protected and this is why they choose to reside here. The protection of the Scenic Hills was established in 1972, and here we are only 46 years on and wanting to destruct this land with prohibited usage. Now we have seen many local residents sell their properties in St James, and St Davids Roads since the initial exhibition. This is truly sad.

There is NO shortage of burial land locally at all. Forest Lawn cemetery claims it still has enough burial space for the local area for another 70 years!! Refer to the Macarthur Chronical 19/02/16 where they state: 'Burial plots are not in short supply in the Macarthur region, says Forest Lawn...'

The NSW State government even released a capacity report on November 2017 demonstrating this shortage is not true. That the South-West of Sydney is 'well served' (pg. 39) and will only run out of space in 2056 as it will be taking the dead from South Sydney (pg.34). The report demonstrates strongly the need for cemeteries in South and Northern districts of Sydney (pg. 39). Please refer to link listed directly below:

https://www.crownland.nsw.gov.au/_data/assets/pdf_file/0010/746947/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf

In the CMCT's development proposal Varro Ville Homestead will be surrounded, within 10 metres, by all types of burial plots.

- Monumental Lawn Burial: with headstones up to a 300mm.
- Monumental graves: with monuments up to 1.5 metres high.
- Family Crypts.

Note an image of a Family Crypt. Is this an example of what the Scenic Hills will look like? What about these Monumental Lawn Burial headstones up to 300mm metre in height, and Monumental Graves up to 1.3 metres in height. How is that aesthetic? How is that preserving the heritage of the Scenic Hills in this area? One of the major points of the protection of the Scenic Hills is protecting its aesthetic value. The views will be changed forever from the ridge lines. This site is highly visible by road, and from Varro Ville Homestead. There is nothing beautiful about a cemetery.



<https://kukulkanblog.wordpress.com/tag/family-crypts/>

I would like to draw your attention to Campbelltown Council's Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands Paul Davies Pty Ltd in association with Geoffrey Britton (Environmental Design Consultant) in October 2011.

This image below is from this Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection. **Imagine this image covered with unsightly Monumental Headstones, Graves and Family Crypts...** I ask Campbelltown City Council, how is that aesthetic, and how does that 'blend' in with the current use of the land? How is that fitting with keeping to 'preserve the rural heritage landscape character of the Scenic Hills'?

<https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/partlanduseta/include21>

Or for that matter the heritage conservation objectives.

<https://www.legislation.nsw.gov.au/#/view/EPI/2015/754/part5/cl5.10>



Figure 4.0.4. From St Andrews Road looking towards north-east towards Bunbury Curran Hill and over the significant Colonial cultural landscape of Varroville

Please note: excerpt from the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Section 4.0.1 page 62:

'The prevailing character of the landscape is one in which the aesthetic of the natural landscape dominates over the constructed even though it contains many historic farms and structures at a density which is now rare in such close proximity to a major conurbation such as the Sydney metropolitan region. Most evidence of human occupation 'sits lightly' in this

landscape, being modest in scale, simple in design and built using traditional materials and finishes. The more sympathetic structures are visually connected to the landscape through densely planted gardens around the house which blend into the landscape when viewed from a distance. Outbuildings, sheds and fences are simple, vernacular structures and are unobtrusive in their siting and construction.'

'Many of the early farmhouses in the Scenic Hills have survived and most of these are now recognised as being of State heritage significance. The survival of whole Estates has however been a rarer phenomenon, with Varroville being a rare and highly significant example of an early Colonial property (from 1810) still in its original landscape setting, even though the ownership has been divided and the management of its significance as a visually intact historic landscape is now a challenging one.'

In this DA it states there will be six main buildings (refer Appendix G Architectural Design Report), as well as other unspecified buildings.

- Chapel –for 500 people at a time (intentionally visible within the side of the hill).
- Café –for 80 people (cafes are prohibited under the zoning unless associated with agriculture)
- Function Building –for 168 people seated or 300 standing
- Crypts –architectural drawings show a long building of 70+ crypts in length by five crypts high (3.5m).
- Gatehouse
- Administration Building
- Garden Staff Building
- 16 'shelters' –for gatherings of up to 30 people at a time spread across the site.

The carparks indicate a capacity for 350 cars at one time, plus kerbside parking on all proposed planned roads. The roads are proposed at 8 metres wide, this in itself will be an ugly site as one drives up or down St Andrews Road, or even from the M5 motorway, and also from Varro Ville Homestead.

The Café and Function Building are planned to be constructed on the side of rural dams, with adjoining carparks, boardwalks, sculptures, and trees. The trees will hide the natural aspect of view of these dams from St Andrews Road.

These dams themselves hold significant historical value. They fall within the proposed State Heritage Boundary (curtilage) recommended by the Heritage Minister last year. This is not yet gazetted. In Appendix X (policy 9) in CMCT's Conservation Management Plan state these dams should be archaeologically assessed and those dams found to be colonial (Charles Sturt) are to be 'retained and conserved where possible'. It is outrageous to this this development proposal has even been put forth before this assessment has even taken place (Appendix X Heritage Impact Assessment, pg.115).

There are many references to why the Scenic Hills require to be protected in the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection. Refer to section 4.0.1 pages 67, 68, where it states:

'The busiest route of arrival in the Campbelltown LGA from the north however is via the freeway which forms part of the Hume Highway, the main route between Sydney, Canberra and Melbourne. The freeway follows the alignment of the main valley and good views are available to the landscape of the Scenic Hills, particularly north of St Andrews Road where they extend over the Scenic Hills Riding Ranch and Varroville; and help to define Campbelltown's unique scenic landscapes.'

I refer to the same study as mentioned above, section 4.0.2 – Issues Affecting the Scenic Hills - pages 68,69:

'The landscape of the Scenic Hills is essentially a cleared, pastoral one. The areas of significant tree growth are limited to the highest prominences and in gully lines, and the remainder of the landscape is undeveloped. The juxtaposition of these in distant views creates a textural depth to the landscape that is lost when developed, even if screened by emergent trees.

Any increase in the density of development and/or introduction of non-agricultural uses into the landscape of the Scenic Hills will have a significant adverse impact on the setting of the City of Campbelltown and its integrity as a mature and truly unique urban landscape which has been so carefully protected over the last 50 years of development.'

'The integrity of the cultural landscape of the Scenic Hills depends not only on the aesthetic qualities of views over the landscape, but also the retention of rural land uses throughout the area. Although the desire of owners to pursue active farming activity varies, the Scenic Hills still contains a range of rural uses including dairy farming, large-animal grazing and the growing of plants such as grapes and olives and these should be encouraged to continue and thrive through land use zones. This includes ensuring that the uses allowed in adjoining zones will not be likely to give rise to complaints and conflict over the essential incompatibility of some agricultural uses and suburban living caused by pollutants such as noise and odours. One type of land use that has a strong precedent in the landscape of the Scenic Hills is that of education and religious centre St Gregory's College, the Mt Carmel High School, the Carmelite retreat and priory and the recently approved St Sava's College are all within the landscape. It should be noted however that none of these uses includes facilities for active worship such as churches or other religious gathering places.'

This proposal by CMCT for a cemetery goes against everything outlined in our Local Governments Visual Impact Study used for the CLEP 2015. It goes against everything under Zone E3 Environmental Management.

I moved to Varroville in 1971 and am currently the longest living resident in Varroville as stated at the introduction of my submission. I am very concerned about the unsuitability of this land for a cemetery, as the topography is not suitable. It is more suited to agricultural or viticultural use, which is acceptable usage under the new CLEP 2015 and is in line with its heritage.

This is not going to be a 'lawn' botanical cemetery when the DA clearly demonstrates the planned areas for :

- Monumental Lawn Burial: with headstones up to a 300mm.
- Monumental graves: with monuments up to 1.5 metres high.

- Family Crypts

The CMCT DA indicates all these different types of burial plots will be HIGHLY visible from vantage points. How is that preserving and respecting the heritage of the Scenic Hill area?

The owners of the historical Varro Ville Homestead are also not approving of this cemetery, and as a long term resident I share this same objection.

The land in this DA proposed cemetery is actually unstable. This was another reason for its preservation. Please refer to the original 1973 State Planning Authority of NSW Structure Plan (*The New Cities of Campbelltown, Camden, Appin*). In this report it is also stated that the instability of substantial parts of the Razorback Range and the Central Hills land (which encompasses the Scenic Hills in Varroville) strengthens the case of conserving these areas. It is stated on page 48 under the heading Conservation and Landscape in the Central Hills Land, Razorback and Nepean River Flood Plain, section 8.21 states:

‘The land should remain in its present basically agricultural use and private ownership to ensure the skyline is free from urban development. The public will enjoy the area as a visual setting to the city but will not have access rights except at particular vantage points which will be publicly acquired (e.g. St James Road viewing platform).’

It has been noted that the Scenic Hills land is instable. It also is subject to becoming water logged in some areas. Even at the roundabout on St Andrews Road and Spitfire Drive becomes extremely dangerous in very wet weather because it floods through there, and badly at times. Also on this property that the CMCT propose for their cemetery, there are hillsides that are listed as unstable, and this land also contain natural dams.

In the Visual Analysis of Campbelltown’s Scenic Hills and East Edge Scenic Protection. Refer to section 4.0.3, page 72, RECOMMENDATIONS RELEVANT TO ALL LANDSCAPE UNITS WITHIN THE SCENIC HILLS, subheading *Continued Protection from Inappropriate Development* states:

‘Given the ongoing erosion of the traditional active agricultural landscape in the area (which has led to increasing passive-rural development and more recently to the increasing suburbanisation of built forms found in the landscape), consideration should be given to re-emphasising the importance of active rural activity to prevent it being further eroded. This could be achieved by allowing the erection of a dwelling only when ancillary to agriculturally productive land uses.’

‘The nature of significant views makes them particularly vulnerable to unsympathetically designed and sited structures. Continue to limit the density, range of permissible land uses and the built form of any new development to ensure that it does not have any adverse impact on the scenic qualities of the landscape.’

The Scenic Hills is a protected area, and to remain protected for the future. It is one of the last truly beautiful natural parts of the Campbelltown District. Lush rolling hills which are home to a few lucky people, including the Discalced Carmelite Nuns and The Friars. The Friars have been in Varroville since 1964. The Nuns since 1987. They are also against this proposed development as it will be disruptive. It will contradict the reasons this area was chosen for them to reside, as it will for other residents of Varroville, as it will ruin the beautiful landscape that they find solace and peace within. This is a historical part of the Campbelltown region.

There also is flora and fauna in the Scenic Hills at Varroville that needs to be considered– which also raises concerns about their endangerment. There are black foot wallabies, echidnas, wombats, foxes and the like. With all the development in Willowdale and Emerald Hills, more of these animals are being forced into the Scenic Hills. Their habitats destroyed so they become displaced.

I also cannot understand how this DA for this cemetery is even being considered when access will also be limited, as St Andrews Road is a rural road, and in NSW Planning & Environment Leppington (Stage 1) Finalisation Report October 2015, it clearly states in section 4.4 Traffic and Transport – St Andrews Road that the proposed extension and upgrade was amended. That St Andrews Road link is NOT included in the road network that is currently being evaluated, that alternate road connections have sufficient capacity for future traffic growth, therefore completion and upgrading of St Andrews Road from Camden Valley Way to Campbelltown Road will NOT be required!! This is due to the objectives about the road not meeting its environmental objectives as the road upgrade would mean the rural, peaceful and scenic nature of the area could not be maintained.

There is no public transport. There is no train station in walking distance. There is only access via Campbelltown Road or Spitfire Drive as main access roads. It really is implausible that this cemetery is even being considered even in the context of access. Any changes made to St Andrews Road to accommodate this cemetery will take away this rural, peaceful and scenic nature of this area! It is in breach of the Zone E3 Environmental Management CLEP 2015.

Campbelltown City Council already made a huge mistake when allowing development in Blair Athol. Here is an excerpt from the Macarthur Advertiser dated March 11th, 2016:

In a 2002, former Campbelltown councillors admitted to Fairfax Media that the development at Blair Athol was not sensitive to the area's heritage.

"In the case of Blair Athol, we messed up badly," former councillor and three-time mayor Aaron Rule said at the time.

It will be utterly disgraceful if Campbelltown City Council makes another huge blunder by allowing this DA for the cemetery to go ahead. Has council not learned from past mistakes...

Please reject this absurd development proposal for a cemetery by the CMCT, and allow our local community at large, and the residents of the Scenic Hills in Varroville, and the owners of Varro Ville Homestead to stop feeling threatened that our rural heritage, and cultural landscapes of the Scenic Hills is under threat. Please ensure these areas remain protected for the future.

Yours Sincerely

[REDACTED]
[REDACTED]
[REDACTED]

Miriam Afan

From: [REDACTED]
Sent: Friday, 23 March 2018 12:49 PM
To: Council
Subject: DA File No. 3293/2017/DA-C

Dear Sir/Madam,

I opposed the development of a cemetery on the Scenic Hills. I and my family, one of the residents of St. Andrews, were happy at one point in time that the Scenic Hills was marked as a protected zone by the Campbelltown City Council.

Please don't let us down this time.

Sincerely yours,

[REDACTED]

Miriam Afan

From: OpenForms <noreply@openforms.com>
Sent: Friday, 23 March 2018 1:09 PM
To: Council
Subject: Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C
Attachments: SubmissionReceipt-HYSDevelopmentProposal166176StAndrewsRdVarroville-5.pdf; [REDACTED]

Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C

Hi,

A Development proposal - 166-176 St Andrews Rd, Varroville feedback form has been submitted.

Attached is the detailed response or supporting documentation:
I say NO to this development proposal 166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C / [REDACTED]
[objection to Scenic Hills 2018.docx](#)

Name: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

OpenForms

Product of **Seamless**



HYS - Development proposal 166-176 St Andrews Rd, Varroville

Submission date: 23/03/2018 01:08 PM

Receipt number: 5

Question	Response
Development proposal	166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Is your submission/feedback?	Unsupportive
Please enter your submission	I say NO to this development proposal 166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Please attach your submission	
Given name	
Surname	
Email address	
Phone number - Business hours	

19th March 2018

To whom it may concern,

My name is [REDACTED], I am [REDACTED], and I OPPOSE the development proposal for a cemetery being built in the Scenic Hills at Varroville.

I give permission for my first name ONLY, to be published, not my address. You can publish my age.

After my Aunty telling me about this cemetery a few years ago I wanted to go and see the Minister to tell them to stop this immediately! But my Aunty said I could not do that and needed to write a letter to them. So I told her what to write as I want my voice heard to say NO, please do not touch this farmland!

Now I am writing another letter as it seems my first letter did not help to stop this cemetery. I still feel the same. More upset now in fact that no-one seems to be listening. I am editing my first letter and adding some changes to it for this one.

I think it is disgraceful that you want to take a beautiful piece of land and turn it into a 'dead peoples' home. This makes me feel very sad, and also angry that anyone could do this to this farmland. It is unnecessary because there are lots of cemeteries around. There is one not far from Varroville in Leppington where my pa is buried, and there is plenty of space there and that land is flat.

My Nan lives in Varroville, and I love to visit and spent time there because it is very special, quiet and like going on a holiday! If the cemetery gets built it will make the hills look ugly. No longer like an enchanted forest. It will no longer be peaceful as there will be a lot of traffic day and night. I just came for a mini holiday last week-end so I could visit the Camden Country Show. It is wonderful feeling like I am in the country when I am not really that far from the city.

The land at Varroville is very hilly which means they would have to change this a lot so that would make it look very ugly! I love seeing the beautiful hills there with the cows grazing in that farmland. I know when we are driving down the M5, I know when we are nearly at Nanny's place because we see the beautiful Scenic Hills. It is like being in the country.

My Aunty and I go walking a lot around Varroville and the views are very beautiful. I love looking at the cows, and horses in Varroville. I do not want this to change. It will be scary to have a cemetery there and seeing all the graves. I will no longer want to walk around there.

Also what about the animals that live in the Scenic Hills. There are rock wallabies, echidnas and wombats. I have seen all these animals here. Where will they go? Also the cows currently on that land will have to go if this cemetery is built.

What about the Nun's that live opposite to this farmland where the cemetery is proposed. They chose to live there because it is quiet and peaceful. This will not be the case if this cemetery is built. What will happen to them? What will happen to all the other people who live in Varroville like my Nan. There will be a lot of traffic and noise if this cemetery is built.

What about the pollution from a cemetery and the destruction to the environment. There will be pollution from burning bodies which is not good for global warming. There will be problems with the soil because they will need to dig lots of large holes, and flatten a lot of land. They will destroy the hills to make buildings. My Aunty said the people wanting to build the cemetery said the land will be used for recreation purposes too. Are they nuts? I am a kid and there is NO way I would want to walk, play or spend time where dead people are buried. There is nothing nice about that, or fun. I cannot even visit my Pa because it makes be so sad and upset. So how can they say it will be used by the community for recreational reasons as I do not know one of my friends who would want to go to a cemetery for an outing...

I do not understand why this farmland, that my Aunty said is protected, has been chosen when there are many other cemeteries around, and many other places that would be suitable as 'dead peoples' homes.

I am extremely lucky to be able to visit and spend my holidays in Varroville. It is such a pretty spot and you want to ruin it!! There is such a great view from the top of the hills and now this will be ruined by gravestones and buildings everywhere, and cars parked everywhere. It will no longer be a special place!

Do you know we have a very important house on St Andrews Road, called Varro Ville House. It was home to a very famous person Dr Robert Townson who had a vineyard there in the 1800's. We need to protect the area that surrounds this historic house. The Scenic Hills in Varroville are very special and one of the prettiest parts of the Scenic Hills.

Please do NOT ruin this special place. It is like an oasis. Please say NO to this development proposal for a cemetery!

Yours Sincerely,

██████████

████████████████

██████████████

From: [REDACTED]
Sent: Friday, 23 March 2018 2:29 PM
To: Council
Subject: Submission on the Varroville Cemetery DA – File No. 3293/2017/DA-C

Development Application, 166-176 St Andrews Road, Varroville – File No. 3293/2017/DA-C

I am lodging my objection to this DA for the following reasons:

The Scenic Hills of Campbelltown has been a 'Protected Area' where no development would take place, including cemeteries. This is what the people of Campbelltown want and this is what our local Government was doing over and over when the Scenic Hills was in danger of being assaulted by Developers, AGL gas Company, RTA, etc.

There are many fundamental reasons why we, the Campbelltown Community wants the Scenic Hills to be left alone.

Environmental Impact

Environmentally, the Scenic Hills are the lungs of Campbelltown because of its open green area that to a great extent, neutralize the pollution coming from the north. With the proposed cemetery, this area and Campbelltown will suffer further pollution due to the addition of hundreds of cars in the full network of roads and parking areas inside the Cemetery and the infrastructure that will go there, such as overhead electrical transmission lines with short pole spacing of 30m, bridges over water courses, security fencing, lighting, sculptures, memorials, monuments let alone the by-products of decomposition of corpses that will leach and contaminate the land and water. This added pollution will affect not only the health and livelihood of people but the endangered flora and fauna such as in the Scenic Hills. Besides, I am afraid that there is another pollution coming soon if this DA goes ahead, and this is the building of a Crematorium.

I suggest that CMCT de-register the business names “Macarthur Memorial Park and Crematorium”, “Macarthur Cemetery and Crematorium”, “Macarthur Memorial Gardens and Crematorium”, “Campbelltown General Cemetery and Crematorium” and “Campbelltown Cemetery and Crematorium”. Having these business names registered, gives me no faith in anything the CMCT claims when they say they do not plan a crematorium on the site. Having effectively bypassed Campbelltown Council’s bi-partisan opposition to the allowed use of the area for cemeteries and rammed the change through the former infamous JRPP on the grounds of “State Significance.

It all makes sense if we take into account that the CMCT is a business and they exist to make money and compete with other neighbouring cemeteries that have got a Crematorium.

Heritage value for our area.

The Scenic Hills of Campbelltown contains too much history that goes back to 1810, when the Varroville Estate was built and agricultural structures and activities started in a very unique way, and as such, we ought not only to preserve and protect the remaining buildings and surroundings but our authorities should allocate some grants to rejuvenate it and keep it for future generations as well.

I don't think that the State politicians know all the facts about the rich history that exists in the Scenic Hills of Campbelltown or simply they don't want to know because is just the "South West" that in many instances has been neglected.

We, the people of Campbelltown, want to be proud of our Varroville Estate and surrounding farm and buildings just as the Eastern suburbs is proud of Vacluse House.

I am happy to hear that the Heritage Council has taken the initiative to the proposal of extension of the heritage curtilage to preserve our history, that otherwise runs the risk of development of cemeteries and the like.

The Catholic Metropolitan Cemeteries Trust (CMCT) during their last "marketing" exercise in the Campbelltown Catholic Club last June, told me that they had requested of the Heritage Council, curtilage extension, with the view of restoring remaining huts, etc. but when asked if it would not be using the vineyard for burial, including the terracing/trenching areas, they said that they would use those areas for burial.

Therefore, my understanding is that the CMCT wants us to believe that they acknowledge the heritage value of the area, including allocating some money for improvements of the area BUT in exchange they want to destroy the home estate surroundings with burial spots, etc.

In the event of having a cemetery around the Varroville Estate, means the **irreversible** destruction of history, and even the homestead itself would be left isolated and may eventually be swallowed by the Cemetery.

In my eyes these kinds of actions are barbaric in the name of greed and corruption.

I hoped the curtilage extension would protect and preserve the Scenic Hills and the Varroville Estate permanently, but it seems the rot continues. We know now that the Heritage Council has done a further assessment of the area by a new study, part-funded by the NSW Heritage Council (NSWHC). The NSWHC has since recommended that nearly all of the cemetery land be state heritage listed. The Heritage Minister has yet to respond. The CMCT is rushing ahead with its DA despite the NSWHC asking it to wait as the *'CMP... Visual Impact Study and Design Master Plan may all need revision...as a result of...this curtilage study'* (NSWHC Submission to the JRPP 2016)

Impact on the Scenic Hills Natural Beauty and Biodiversity

The Scenic Hills natural beauty and green open space which is the iconic background of the city of Campbelltown when approached from the north along the Hume Hwy will be impacted negatively by rows of graves of *all* types –headstones, monuments, family crypts and plaques -to within 10 metres of the state heritage-listed Varroville Homestead Lot (privately owned). and all the infrastructure of the cemetery. A cemetery at the entrance of Campbelltown would be an ugly view for visitors and people who live in Campbelltown.

The Biodiversity of the area including endangered species will be destroyed mainly if the cemetery extends in the future.

There was opposition of the Campbelltown Community to build this cemetery through the Campbelltown Council that unanimously, except for one councillor, opposed the cemetery.

It doesn't make sense to build another Cemetery so close to the Forest Lawn at Leppington, after an official spokesperson from Forest Lawn said that they have burial capacity for another 70 years

In any case if the CMCT is in a hurry to build a cemetery, it makes more sense that it should be further down south of Campbelltown where all the housing development is happening. Unfortunately, it seems that the real plan of the CMCT and the Coalition State Government is to create a mega cemetery to cater mainly for the dead of the city and east suburbs. Here we go again, the State Coalition Government dumping what their constituents and MPs don't want in somebody 'else's' backyard, in this case, I think is a Front yard.

I think that the democratic right of the people of Campbelltown should be respected and decisions ought to be done by the people who live in this area and not for bureaucrats and politicians that don't live in this area. It is not right that the re-zoning of the Scenic Hills last year was done by the JRPP which was mostly comprised of members appointed by State Government who had no interest in the Campbelltown LGA.

I feel that the whole process of building a cemetery in the Scenic Hills of Campbelltown is undemocratic, unjust, immoral and dubious to say the least.

This DA at the moment is in the hands of the Campbelltown Council, so let's see if our Council has been studying what options they have to STOP this cemetery that the community and the Council don't want.

I also know that ultimately, it will be given the green light, for which reason the State Government appointed the Sydney Western City Planning Panel.



Miriam Afan

From: [REDACTED]
Sent: Friday, 23 March 2018 3:21 PM
To: Council
Subject: 3293/2017DA-C varroville cemetery

Dear Council

I am writing to oppose to this horrific development of Scenic Hills.

Several reasons come to mind.

When the cemetery proposal was announced it was stated that no trees would be removed in the process and this has been proven incorrect.

Apparently trees and shrubs are being removed for the sake of visibility on the road. Is this correct? Great way to preserve the area.

Increased traffic on the a dead end street. Thats just fabulous. This is just going to cause trouble in the neighbourhood especially at the lookout. There are already drug paraphernalia laying around varroville, we don't need more.

What's to happen to the animals living In the area? And no I'm not talking about some magnificent slug that needs to be preserved. I'm speaking of the goanna, foxes, echidna, possums that call Varroville home.

No good will come from this development. Objecting not only from myself but my entire family including my children.

[REDACTED]

Get [Outlook for Android](#)

Miriam Afan

From: [REDACTED]
Sent: Friday, 23 March 2018 3:45 PM
To: Council
Subject: DA - File # 3293/2017/DA-C

SUBJECT: 166-176 St. Andrews Rd, Varroville, File No. 3293/2017/DA-C .

Dear Sir/Madam:

I object to the Development Application File No. 3293/2017/DA-C because i don't believe that there is a need for cemeteries in the are due to the proximity of Leppington Cemetery. This planned commercial development contradicts to the heritage landscape of the Scenic Hills.

Thanks for your consideration.

Kind regards,

[REDACTED]

From: OpenForms <noreply@openforms.com>
Sent: Friday, 23 March 2018 5:02 PM
To: Council
Subject: Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C
Attachments: SubmissionReceipt-HYSDevelopmentProposal166176StAndrewsRdVarroville-6.pdf

Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C

Hi,

A Development proposal - 166-176 St Andrews Rd, Varroville feedback form has been submitted.

Attached is the detailed response or supporting documentation: I feel the traffic report for St Andrews Rd Travelling from Campbelltown Road to the proposed development site is underestimated due to the fact that St Andrews Rd is not a through road and therefore access is limited from only 2 directions travelling through existing residential areas only. These are low residential areas so have some expectation of lower and safer amounts of traffic accessing their areas and some small amount of peace and quiet which is already compromised with the increasing amount of traffic using the freeway quiet rest becomes impossible to achieve in our homes during weekends and other non work hours. With the

expectation of running a commercial business I would assume the chapels and funeral services would be very regular and continuous and then visits to grave sites on top of this. It also needs to be taken into account many school children walk to two schools using St Andrews Rd with continuously cars and little or no break in the flow will make it dangerous for them to safely cross. 1 child has already died on this stretch of road in after school hours. Many pedestrians also use this road regularly for walking exercise.
/

Name: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

OpenForms

Product of **Seamless**



HYS - Development proposal 166-176 St Andrews Rd, Varroville

Submission date: 23/03/2018 05:01 PM

Receipt number: 6

Question	Response
Development proposal	166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Is your submission/feedback?	Unsupportive
Please enter your submission	<p>I feel the traffic report for St Andrews Rd Travelling from Campbelltown Road to the proposed development site is underestimated due to the fact that St Andrews Rd is not a through road and therefore access is limited from only 2 directions travelling through existing residential areas only. These are low residential areas so have some expectation of lower and safer amounts of traffic accessing their areas and some small amount of peace and quiet which is already compromised with the increasing amount of traffic using the freeway quiet rest becomes impossible to achieve in our homes during weekends and other non work hours. With the expectation of running a commercial business I would assume the chapels and funeral services would be very regular and continuous and then visits to grave sites on top of this.</p> <p>It also needs to be taken into account many school children walk to two schools using St Andrews Rd with continuously cars and little or no break in the flow will make it dangerous for them to safely cross. 1 child has already died on this stretch of road in after school hours. Many pedestrians also use this road regularly for walking exercise.</p>
Please attach your submission	
Given name	
Surname	
Email address	
Phone number - Business hours	

From: OpenForms <noreply@openforms.com>
Sent: Friday, 23 March 2018 5:18 PM
To: Council
Subject: Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C
Attachments: SubmissionReceipt-HYSDevelopmentProposal166176StAndrewsRdVarroville-7.pdf; [REDACTED]

Submission: Development proposal - 166-176 St Andrews Rd, Varroville, file number 3293/2017/DA-C

Hi,

A Development proposal - 166-176 St Andrews Rd, Varroville feedback form has been submitted.

Attached is the detailed response or supporting documentation:
I stongly oppose the development proposal 166-176 St
Andrews Rd, Varroville File number: 3293/2017/DA-C / [REDACTED]
[REDACTED]

Name: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

OpenForms






Product of **Seamless**



HYS - Development proposal 166-176 St Andrews Rd, Varroville

Submission date: 23/03/2018 05:17 PM

Receipt number: 7

Question	Response
Development proposal	166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Is your submission/feedback?	Unsupportive
Please enter your submission	I stongly oppose the development proposal 166-176 St Andrews Rd, Varroville File number: 3293/2017/DA-C
Please attach your submission	 _scenic hills DA opposal 2018.docx
Given name	
Surname	
Email address	
Phone number - Business hours	

22nd March 2018

To Campbelltown City Council

DEVELOPMENT PROPOSAL: for a cemetery at 166-176 St Andrews Road, Varroville File number: 3293/2017/DA-C

I strongly **OPPOSE** the Catholic Metropolitan Cemeteries Trust (CMCT) proposed cemetery at St Andrews Road, Varroville NSW.

I DO NOT give permission for my surname or address to be published.

I must stress my strong **OBJECTION** to this DA proposal for a cemetery, by the CMCT, in the Scenic Hills of Varroville NSW as a former resident with family who still resides there.

I cannot entertain the idea that Campbelltown City Council would remotely consider such a DA to allow a cemetery in this protected area in which cemeteries were NOT permitted under the previous 7 (d1) zone (Environmental Protection – Scenic), and continue to be prohibited under the new E3 zone (Environmental Management).

The new zone E3 (Environmental Management), which is listed below from (CLEP 2015), in which the proposal for a cemetery does NOT fulfil any of the listed objectives past or present. It also is classed as prohibited. It goes against EVERYTHING under the Zone E3 Environmental Management section of the CLEP 2015.

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- 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.
- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To preserve the rural heritage landscape character of the Scenic Hills.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

2 Permitted without consent

Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Rural workers' dwellings; Viticulture; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

In the Draft 2014 CLEP the only listed area in the Scenic Hills that was listed for any potential rezoning was as follows:

Lot averaging controls to potentially allow some limited subdivision in the East Edge Scenic Protection Lands.

There was absolutely no mention of the Scenic Hills of Varroville even being considered for any changes. In fact the previous CLEP was amended to include the words cemetery being prohibited, and they remain prohibited.

Please refer to this letter from the NSW Government Planning and Infrastructure Director General Mr Sam Haddad to Mr Paul Tosi of Campbelltown City Council dated 24th March 2014 – ref: 13/19771. Within this document Mr Haddad states:

‘I have also agreed to Council’s proposed prohibition of “cemeteries,” “crematoria” and “mortuaries” from the following proposed zones:

- RU@ Rural Landscape
- E3 Environmental Management
- E4 Environmental Living
-

‘I agree to this on the basis that these land uses are not mandated under the Standard Template and their exclusion from these zones reflects the existing zoning status.’

The local community has been fighting now since 2007 against developments (Business Park, CSG, Truck Stop and now a cemetery) in this protected zone. This clearly demonstrates to the NSW State Government, and Campbelltown City Council that the community of Campbelltown does NOT want a cemetery, or for that matter any other development that will impact on the rural heritage value, and aesthetic views within the Scenic Hills at Varroville, especially in an area which includes the historical homestead of Varro Ville which is steeped in history from early settlement days of our Nation!

This DA should be rejected given it does not meet CLEP requirements. Residents of Varroville and Campbelltown, and past residents like me are opposed to it!

Our region is steeped in rich history from the early days of settlement. Campbelltown City Council needs to ensure this history is preserved for many generations to come. We need to protect the scenic heritage pastoral land, and its aesthetic values for the residents Campbelltown, and visitors to the City of Campbelltown.

This land should only be used for purposes that have been outlined as in the Zone E3 Environmental Management CLEP 2015. Deviating for this not only breaches those zones, it will also be the demise of the naturally beautiful aesthetic cultural pastoral landscape of the Scenic Hills. The protection of the Scenic Hills was established in 1972, and let's keep it that way, protected.

There is NO shortage of burial land locally. Forest Lawn cemetery claims it still has enough burial space for the local area for another 70 years!! Refer to the Macarthur Chronical 19/02/16 where they state: 'Burial plots are not in short supply in the Macarthur region, says Forest Lawn...'

The NSW State government even released a capacity report on November 2017 demonstrating this shortage is not true. That the South-West of Sydney is 'well served' (pg. 39) and will only run out of space in 2056 as it will be taking the dead from South Sydney (pg.34). The report demonstrates strongly the need for cemeteries in South and Northern districts of Sydney (pg. 39). Please refer to link listed directly below:

https://www.crownland.nsw.gov.au/_data/assets/pdf_file/0010/746947/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf

In the CMCT's DA proposal Varro Ville Homestead will be surrounded, within 10 metres, by all types of burial plots.

- Monumental Lawn Burial: with headstones 300mm in height
- Monumental graves: with monuments 1.2 metres in height.
- Family Estate Blocks: described as 'cubes with an expected capacity for none interment' (i.e. 'Family Crypts').

The below image is taken from Campbelltown Council's Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands Paul Davies Pty Ltd in association with Geoffrey Britton (Environmental Design Consultant) in October 2011.

How would this retain aesthetic, and historical views if there are headstones, family crypts, roads and vehicles all through this area. How does that 'blend' in with the current use of the land?



Figure 4.0.4. From St Andrews Road looking towards north-east towards Bunbury Curran Hill and over the significant Colonial cultural landscape of Varroville

Please note: excerpt from the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Section 4.0.1 page 62:

'The prevailing character of the landscape is one in which the aesthetic of the natural landscape dominates over the constructed even though it contains many historic farms and structures at a density which is now rare in such close proximity to a major conurbation such as the Sydney metropolitan region. Most evidence of human occupation 'sits lightly' in this landscape, being modest in scale, simple in design and built using traditional materials and finishes. The more sympathetic structures are visually connected to the landscape through densely planted gardens around the house which blend into the landscape when viewed from a distance. Outbuildings, sheds and fences are simple, vernacular structures and are unobtrusive in their siting and construction.'

'Many of the early farmhouses in the Scenic Hills have survived and most of these are now recognised as being of State heritage significance. The survival of whole Estates has however been a rarer phenomenon, with Varroville being a rare and highly significant example of an early Colonial property (from 1810) still in its original landscape setting, even though the ownership has been divided and the management of its significance as a visually intact historic landscape is now a challenging one.'

There are many references to why the Scenic Hills require to be protected in the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection. Refer to section 4.0.1 pages 67, 68, where it states:

'The busiest route of arrival in the Campbelltown LGA from the north however is via the freeway which forms part of the Hume Highway, the main route between Sydney, Canberra and Melbourne. The freeway follows the alignment of the main valley and good views are available to the landscape of the Scenic Hills, particularly north of St Andrews Road where they extend over the Scenic Hills Riding Ranch and Varroville; and help to define Campbelltown's unique scenic landscapes.'

I refer to the same study as mentioned above, section 4.0.2 – Issues Affecting the Scenic Hills - pages 68,69:

'The landscape of the Scenic Hills is essentially a cleared, pastoral one. The areas of significant tree growth are limited to the highest prominences and in gully lines, and the remainder of the landscape is undeveloped. The juxtaposition of these in distant views creates a textural depth to the landscape that is lost when developed, even if screened by emergent trees.

Any increase in the density of development and/or introduction of non-agricultural uses into the landscape of the Scenic Hills will have a significant adverse impact on the setting of the City of Campbelltown and its integrity as a mature and truly unique urban landscape which has been so carefully protected over the last 50 years of development.'

'The integrity of the cultural landscape of the Scenic Hills depends not only on the aesthetic qualities of views over the landscape, but also the retention of rural land uses throughout the area. Although the desire of owners to pursue active farming activity varies, the Scenic Hills still contains a range of rural uses including dairy farming, large-animal grazing and the growing of plants such as grapes and olives and these should be encouraged to continue and thrive through land use zones. This includes ensuring that the uses allowed in adjoining

zones will not be likely to give rise to complaints and conflict over the essential incompatibility of some agricultural uses and suburban living caused by pollutants such as noise and odours. One type of land use that has a strong precedent in the landscape of the Scenic Hills is that of education and religious centre St Gregory's College, the Mt Carmel High School, the Carmelite retreat and priory and the recently approved St Sava's College are all within the landscape. It should be noted however that none of these uses includes facilities for active worship such as churches or other religious gathering places.'

This DA proposal by CMCT for a cemetery goes against everything outlined in our Local Governments Visual Impact Study used for the CLEP 2015. It goes against everything under Zone E3 Environmental Management.

This development states there will be six main buildings (refer Appendix G Architectural Design Report), as well as other unspecified buildings.

- Chapel –for 500 people at a time (intentionally visible within the side of the hill).
- Café –for 80 people (cafes are prohibited under the zoning unless associated with agriculture)
- Function Building –for 168 people seated or 300 standing
- Crypts –architectural drawings show a long building of 70+ crypts in length by five crypts high (3.5m).
- Gatehouse
- Administration Building
- Garden Staff Building
- 16 'shelters' –for gatherings of up to 30 people at a time spread across the site.

The Café and Function Building are planned to be constructed on the side of rural dams, with adjoining carparks, boardwalks, sculptures, and trees. The trees will hide the natural aspect of view of these dams from St Andrews Road.

These dams hold significant historical value. They fall within the proposed State Heritage Boundary (curtilage) recommended by the Heritage Minister last year. This is not yet been gazetted. In Appendix X (policy 9) in CMCT's Conservation Management Plan state these dams should be archaeologically assessed and those dams found to be colonial (Charles Sturt) are to be 'retained and conserved where possible'. It is outrageous to this this development proposal has even been put forth before this assessment has even taken place (Appendix X Heritage Impact Assessment, pg.115).

The carparks indicate a capacity for 350 cars at one time, plus kerbside parking on all proposed roads. These buildings and roads will disfigure the landscape from the road, and from Varro Ville Homestead, which is privately owned. The roads are proposed at 8 metres wide, this in itself will be an ugly site as one drives up or down St Andrews Road, or even from the M5 motorway.

I moved to Varroville in the very early 1970's and lived there for 28 years. My family still lives there. I enjoy spending week-ends and school holidays there where my children can escape the city and experience rural life in a lovely quiet aesthetic location. They love going there. This land proposed in Varroville is not suitable for a cemetery.

The Scenic Hills is a protected area, and is so for a reason. It is basically the last truly beautiful natural part of the Campbelltown District. Lush rolling hills which are home to a few lucky people, including the Discalced Carmelite Nuns and The Friars. The Friars have been in Varroville since 1964. The Nuns since 1987. They are also against this proposed development as it will be disruptive. It will contradict the reasons this area was chosen for them to reside, as it will ruin the beautiful landscape that they find solace and peace within. Not to mention the impact also on other residents in Varroville, and across Campbelltown.

There is no public transport. There is no train station in walking distance. The road is rural. There is only access via Campbelltown Road or Spitfire Drive as main access roads. It really is implausible that this cemetery is even being considered even in the context of access. Any changes made to St Andrews Road to accommodate this cemetery will take away this rural, peaceful and scenic nature of this area breaching the Zone E3 Environmental Management CLEP 2015.

It will be utterly disgraceful if Campbelltown City Council allows the DA to be approved. It will be a very sad day in The Macarthur Region in history for is this was to occur. One that council will deeply regret.

Please reject this absurd DA proposal for a cemetery by the CMCT, and allow our local community at large, and the residents of the Scenic Hills in Varroville to stop feeling threatened that our rural heritage, and cultural landscapes of the Scenic Hills is under threat from greedy developers. Please ensure these areas remain protected for the future.

Also I would like to raise the issue of ensuring that any submissions in favour of this DA proposal be carefully scrutinised to ensure there is not a conflict of interest. That there is no known association/stakeholders/friends/family, of the developers or the CMCT are lodging submissions in their favour. That would be unjust.

Yours Sincerely

[REDACTED]
[REDACTED]
[REDACTED]

Submission to Council regarding Application Number: 3293/2017/DA-C (Construction and use of a new cemetery and parklands) from owners of [REDACTED]

To Mr Andrew MacGee,

With regards to the Application **3293/2017/DA-C** the joint owners of [REDACTED] wish to respond to the proposed development application regarding the **construction and use of a new cemetery and parklands** which is located along 176 St Andrews Road, Varroville.

Firstly, we would like to state we are generally in favour and supportive of the proposed development in the area. However, we do have some concerns and constructive suggestions that we would like to be considered for this application.

Therefore we write to you and wish that the following information is placed on public record and be considered in any future proposals.

1. There is no major reference made to the impact on the residents of Varroville's ability to access the emergency water station.

We hope that the development does not impact on resident's ability to access water from the emergency fill up station. The summer gone has been a very dry one and many residents needed to make use of the emergency water station as our tanks and dams dropped significantly. This water station like the St Andrews Road journey up towards St James Road needs an upgrade. We would like to know will the development mean town water will be run up St Andrews Road and can some planning be made to improve the water supply to the residents of St Andrews, St James and St Davids Road Respectively?

2. The need for an upgrade of St Andrews Road all the way up to St James Road.

The proposed development is a major one for the area. As it stands the roads driving up from St Andrews road towards St James Road are very dangerous. The reports included in this application do not account for the numerous 'close calls' witnessed by residents, because of these poor roads. The entry on the plan seems minimal and compressed into a short right hand turning lane. Instead of this compressed turning lane we feel the St Andrews Road upgrade and a larger turning lane/area is necessary to cope safely. There is very poor visibility as the trees along St Andrews Road are overgrown, there is poor lighting, signs are hidden by overgrown trees, there is a lack of pedestrian footpath/cyclepath access. It is for this reason we feel it would be a good idea to request that the developers of the proposed cemetery work with the council and the relevant planning authority by developing a plan to utilise the Section 94a contributions to perform upgrades to St Andrews Road which can be used to help fund the much needed upgrades required along St Andrews road and for footpaths/cycle paths/ and more street lights.

3. Showing the scenic views from St Andrews Road.

In the DA there is much discussion about preserving the natural landscape. We feel that by clearing the overgrown vegetation along the proposed site along St Andrews road that this will allow all members of the community to enjoy a safer drive and also appreciate the natural views of the proposed site much like the cemetery in Leppington. The provision of streetlights and footpaths are necessary for the subject site along St Andrews Road not only within the subject site.

4. Improved linking roads from Campbelltown Road to Camden Valley Way.

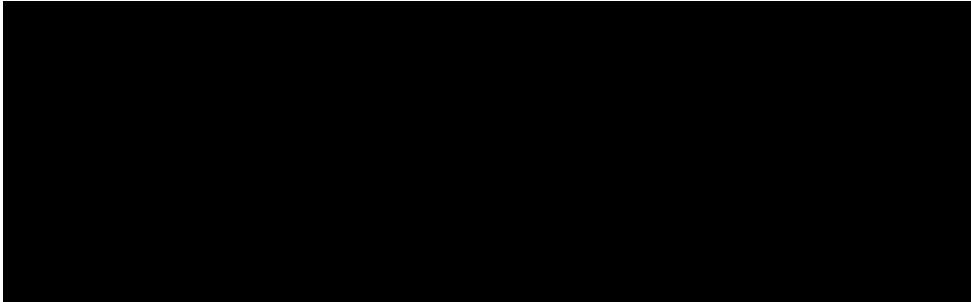
We would like to see an improvement made to join Varroville up with Camden Valley Way. Possibly by continuing St Andrews Road to Camden Valley way or at the least connecting it into a section of the Stockland Willowdale and Emerald Hills estate again to **improve bushfire evacuation points, access to schools and new shopping centres, and improved access to community facilities.** We would like the developers, council and RMS to work collaboratively to get this road upgraded and improve the link between Camden Valley Way and Campbelltown Road. At the moment no one wants to accept responsibility for the upgrade, however it is necessary to plan for the future not only for the residents of Varroville, but also to better connect the Ingleburn/Campbelltown region to South West Corridor towards the new Airport to reduce congestion and improve flow in the region.

5. Scenic Hills Association-

We have read a lot of media reports concerning development within the Scenic Hills which is largely opposed to any development within the area. We have consulted with local residents on a number of occasions and wish to advise that there is a number of residents within the Varroville area that are supportive of development. We wish to be excluded from all submissions future and present made by the Scenic Hills Association and the Retreat, as it does not reflect the views and opinions of a majority of residents currently residing in Varroville.

Thank you all for taking the time to read our submission. If you have any questions feel free to contact us.

Lastly I would kindly ask that aside from yourself in the email that our personal information including our names, phone numbers, email and address remain confidential and are blanked out of any publicly accessible documents.



[REDACTED],
[REDACTED]

The General Manager,
Campbelltown City Council,
PO Box 57,
Campbelltown NSW 2560

20 March 2018

**DEVELOPMENT APPLICATION FOR A 136,000 GRAVE CEMETERY AT
VARROVILLE IN THE SCENIC HILLS (MACARTHUR MEMORIAL PARK) –
FILE NO. 3293/2017/DA-C**

We object to the above proposal due to concerns regarding heritage and the unique environmental landscape of the Scenic Hills and the planning process in NSW for cemetery development.

Heritage Concerns

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

'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.' (Morris and Britton, 2000, 98) *'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.'*

In submissions to the Public Exhibition of the cemetery plans, March 2016, NSW heritage organisations united in their opposition to the Catholic Metropolitan Cemeteries Trust's 136,000-grave Varroville cemetery plan (Macarthur Memorial Park) saying it ***should not be approved***:

- The **National Trust of NSW** (a former owner of Varro Ville Homestead) had listed all the land intended for the cemetery on its heritage register in 1976. ...*'This proposal would seriously degrade the important curtilage, dating from 1810 of the property Varro Ville...and damage a long term proposal, supported by the National Trust, for statutory recognition of the Scenic Hills Environmental Protection Area'.... 'is essential to incorporate an area around Varroville House comprising the outbuildings, former drive, remnant vineyard terraces and the majority of the potential Sturt dams'.*
- The **Australian Garden History Society** (Sydney & Northern NSW) ...*'fail[ed] to consider the full implications of the infrastructure required for this type of development as viewed from the heritage property [Varro Ville Homestead] and the broader Campbelltown urban area. The planning proposal **should not be approved**'.*
- Heritage consultant, Geoffrey Britton, in his curtilage study for the Varro Ville homestead owners, May 2016, rated the Varro Ville landscape as nationally and state significant. He wrote that the cemetery proposal would so compromise the landscape that.....it *'would no longer be a landscape of State heritage value. This would have consequences too for the 1850s homestead which would be marooned and closeted in isolation from the integral landscape that gives it its critical historic context.'*

- The **NSW Heritage Council**: ...the proposed use of the land as a cemetery ‘will result in formal lawn graves, mown areas, memorial terraces, increased site car access, car parking, roads, signage, condolence rooms and formal lines of trees which are at odds with the informal rural character of the subject land.....[T]he landscape and the outbuildings surrounding Varroville Homestead is an exceptionally significant part of heritage of the Varroville Homestead... [T]he Planning Proposal for Macarthur Memorial Park is **not supported.**’

On 28 September 2017, the NSW Heritage Council recommended to the Heritage Minister that most of the land intended for the Varroville Cemetery be listed on the State Heritage Register as a curtilage (boundary) extension for state-listed Varro Ville Homestead. **Why has the Minister not endorsed the Heritage Council’s decision to this date?**

We feel very strongly that there is much more at stake than the heritage of Varroville. If the State Government approves a cemetery on Scenic Hills it would negate the importance of state heritage for the present and future generations of Australians and ‘legitimise’ INAPPROPRIATE development of more State Heritage listed properties and their curtilage.

Local Environment Planning.

Cemeteries are not appropriate in an E3 Environmental Management zone.

As Penrith City Council wrote in its reply to David Kitto (Dept of Planning & Environment 27 October 2017): ‘Cemeteries are prohibited in the E3 Environmental Management zone in almost all Local Government Area across NSW. Furthermore, all Local Government Areas surrounding Penrith LGA prohibit cemeteries in the E3 Environmental Management zone.

The following adjoining Council’s Local Environment Plans prohibit cemeteries in the E3 Environmental Management zone:

- *Liverpool Local Environmental Plan 2008*
- *Campbelltown Local Environmental Plan 2015*
- *Wollondilly Local Environmental Plan 2011*
- *Wingecarribee Local Environmental Plan 2010*
- *Blacktown Local Environmental Plan 2015*
- *Blue Mountains Local Environmental Plan 2015*
- *Fairfield Local Environmental Plan 2013*
- *Hawkesbury Local Environmental Plan 2012’*

Yet Campbelltown saw fit to change its LEP to accommodate a cemetery in an E3 area.

By contrast Penrith City Council sought to amend PCC LEP 2010 to prohibit cemeteries and crematoriums in the Mulgoa Valley and Wallacia to prevent a cemetery on state heritage listed Fernhill and at Wallacia.

‘PCC consider cemetery development to be inconsistent with the objectives of the E3 zone for the following reasons. The existing rural and scenic landscape qualities in the Mulgoa Valley provide the best physical evidence of buildings, gardens and pastoral landscapes in NSW, of Australia’s colonisation and its impact on the landscape. The Mulgoa Valley and Wallacia contains significant rural landscape, including agricultural qualities, cultural heritage values, scenic vales and is the setting for the villages of Mulgoa and Wallacia. Development in this zone for cemeteries would jeopardise these qualities for future generations’.

Why the discrepancy in the objectives of E3 management zones in two local Council areas with similar applications for large cemeteries on state heritage sites?

Review of need and strategic planning for cemeteries

A Gateway Determination on the PCC Planning Proposal to amend PCC LEP 2010 to prohibit cemeteries in E3 zones in the Mulgoa Valley has been put on hold. The explanation given by Marcus Ray (Deputy Secretary Planning Services, NSW Planning & Environment) to Alan Stoneham, General Manager of Penrith City Council) in a letter dated 20/12/2017 was: *"The Greater Sydney Commission is reviewing the need for land for cemeteries and crematoria in the Greater Sydney Region. On completion of the review, the Commission has asked the Department of Planning and Environment to consult with it on appropriate strategic planning options for the provision of cemeteries and crematoria in the region. **To avoid pre-empting outcomes of this work, any current planning proposals that seek to amend or prohibit existing cemeteries and crematoria uses will not proceed to gateway until the review and strategic planning options have been completed**".*

The Greater Sydney Commission review of the need for land for cemeteries and crematoria in the Greater Sydney Region (Action L19: Support planning for cemeteries and crematoria, in the Greater Sydney Commission Draft West District Plan states: *"To support relevant planning authorities in planning for the full spectrum of their residents' lives. Cemeteries and Crematoria NSW will provide guidance on the appropriate location and development consent conditions for new cemeteries and appropriate land use controls and zoning"*.

Ms Sarah Lees, Chief Executive Officer, Cemeteries and Crematoria NSW, Department of Industry, stated in Hansard, Portfolio Committee No. 5 – Industry and Transport, 17 November 2017: *"The Department of Planning and Environment is working closely with Cemeteries and Crematoria NSW to look at what alternative land may be available, the criteria we need to look at for cemetery space and the need to look at planning ahead"*.

Why is The Development Application for a 136,000 Grave Cemetery at Varroville in the Scenic Hills (Macarthur Memorial Park) proceeding to Gateway BEFORE the Greater Sydney Commission review of the need for land for cemeteries and crematoria in the Greater Sydney Region, is completed?

Conclusion:

As the National Trust (NSW) has pointed out (in their submission, March 2016): *'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'*.



22 March 2018

Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Sent by email to: council@campbelltown.nsw.gov.au

Re: Development Application, 166-176 St Andrews Road, Varroville – File No. 3293/2017/DA-C

This submission is made on behalf of the Scenic Hills Association Inc. regarding the above Catholic Metropolitan Cemeteries Trust (CMCT) Development Application (DA) - **File No. 3293/2017/DA-C**. We ask that the DA be rejected on the following grounds:

- It does not comply with the **Campbelltown Local Environment Plan 2015 (CLEP15)** in critical ways.
- The information base on which this DA is founded is critically flawed both now and at the time at which the DA was lodged – being either inadequate such that the decision to approve or reject cannot be made, or false due to the information being outdated and superseded by information that significantly changes the basis of the decision to approve or reject, or simply incorrectly represented.
- It is not in the public interest – of the Campbelltown Local Government Area, Western City District or the state of New South Wales.

We deal with the first two concurrently as follows:

Campbelltown Local Environment Plan 2015 and the DA's information base

Cemeteries are not permitted under the E3 Environmental Management zone and are only permitted on this piece of land at 166-176 St Andrews Road due to a site-specific rezoning in 2017 that avoided dealing with key issues, in particular those contained in s117 Directions in the *Environmental Planning & Assessment Act 1979*: **2.3 Heritage Conservation** and **4.2 Mine Subsidence**. The issues that should have been addressed under these Directions cannot be ignored at the DA stage where it is obvious that this DA cannot comply.

1. Heritage Conservation

- 1.1. Direction S.117 cl 2.3:** The emphasis here is on '**conservation**'. S.117 cl. 2.3 (4) (a) states: '*A planning proposal must contain provisions that facilitate the conservation of: items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to*

an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.'

Then in 2.3 (5) *'A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that: (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance.*

The consent authority for the rezoning cannot have been satisfied that the decision to rezone this piece of land was consistent with this Direction or that its inconsistency met the conditions of s.117 2.3 (5) (a) and (b) above: the Office of Environment & Heritage (OEH), acting as delegate for the Heritage Council of NSW (NSWHC), had lodged a submission to the South West Joint Regional Planning Panel (SWJRPP) objecting to the planning proposal for a cemetery at 166-176 St Andrews Road Varroville due to its potentially adverse impact on the state heritage listed Varro Ville Homestead, and asking for the consent authority to wait until it had assessed the subject land for listing on the state heritage register (SHR) as an expanded curtilage for Varro Ville Homestead, based on a report the NSWHC had part-funded¹. It stated in its submission, the *'CMP...Visual Impact Study and Design Master Plan may all need revision...as a result of...this curtilage study'* (NSWHC Submission to the JRPP 2016). The consent authority ignored this request.

1.2. New findings and statements of significance: The NSWHC has since recommended, based on this report, that the curtilage for Varro Ville Homestead be expanded to include most of the land intended for this cemetery, with revised statements of significance². The Minister has not yet dealt with the recommendation as required under the *Heritage Act 1977* and so it is yet to be gazetted. This DA is once again being pushed through in haste which is not in the interests of good planning.

Nevertheless the study on which the SHR recommendation was based - *Curtilage Study Varro Ville*, by Orwell & Peter Phillips, May 2016 (**OPP16**) - is being tabled for consideration in response to this DA and must be taken into account as it has been vetted and accepted by that part of government responsible for the identification and management of state heritage, and its findings update those in the DA's Conservation Management Plan, October 2015 (**CMP**)³. The latter did not have access to state-listed and privately owned Varro Ville Homestead in the middle of this development and relied primarily on studies several decades old by the same authors, Peter Phillips and Geoffrey Britton, who co-authored the new curtilage study OPP16⁴,

¹ *Curtilage Study Varro Ville*, Orwell & Peter Phillips, May 2016 (**OPP16**)

² <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5063550>

³ *Conservation Management Plan Varroville Estate: 166-176 St Andrews Road, Varroville*, prepared for the Catholic Metropolitan Cemeteries Trust by Urbis, in conjunction with Artefact Heritage and MUSEcape Pty Ltd, October 2015.

⁴ Ibid. p. 31, 3.1 Historical Sources.

substantially revising the prior studies' findings in relation to Varro Ville. At the very least the consent authority must take into account the new findings and revised statements of significance in OPP16 in assessing whether or not this DA complies with the heritage curtilage for Varro Ville on CLEP15. This is required under Policy 9 of the CMP: *'All future planning, management, works, and impact assessment must be guided by the statement of significance and significant spaces, landscape, fabric and building elements identified in this CMP together with any additional detailed research and assessment [our emphasis]...'* and therefore under cl. 7.8A (2) (e) of the CLEP. A principal author of OPP16, Geoffrey Britton, has made an assessment of the DA against this study and finds that it is not in accordance with CLEP15 and therefore should not be approved.⁵

This is not surprising: a comparison of the revised statements of significance for Varro Ville in this study (rated as significant at the state level on six of the seven NSWHC's assessment criteria and publicly available on the OEH's website), with those in the CMP (rated as significant at the state level on only two of the criteria) indicates that the CMP has greatly underestimated Varro Ville's heritage significance. The difference is such that the whole DA is affected by this – particularly the **Heritage Impact Statement, Urbis, October 2017 (HIS)**, which in turn affects the Landscape Masterplan and everything that flows from that, most particularly the **Visual Assessment, RLA, September 2017**. At the very least the proponent should be required to revise the DA and re-exhibit it based on this new information.

1.3. Non-compliance with CLEP15 on heritage conservation: Even excluding the new information above, the DA does not comply with CLEP15 on heritage conservation as found in cl. 5.10 (1) (a), (b) & (c), cl. 7.8A (2) (a), (b), (c) & (e), and is not consistent with the objectives of the E3 Environmental Management zone.

The development has an enormous footprint that is inconsistent with all the E3 objectives, but in particular: *'To preserve the rural heritage landscape character of the Scenic Hills'* and is contrary to cl. 5.10 and cl. 7.8A (as identified above).

It seeks development consent for:

- 1.3.1. *'Landscaping of the entire site with associated planting strategy'* - **Statement of Environmental Effects, Urbis, October 2015 (SOEE)**, Executive Summary p. i.
- 1.3.2. 136,000 graves of *all* types – headstones, monuments, family crypts and plaques - to within 10 metres of the state heritage-listed Varro Ville Homestead Lot, plus interment of ashes throughout the site.
- 1.3.3. Six main buildings (the chapel is actually 3 chapels in one, plus a mortuary) but there are various other buildings similarly constructed (**Appendix G Architectural Design Report**), including unspecified infrastructure buildings:
 - Chapel – for 500 people at a time (intentionally visible within the side of the hill).
 - Café – for 80 people (prohibited under the zoning unless associated with agriculture)

⁵ Letter from Geoffrey Britton to the owners of Varro Ville Homestead 19 March 2018.

- Function Building – for 168 people seated or 300 standing
- Crypts – unspecified number but drawings show a long building of 70+ crypts in length by five crypts high.
- Gatehouse
- Administration Building
- Garden Staff Building
- 16 ‘shelters’ – for gatherings of up to 30 (40?) people at a time spread across the site.

1.3.4. Car parks for 350 cars at one time (93 underground), PLUS kerbside parking on all roads shown on the map turning the whole site into a car park. The roads are concrete, up to 8m wide with all but two allowing parking on both sides, and shielded only by scattered trees. Roads 1 & 11 (8m wide and parking on both sides) will cut through an area identified in the CMP as ‘highly significant’ (Fig. 46, p. 105 of the CMP) due to its vineyard terracing, requiring (in the CMP) an archaeological investigation⁶ and to be ‘*retained and conserved*’ (Policy 24 of the CMP).

[Note: several roads – such as road 8, 1 & 3 – are truncated by stage 1 of the development making them nonsensical unless the road system that is scheduled to be completed in later stages is brought forward. This is unclear in the DA.]

1.3.5. Digging up most of the vineyard terracing in the area identified as ‘highly significant’, contrary to CMP Policy 24 (as above), on the basis that it is ‘degraded’ but without an archaeological impact assessment (as required under the CMP) to determine this prior to DA approval.

1.3.6. Locating its Café (prohibited under CLEP15) and Function Building on the side of rural dams, with adjoining car parks, boardwalks and modern sculptures, and then covering them in trees to hide the development so that the dams can no longer be seen as part of the current rural heritage landscape. The Function Building will be built over Dam 4, identified in the CMP as being of heritage significance and falls within the heritage curtilage on the CLEP15. CMP Policy 29 requires further archaeological investigation of the dams and those found to be colonial (of the Charles Sturt era) are to be ‘*retained and conserved where possible*’. The HIS seeks permission to carry out archaeological investigation *post-DA approval as part of its development*, which is contrary to Policy 29 of the CMP. This is to permit buildings that are *not even necessary* as part of a cemetery (i.e. making it *possible* to retain the dams in their current rural context.)

1.3.7. Obliterating Varro Ville Homestead’s state heritage-rated pastoral setting and public views to and from St Andrews Road over the dams and to the east which is within the CLEP15

⁶ Appendix C of the CMP **Artefact Heritage – Historical Archaeological Assessment, October 2015** states at 7.2 Recommendations (p. 25, second dot point) ‘An archaeological impact assessment [AIA] should be prepared for future development applications within areas 1 and 2. Area 3 does not require approvals...’ The vineyard terracing is in area 2.

heritage curtilage. See photo below by landscape heritage consultant Geoffrey Britton. Dense tree plantings, only partly hiding the cemetery development, will remove the long viewlines, while 8m concrete roads (with kerb parking) will separate the Homestead from its outbuildings and from the vineyard terracing. A burial room with above ground headstones is to be located hard up against the Homestead's rear boundary, and the historic driveway from St Andrews Road to the outbuildings will be destroyed.



The DA admits that the visual impact within the site ***'will be significantly changed'*** (SOEE, p.61, Visual Impact), stating *'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 and surrounding and adjacent landholdings would be maintained.'* Thus what is regarded as being of 'low sensitivity' is only assessed from outside the site rather than from the heritage perspective. This is not in compliance with cl. 5.10 (1) (a) & (b), cl. 7.6 (1) (a), (b), (c) & (d) and cl. 7.8A (2) (a), (b) & (c) of the CLEP15.

We also believe that those landholdings adjoining this site and which are elevated in relation to it e.g. the Carmelite Nuns, Varro Ville Homestead and the Public Lookout on the top of Bunbury Curran Hill (noting that this is owned by Campbelltown Council and is already available to the public, contrary to the DA's claim) will have significantly altered views of the site.

The SOEE also admits that *'The road alignment has been developed to promote ease of access between buildings and through burial areas. The Road Masterplan has been developed to align with the existing topography and to minimise cut and fill.'* In other words the road network has been designed with regard to issues other than heritage conservation including within the CLEP15 heritage curtilage. The resulting adverse impacts are confirmed by the prior analysis in this submission.

In response to the DA's compliance with cl. 7.8A (2) (a), the SOEE claims (p.50) *'The cemetery will be developed as a **contemporary memorial park**, which will resemble **landscaped parklands** [our emphasis].'* The HIS (p. 82) similarly claims *'The landscape design and siting of new built forms has been carefully considered to maintain the **green character** [our emphasis] of the site.'* This is not responding to the scenic qualities, character and values (as per the E3 zoning objectives) of the site under the CLEP15 which are *'rural heritage landscape'*. The DA and its design response is not consistent with either the values of the Scenic Hills or the heritage

conservation objectives embodied in CLEP15. The landscape, particularly within the heritage curtilage, is an open, grassed pastoral setting that has existed since at least the time of Judge Cheeke when he bought Varro Ville in 1858, or even Charles Sturt who claimed to have cleared 600 acres of the 1000-acre Varro Ville by 1839⁷. What part of the dictionary definition does the cemetery designer not understand? Macquarie Dictionary, Sixth Edition – ‘*Pastoral: of or relating to the raising of stock, especially sheep or cattle on rural properties; used for pasture, as land...*’

The DA cannot pick bits out of the site for ‘conservation’ or ‘restoration’ and satisfy the requirements of the CLEP15 when the overall impact is one largely of destruction. For example, the DA seeks to conserve and restore the Varro Ville outbuildings while destroying the context which allows the buildings to be effectively interpreted, and while fatally compromising the heritage significance of the Homestead.

This destruction of heritage in this DA is facilitated by the philosophy of the HIS, expressed in its **Conclusions and Recommendations** (part 7, p.126) which is not one of ‘conservation’, but of ‘record, destroy and commemorate with interpretation’. In other words the DA seeks to remove actual heritage and replace it with history plaques and/or a re-imagined Disneyland version of what existed previously. This is contrary to the Burra Charter⁸, to the principles expressed in **Direction S.117 cl 2.3** and to all the clauses within CLEP15 relating to heritage *conservation*.

2. Scenic Impact

The special provision that was inserted into the CLEP15 states:

*CI7.8A (2) Development for the purposes of a cemetery is permitted with development consent, but only if the consent authority is satisfied that: (a) the development will **complement the landscape and scenic quality of the site**, particularly **when viewed from** surrounding areas including the Campbelltown urban area, “**Varro Ville**” (**homestead group at 196 St Andrews Road, Varroville**) and the Hume Highway [our emphases].*

The word ‘complement’ means ‘to add to’. Thus the hurdle that this provision in the CLEP15 requires of the consent authority is that it be satisfied that views are ‘*complemented*’ i.e. *made better*, including to and from the Homestead. The view from St Andrews Road across the dams to Varro Ville, showcasing it in its 19thC rural landscape setting, will disappear behind modern buildings, concrete roads, carparks, boardwalks and sculptures all surrounded by trees and vice versa (refer **Varroville Landscape Drawings** at Appendix B) . The proponent and its consultants did not have access to Varro Ville Homestead to assess the views from the Homestead, which are critical to the approval of this DA. The owners of Varro Ville Homestead have provided their own heritage assessment in their curtilage study (OPP16) and an accompanying letter from one of the principal authors of that report, Geoffrey Britton, with their submission on this DA, attesting to the fact that this DA does not meet this requirement.

⁷ Advertisement for the sale of Varro Ville in the *Sydney Monitor*, 13 February, 1839, p.1, and *The Australian*, 31 January 1839

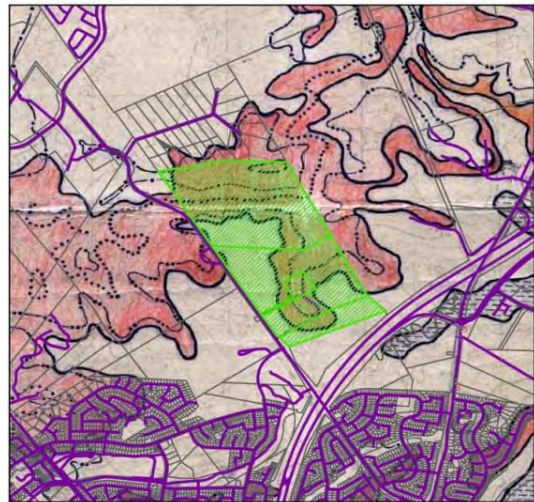
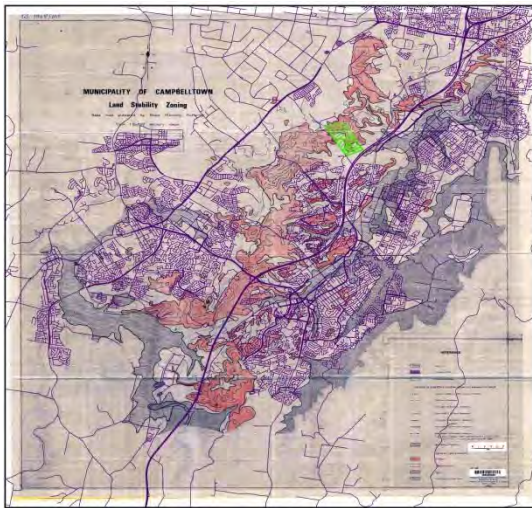
⁸ <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

3. Land Stability

3.1. Direction S.117 cl 4.2 states: *‘(1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable... and ‘(2) This direction applies to land that...(b) has been identified as unstable land’, and ‘(3) This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that...(b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority’.*

The land to which this DA (and the prior rezoning) applies was identified as unstable land by the NSW Geological Survey, documented in a report by Pogson and Chestnut 1968⁹. It was used by the State Planning Authority for *The New Cities of Campbelltown, Camden, Appin Structure Plan*, 1973. In that plan, the Scenic Hills were set aside as an Environmental Protection Area not only for their visual beauty as a backdrop to Campbelltown, but also because of the identified land instability (p. 48). The survey remains current. Thus it is hard to understand why Campbelltown Council or the Department of Primary Industries did not give this survey to the SWJRPP given its importance to the Escarpment Preservation Area. However this must now be addressed in the DA in relation to cl. 7.8 of the CLEP15.

We had the latest Google maps overlaid on one of the land stability maps that was included in the Pogson and Chestnut report and these are shown below. This suggests that approximately 60% of the site is unstable land.



The Pogson and Chestnut report is referenced in the DA’s **Geoscientific Investigation, by Boyd Dent of Red Earth Geosciences November 2014** into groundwater at the site, which was originally submitted as part of the planning proposal for the land in 2014. Boyd Dent states in

⁹ Preliminary geological investigation of land instability in the Municipality of Campbelltown, Rept. Geol. Survey. NSW, by D.J. Pogson and W. S. Chestnut, GS 1968. This report can be found on the following link: [https://search.geoscience.nsw.gov.au/report/R00013769?q=pogson%20d%20j&sort=score%20desc&t=digs&a=true&p=false&wkt=POLYGON\(\(150.5%20-34.5,150.5%20-34,151%20-34,151%20-34.5,150.5%20-34.5\)\)&s=true](https://search.geoscience.nsw.gov.au/report/R00013769?q=pogson%20d%20j&sort=score%20desc&t=digs&a=true&p=false&wkt=POLYGON((150.5%20-34.5,150.5%20-34,151%20-34,151%20-34.5,150.5%20-34.5))&s=true)

relation to the NSW Geological Survey that *‘Careful attention was paid to slope instability and maps were prepared with the idea of informing zoning decisions for development...and were subsequently acted on.’* He states (p. 14) that *‘These matters are discussed in terms of landscape aspects later’*. However they are not further discussed, and Boyd Dent was not re-engaged for the DA. His report however is included at Appendix U, but we note that this was omitted from the online documents, so was not equally available to the public for this exhibition.

Instead, a report into land stability has been included with the DA at Appendix R¹⁰. The authors - Douglas Partners (DP) - have confirmed prior findings of land instability and have risk-rated the whole site. Of note, the buildings claim to be in an area of ‘moderate risk’ but appear to be located in the area designated as ‘high risk’. We also note that a major landslide apparently occurred in the 1980s on Bunbury Curran Hill in the vicinity of the proposed Chapel location, and can be clearly seen by the infestation of African olives that grew in place of the native trees.

Most importantly however is that while most of the site is designated ‘low risk’, the authors have noted that this rating only applies *‘unless major changes to site conditions occur’* (p. 9).

The report is highly qualified by the repeated assumption (apparently given to the DP by the client) that *‘only minor earthworks are planned for the proposed development.’* (p. 10)

In the report (dated March 2017) the authors emphasise *‘As detailed design of the proposed development has not been undertaken, the comments given must also be considered as being preliminary in nature. Once details are available, they must be forwarded to DP for review to determine if comments given within this report are appropriate or require revision.’* (p. 4).

DP restrict their findings and advice to the sites where they made their test pits for this report, due to the *‘preliminary nature of the investigation and potential for variability in the subsurface condition across the site.’* (p. 13)

What is concerning about these comments is that test pits were only made in Stage One and none were made within the proposed SHR curtilage land where they can impact on heritage items including the heritage landscape. Further, the subsequent civil engineering report of August 2017 (at Appendix P) does not reference this prior land stability assessment, and in turn, there is no assessment of the civil engineering report by DP, even though the latter specifically requested that detailed plans be sent to them to enable a review of their advice.

The land stability assessment must thus be regarded as inadequate and unreliable.

Since the DA is for all stages of the development, the land stability assessment cannot be limited to Stage 1 and needs to be carried out against the detailed civil works for the whole site, in particular for the proposed SHR curtilage land. As such this part appears to be critically flawed with a domino effect on other assessments of the site notably its heritage and associated visual impacts.

¹⁰ Report on Preliminary Stability Assessment Proposed Memorial Park 166-176 St Andrews Road, Varroville, prepared for Catholic Metropolitan Cemeteries Trust by Douglas Partners, March 2017.

The implications for the heritage of the site are discussed in detail in the submission from the owners of Varro Ville Homestead and will not be repeated here.

However, this is of such fundamental importance to any consideration of development of this site that the DA should be rejected or at the very least substantially revised and re-exhibited. The DA does not otherwise provide the means by which the consent authority can assess its compliance with **cl 7.8 Development on steep land in the Scenic Hills (4)(b)** and the community has the right to see and understand the impact this may have on the other aspects of the DA.

The development is not in the public interest

The DA's SOEE makes a number of representations about the public interest which we refute. These are summarised in its Executive Summary, pp. i & ii. and on p.70, along with other misrepresentations scattered throughout the SOEE. The following is not intended to be comprehensive:

1. Project Need

The CMCT continues to wrongly claim that this cemetery is required to meet a burial shortage in South West Sydney and Macarthur. The SOEE (Executive Summary, p. i) states *'The application is based [on] the strong demand for additional cemetery space in Sydney with a particular focus on South Western Sydney and the Macarthur Region. The demand was documented in specialist reports considered as part of an earlier Planning Proposal for the site...'*

The state government's own cemetery capacity report¹¹ was released in November 2017 and shows that the CMCT's claims about a shortage of burial space in Macarthur, South West Sydney and/or Western Sydney (variously used in the SOEE) are not true. While the SOEE is dated October 2017, we know from a search under the *Government Information (Public Access) Act 2009 (GIPAA)* that the findings were made available to crown cemetery operators on request as early as August.

According to the official cemetery capacity report, South West Sydney is currently *'well served'* (p.39) and will only run out of burial space in 2056 because it will be taking South Sydney's dead from around 2020 (p.34). The report clearly states that there is a need for cemeteries in the South and North districts of Sydney instead. It states (p.39): *'Provision of capacity in the North and South regions would sustain the desirable distribution of cemetery infrastructure across the planning regions of Sydney, maintain reasonable equitability of access to cemeteries for the communities of the Central, North and South regions, and provide for burials close to the region of the life and social networks of deceased persons. This outcome would also sustain positive effects in respect of costs and visitation for those communities, as compared with an outcome where limited land availability and affordability require the direction of burial activity from all the regions of metropolitan Sydney toward Western Sydney.'*

It is hard not to feel that there was an intention to mislead the public and the consent authority.

¹¹ https://www.industry.nsw.gov.au/_data/assets/pdf_file/0014/143402/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf

2. Publicly accessible passive recreation space on land that was previously privately owned

While 7.8A (2) (d) only requires that this be provided, there is an assumption that it will be used or useable as such and that this was not previously available to the public. We have addressed this claim in prior submissions and in the community consultation, thus we feel we can rightly assume that again there is an intention to mislead.

The SOEE claims it will allocate over 36 hectares to ‘publicly accessible passive recreation space’, however it appears that it will do so *only* where it cannot put graves, i.e. on the steep slopes of Bunbury Curran Hill and along watercourses. There is no evidence that people use cemeteries recreationally. Instead this cemetery will permanently alienate the land for true public (active) recreational purposes, such as when the Riding School used the whole site over decades. The SOEE wrongly claims it will open Bunbury Curran Hill lookout to the public, but this is owned by Council and already publicly available. The CMCT’s land merely adjoins it.

3. Restoration of the historic buildings for the benefit of the community

We criticised this claim in its community consultation material, pointing out that it was misleading because Varro Ville Homestead is not included. Indeed the Homestead’s maintenance will suffer as a consequence of the loss of value from being surrounded by the development, made worse by this DA’s insensitivity. Yet the SOEE continues to make this claim in its summaries – people have to read the detail to understand that the Homestead is not included, but will not find anywhere that its heritage significance and value will be adversely affected.

4. Agricultural uses of the land have fallen into a state of ‘disuse and decline’ (SOEE, p.7); ‘largely unused property’ (SOEE, p. i)

The land has been in continuous use for grazing and some associated farming since the Macquarie land grant in 1810, interrupted only by its use as part of the adjoining Riding School and for a short time between agricultural leases or ownership changes. Again, this is a claim that we have previously refuted in submissions but it does not seem to suit the proponent or its consultants to state the truth. Further, the claim that cattle-grazing is degrading the vineyard terracing (HIS, p.120) as a justification for digging it up for graves is absurd. The land is being degraded by poor land care, not grazing, resulting in weed infestation and erosion. This could easily be solved by putting conditions in the agricultural lease to ensure proper environmental care.

5. The cemetery will be affordable and accessible to all members of the public (SOEE, p.45)

We can find nothing in the DA that ensures the burial spaces here will be more or less affordable than anywhere else, including nearby private cemeteries. Further it is not *equally* accessible to all members of the public. The conditions of land purchase (accessed under the GIPAA) indicate that 45% of the burial space will be reserved for Catholics and 55% for all others. We feel that crown cemeteries should come under secular management to ensure equitable treatment under the Crown.

- 8.3.6. It is contrary to the objective of 'building safe communities' – it will increase security risks as cemeteries are magnets for vandalism. The site can only be protected by destroying the visual amenity of the site.
- 8.3.7. It directly conflicts with Direction 3.2, 3.3 and 3.4. It will record history after destroying the heritage to which it relates. The history already exists. The only point of re-recording it on site (instead of in a library) is to better appreciate the heritage...but this will no longer exist on site. The OPP 16 study records the potential for much more on the site – a rich resource. The development is contrary to the Australia ICOMOS Burra Charter.
- 8.3.8. It will be an economic net loss for Campbelltown: The CMCT pays no rates, taxes, or (apparently) infrastructure contribution; it will provide few jobs, will lower home values, its prominent position on a hilltop overlooking Campbelltown and along M31 and Campbelltown Road will degrade Campbelltown's liveability and attractiveness, making it the butt of jokes like Rookwood: 'Crook as Campbelltown', 'Macarthur's Dead End'.

Conclusion

The Scenic Hills are highly valued in Campbelltown. The opposition to this cemetery has been evident in the two local newspapers, from the three local MPs, and the local Council that voted 11-2 against the proposal in 2014. This proposal has been creating great anxiety in the community over more than four years. This affects people's mental health and wellbeing. It is well known by real estate agents and valuers that most people do not want to live near a cemetery or within view of one, and the prominence of the site and the value that people place on the Hills makes its financial and emotional impact widespread.

The unsympathetic, intensive and invasive nature of these plans will be a net loss for Campbelltown, Western City District and NSW. It will destroy local and state significant heritage (as assessed) for an ultra-modern development catering to a minority practice that could be accommodated in many other more suitable locations. It is based on a flawed information base and assessment, and is contrary to the objectives and provisions (as discussed) of the CLEP15. It removes a previously valued recreational area from further use in perpetuity. So much greenspace is being taken for housing in the Macarthur area that there is a need to preserve that which cannot be used for housing as true sustainable green space. There is nothing sustainable about a cemetery. This proposal will radically alter what most people here value in its current form...and it is not even needed.

We ask that the consent authority reject this DA on planning grounds and in the public interest.

Yours sincerely

SIGNATURE REDACTED

Convenor

VARRO VILLE

██████████ ██████████ ████████████████████ NSW 2566
██████████ ██████████ MINTO NSW 2566
██████████ ██████████

22 March 2018

Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Sent by email to: council@campbelltown.nsw.gov.au

Re: Development Application, 166-176 St Andrews Road, Varroville – File No. 3293/2017/DA-C

We make this submission on the above Catholic Metropolitan Cemeteries Trust (CMCT) Development Application (DA) - **File No. 3293/2017/DA-C** - as the private owners of state heritage-listed Varro Ville Homestead, located on a battle-axe block in the middle of the proposed cemetery. We oppose the proposed cemetery DA and its Masterplan for the following summary reasons:

- Late last year the NSW Heritage Council (NSWHC) recommended to the NSW Minister for Heritage that nearly all the land intended for this cemetery be listed on the State Heritage Register (SHR) as a curtilage extension for the SHR-listed Varro Ville Homestead. The recommendation was supported by a report commissioned by us and part-funded by the NSWHC for the purpose of making the curtilage assessment: *Curtilage Study, Varro Ville*, by Orwell & Peter Phillips, May 2016 (**OPP16**). The NSWHC's revised statements of significance for Varro Ville derive from that study: <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5063550>, awaiting Ministerial approval and gazetting of the listing.

As advised by one of the principal authors of the above study (Geoffrey Britton) in a letter to us of 19 March 2018, if this DA and its Masterplan are approved, the state heritage significance of the Homestead and the surrounding landscape to which it is inextricably linked will be destroyed. Both the letter and study are provided with this submission.

- The cemetery will completely surround our property (360°) and be visible from the Homestead, garden and driveway entrance. This will significantly diminish the liveability of the property and will alienate the Homestead's future use for the kind of events normally used by heritage homeowners to support its preservation and open it to the public (weddings, parties, etc.).
- It will create security and privacy issues for us and our descendants, by the close proximity of kerbside carpark-roads, walking tracks and graves to within 10 metres of our boundary. Cemeteries are notorious magnets for vandals and the topography of the Scenic Hills makes it nigh impossible to limit the scrutiny of would be vandals (or worse) in an otherwise isolated location.
- Valuers and real estate agents have estimated that the cemetery will reduce the financial value of our home and the investment we have made in it by between 40-100% (i.e. unsaleable), making it impossible for us to continue our obligations to maintain the property as owners of state heritage and creating financial problems for us at retirement age where our options to recuperate our losses are low to negligible.

Contrary to claims to the media, the CMCT never included our property in its plans – having developed them and presented them to Campbelltown Council and the media without ever having contacted us. Further there is no obligation for us to sell our property ‘at market value’ to the CMCT (as it has since claimed to have offered, though no specific offer has been made) and we do not see why we should have to. Market value would not compensate us for the loss of our investment, nor is there an equivalent property that we could purchase. When we bought the property, the planning controls prohibited cemeteries and other such intensive development around us, and the NSWHC had consistently stated in submissions to Campbelltown Council in prior years that the retention of the planning controls on the adjoining land was essential to protect the Homestead’s state heritage significance¹. Our property is state significant that once destroyed cannot be replaced. This ultra-modern cemetery (as it was from the outset) could be accommodated in numerous more suitable locations.

- There is no need for another cemetery in South West Sydney or Macarthur according to the NSW Government’s own *Metropolitan Sydney Cemetery Capacity Report*, Cemeteries & Crematoria NSW (CCNSW), November 2017 (p.34 & 39). CCNSW have indicated that north and south districts of Sydney are the preferred locations for new cemeteries to provide for an equitable spread of available burial space across Sydney.
- It is not in the public interest to destroy or fatally compromise land and items that have been assessed (by our heritage consultants and the NSW Heritage Council in its meeting of 28 September 2017) as culturally significant to the state of NSW, in order to provide burial space for only a third of the population who choose this – particularly when there is other non-heritage land available in Sydney in more appropriate locations (as above), some of it already Crown Land.
- The DA and its Master plan are based on critically flawed information with regard to heritage and land stability, which are interrelated. In the former case (heritage) the DA relied principally on information from heritage consultants who have now revised and updated that information in our curtilage study. In the latter case (land stability) the assessments in the reports supporting the DA are not entirely consistent with the NSW Geological Survey of 1968 (still current) and have not provided the information that would allow the consent authority to consider **CLEP15 Development on Steep Land in the Scenic Hills 7.8 (4) (b)**, or its impact on the conservation of heritage.
- Cemeteries are prohibited land use in the Scenic Hills Environmental Management (E3) zone of the *Campbelltown Local Environment Plan 2015 (CLEP15)*. A cemetery is only permitted (with consent) on this particular piece of land due to a controversial ‘spot-rezoning’ that could **not** have been approved had planning authorities and other government departments scrutinised the CMCT’s planning proposal, fact-checked its claims and fairly assessed all the issues raised by the community. As a consequence this DA has strained to comply with the various planning controls of

¹ Letter from Executive Director, NSW Heritage Office (HO) to the General Manager of Campbelltown City Council concerning ‘**Varroville’ St Andrews Road**’, 28 August 2007. The letter refers to previous correspondence throughout 2000 and specifically to a letter in October 2000 requesting that the schedule of heritage items in Council’s Local Environment Plan include the ‘*surviving cultural landscape of Varroville*’ and ‘*retain the scenic protection zone for the adjacent land*’ that ‘*[had] contributed to the protection of the setting of ‘Varroville’*’. It also stated that the HO had advised the selling agent for the surrounding land that the HO would be ‘*giving further consideration to a potential curtilage expansion*’ onto that land. We were advised by the then owners of the land that the HO’s advice was incorporated in the Contract for Sale.

- The proposed development will *NOT* ‘complement the landscape and scenic quality of the site...when viewed from surrounding areas including the ... “Varro Ville” (homestead group at 196 St Andrews Road, Varroville) as required under the special provision **7.8A (2) (a)** in the Campbelltown Local Environment Plan 2015 (**CLEP15**). This requires that the views be ‘made better’ but the development will destroy these views.

1. A curtilage study commissioned by us and part-funded with a grant from the NSWHC: *Curtilage Study, Varro Ville*, by Orwell & Peter Phillips, May 2016 (OPP16). [Note that the curtilage study is subject to signed copyright agreements between us and the NSWHC. Please contact us if this in any way inhibits its use in assessing this DA. We would automatically give permission for it to be made public as part of a revised and re-exhibited DA that included this report in its assessment and design as a matter of public interest, which we advocate.]
2. A letter of 19 March 2018 from one of the principal authors of the above study, Geoffrey Britton, Environmental Design and Heritage Consultant, assessing the DA and Masterplan against the findings in the above study.

Varro Ville is the second state-listed home that we have owned. We nominated our first state-listed home, Englefield in East Maitland, to the SHR, following a 25 year conservation project to preserve the 1837 property for future generations. When we bought Varro Ville in 2005 it was already listed on the SHR (with a Permanent Conservation Order from 1993) but with a curtilage that the NSWHC regarded as inadequate and a nominated expansion of it onto the surrounding land under consideration since 2000. Every purchaser of the land surrounding the Homestead since 2000 has thus been aware of the proposed curtilage expansion with borders undetermined.

We commissioned this curtilage study, not only to assist the government in deciding a proposal it has mulled over for almost 18 years, but also to assist our own defence in the DA process. The CMCT did not have access to Varro Ville Homestead as part of its heritage studies – having excluded us from the

The attached letter from one of the principal authors of the OPP16 curtilage Study of 19 March 2018 confirms the loss of state heritage significance for Varroville if the DA and its Masterplan are approved.

We recommend that the consent authority visit the Homestead prior to making any decision on the DA to make its own assessment.

Key flaws in the DA

1. Flawed Heritage Assessment

The developer (the CMCT) and the NSW Department of Planning and Environment (DOPE) were consistently asked by us, other heritage organisations and the NSWHC itself, in letters and submissions to the South West Joint Regional Planning Panel regarding the rezoning, to wait until the NSWHC had completed its assessment of the cemetery land for inclusion on the State Heritage Register (SHR) as part of a curtilage expansion for Varro Ville Homestead, based on a report commissioned by us from Orwell

& Peter Phillips, and part funded by the NSWHC for that purpose (OPP16 curtilage study)². The NSWHC's submission stated that the '*CMP...Visual Impact Study and Design Master Plan may all need revision...as a result of...this curtilage study*' (NSWHC Submission to the JRPP 2016).

It is clear that this is what now needs to happen. The DOPE accepted a flawed Conservation Management Plan (CMP)³ from the CMCT that had no access to the Homestead lot (and apparently no access to the outbuildings at the time due to safety concerns)⁴, that relied on outdated secondary sources of information for the assessment of Varro Ville's significance (only partly attributable to lack of access to the Homestead), that was not endorsed by the NSWHC (since the NSWHC can only endorse CMPs for land on the SHR) and then embedded this in the CLEP15 in a special provision **cl. 7.8A Use of certain land at 166-176 St Andrews Road Varroville** as a guide to future DA preparation.

Fortunately compliance with the specific local provision **cl. 7.8A** of CLEP15 - that includes the CMP - is not the final determinant, being simply another requirement that the DA must meet as a minimum, and therefore does not preclude compliance with or consideration of other provisions in the CLEP15, including the **E3 Environmental Management** zoning objectives and controls, **cl. 5.10 Heritage Conservation**, **cl. 7.6, Scenic protection and escarpment preservation**, **cl.7.8 Development on steep land in the Scenic Hills** or with the *Heritage Act 1977*.

We also note that the CMP itself specifies that future research should be used in DA preparation stating in Policy 9, p. 121 '*All future planning, management, works, and impact assessment must be guided by the statement of significance and significant spaces, landscape, fabric and building elements identified in this CMP together with any additional detailed research and assessment [our emphasis]...⁵*.

Our curtilage study (OPP16) was sent to the Heritage Division of the Office of Environment & Heritage (HD) on the 23rd May 2016. The HD has since assessed the findings in that study and the NSWHC has adopted the OPP16 revised statements of significance for the Varro Ville Homestead Group (<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5063550>), as part of the recommended curtilage expansion for Varro Ville Homestead on the SHR that includes most of the land intended for this cemetery and covered by this DA. At the date of writing this submission, the Minister had not yet dealt with the recommendation. Notwithstanding that the listing has yet to be gazetted we believe that our curtilage report must be taken into account in assessing the heritage of the site for a DA as follows:

- i. The CMCT and its consultants did not have access to Varro Ville Homestead in compiling its DA and therefore cannot satisfy the consent authority that (7.8A (2)(a)) '*the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including...“Varro Ville” (homestead group at 196 St Andrews Road, Varroville)...*'. The DA relied on views assessed in a 2000 report by Colleen Morris and Geoffrey Britton⁶ that has now been

² *Curtilage Study Varro Ville*, Orwell & Peter Phillips, May 2016 (OPP16)

³ *Conservation Management Plan Varroville Estate: 166-176 St Andrews Road, Varroville*, prepared for the Catholic Metropolitan Cemeteries Trust by Urbis, in conjunction with Artefact Heritage and MUSEcape Pty Ltd, October 2015.

⁴ Ibid. 1.6 Limitations, p.4.

⁵ Ibid. Policy 9, p.121.

⁶ *Cultural Landscapes of the Cumberland Plain and Camden, NSW*, prepared by Colleen Morris and Geoffrey Britton for the National Trust of Australia (NSW), Final Report August 2000.

superseded by Geoffrey Britton's revised assessment of the critical views to and from the Homestead and other buildings in OPP16 - particularly relating to the western and eastern valleys, pp 85-89 – together with Britton's assessment of the DA's compliance with cl. 7.8A (2) (a) in the attached letter of 19 March 2018.⁷

- ii. The DA is not in compliance with the CLEP15 cl. 7.8A (2)(e), - i.e. that the cemetery development *'be carried out in accordance with the conservation management plan titled "Conservation Management Plan, Varroville Estate: 166–176 St Andrews Road, Varroville", dated October 2015...'* - if it excludes the revised findings in the OPP16 study as per Policy 9, p. 121 – not simply because these findings and the revised statements of significance have now been adopted by the HD and NSWHC, but because the CMP relied heavily on outdated sources from the same consultants who authored OPP16. Section 3, p.31 of the CMP lists five sources that it 'primarily' referenced in providing its historical overview: three of the five are studies between 17-26 years old, authored or co-authored by Peter Phillips and Geoffrey Britton. We note that the CMP has quoted extensively from *Historical Context 'Varroville'* prepared by Wendy Thorpe for the *Conservation Policy Report: Varroville St Andrews Road Minto* prepared by Orwell & Peter Phillips Architects May 1992 (though not always attributed), and also from the aforementioned 2000 report prepared by Colleen Morris and Geoffrey Britton. For our curtilage study (OPP16), Peter Phillips engaged Dr Terry Kass to re-examine the history of Varro Ville and Geoffrey Britton to re-examine the landscape, with buildings analysis by Alan Croker of Design 5 (from an unfinished report we commissioned in 2007) – with many new findings and significantly altered conclusions, substantially revising and updating these prior reports.

The adverse flow-on effect of the CMP's use of outdated information cannot be underestimated. Firstly the CMP's historical overview has informed the landscape analysis by MUSEcape and the preliminary archaeological assessment by Artefact contained in the CMP. This has resulted in the heritage significance of Varro Ville being greatly underestimated. The CMP has rated Varro Ville as state significant on only two of the NSWHC's assessment criteria and consequently recommended a significantly lesser curtilage; while OPP16 has rated Varro Ville as state significant on six of the seven assessment criteria, with a much enlarged curtilage. The NSWHC has adopted the OPP16 assessment of significance and has opted for an enlarged curtilage, albeit that, due to the pressures of this pending DA it has recommended a compromise boundary to the Minister to facilitate its progress: <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/heritagecouncil/state-heritage-register-committee-minutes-september2017.pdf> .

The problem with the whole DA is that it has relied almost exclusively on this deeply flawed CMP, which affects every part of the DA application including the overall design (**Landscape Design Response** and **Landscape Drawings (Masterplan)**), road and parking design (**Transport Impact Assessment**), civil engineering plans for building, road and water management (**Civil Engineering Services**), **Visual Assessment**, and **Heritage Impact Statement (HIS)**. For example, the road design (**Civil Engineering Services**, p. 6) used the wrong (and significantly smaller) proposed SHR curtilage, while the **Visual**

⁷ We note a claim that 3D imaging was used to assess views from the Homestead is physically impossible without internal access, and conflicts with statements in the DA's **Heritage Impact Statement, Urbis October 2017** that it only assessed views from the Morris and Britton report.

Assessment and HIS only assessed views noted in the 2000 report by Colleen Morris and Geoffrey Britton⁸ now superseded.

Even with access to the same source documents, the CMP has made significant errors, resulting in the heritage impacts being greatly underestimated in the HIS. The claim that the current drive to the outbuildings from St Andrews Road was only put in in the 1950s is wrong. It is clearly evident in the 1947 aerial photography and appears to be consistent with a road in the 1850 Shone Plan (referenced in both the CMP and OPP16). In removing this road in the Masterplan, the CMCT is destroying the only remaining 19th century access road to the Homestead past its outbuildings and one that was required in the original Orwell & Peter Phillips Conservation Policy Report 1992 to be retained.

Similarly we note that while the HIS has adopted the term ‘trenching’ (instead of ‘terracing’ in the CMP) – presumably due to the revised NSWHC statements of significance and our prior submissions - it has still not understood what this means or the significance of this new finding in the OPP16 curtilage study. This agricultural trenching has not been found elsewhere in Australia, being also a water conservation measure. The HIS has claimed that the ‘trenching’ covers only 7 hectares and approves for the majority of it be dug up for graves on the basis that it is ‘degraded’. However the OPP16 study shows that the trenching covers a much more extensive area of more than 20 hectares - as identified in early aerial photographs – and is expected to still be there due to its depth of several feet. We know from our own experience of living here, that much of its visual appearance on the surface depends on land conditions - being more obvious after extensive rain (when it is holding water) and when the grass is short. Further the significance of the trenching is attributed to not only its uniqueness but the *extensive* nature of it. This DA will destroy all but around 10 % of the trenching, all within view of the Homestead and its associated buildings. This new evidence, now incorporated into the updated statements of significance puts the DA in breach of its own CMP relating to the statements of significance (Policy 25).

Similarly again, the Masterplan states it will ‘interpret’ the ‘lost’ early orchards around the outbuildings. Yet OPP16 has identified the probable location of the orchard from the 1947 aerial photography as being close to the dams (as might be assumed). The site has the potential to yield important archaeological evidence that could lead to its restoration as a rare example of a colonial orchard in NSW, but the Masterplan will simply dig this up for graves.

Source documents relating to the Charles Sturt era (also referenced in Verlie Fowler’s study that was used as a primary historical source in the CMP) indicate that by 1839, 600 acres of the 1000 acre estate was cleared land⁹ - part of the colonial rural landscape - yet the Landscape Masterplan at L101 shows that this will be radically changed by tree plantings to hide a tight network of burial rooms, modern buildings, concrete roads, car parks and dams.

The OPP16 report details the vast archaeological resource at Varro Ville from original source documents that the CMP has ignored, the latter choosing to rely largely on secondary sources that repeated past

⁸ *Cultural Landscapes of the Cumberland Plain and Camden, NSW*, prepared by Colleen Morris and Geoffrey Britton for the National Trust of Australia (NSW), Final Report August 2000.

⁹ Advertisement for the sale of Varro Ville in the *Sydney Monitor*, 13 February, 1839, p.1, and *The Australian*, 31 January 1839, and *Varroville, the estate of Dr Robert Townson*, by Verlie Fowler, Grist Mills, Journal of the Campbelltown and Airds Historical Society Inc. Vol.16 No. 3, November 2003, p.83.

errors in the assessment of Varro Ville’s significance, or ignoring (or failing to accurately interpret) the evidence in the available source documents. The NSWHC has accepted the OPP16’s rating of this resource as significant at the state level. If the DA and Masterplan are allowed to proceed as is, they will destroy the significance of this resource and be contrary to the **CLEP15 Heritage Conservation cl. 5.10 (1) Objectives (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, and (c) to conserve archaeological sites.**

The NSWHC’s prior submission that the ‘CMP...*Visual Impact Study and Design Master Plan may all need revision...as a result of...this curtilage study*’ (NSWHC Submission to the SWJRPP 2016) was prescient. The flaws in the heritage assessment, starting with the CMP and flowing on to the HIS and other studies supporting the DA, are of such significance that the DA should be rejected, or at least substantially revised and re-exhibited based on the updated heritage information accepted by the NSWHC.

2. Flawed Land Stability Assessment

The Scenic Hills were set aside as an Environmental Protection Area in *The New Cities of Campbelltown, Camden, Appin Structure Plan* by the State Planning Authority of New South Wales 1973. A key reason for doing so was not only their visual beauty as a backdrop to Campbelltown, but due to land instability. This was identified in the NSW Geological Survey of 1968 that preceded these plans. The survey remains current. The Scenic Hills Association (of which we are members) had the latest Google maps overlaid on one of the survey’s land stability maps that was included in a report by Pogson and Chestnut 1968¹⁰.

The following is included in the Association’s submission, but we include again here for your reference with further discussion of the implications for the heritage of the site:



The Pogson and Chestnut report is referenced in the **Geoscientific Investigation** into groundwater by Boyd Dent of Red Earth Geosciences at Appendix U of the DA (omitted from the online documents, so not available equally to the public for this exhibition). The overlay (above) suggests that approximately 60% of the site is unstable land. We understand that this should have been considered at the rezoning

¹⁰ Preliminary geological investigation of land instability in the Municipality of Campbelltown, Rept. Geol. Survey. NSW, by D.J. Pogson and W. S. Chestnut, GS 1968. This report can be found on the following link: [https://search.geoscience.nsw.gov.au/report/R00013769?q=pogson%20d%20j&sort=score%20desc&t=digs&a=true&p=false&wkt=POLYGON\(\(150.5%20-34.5,150.5%20-34,151%20-34,151%20-34.5,150.5%20-34.5\)\)&s=true](https://search.geoscience.nsw.gov.au/report/R00013769?q=pogson%20d%20j&sort=score%20desc&t=digs&a=true&p=false&wkt=POLYGON((150.5%20-34.5,150.5%20-34,151%20-34,151%20-34.5,150.5%20-34.5))&s=true)

stage but was avoided by a loophole in s. 117(2) Ministerial Directions regarding unstable land in the *Environmental and Planning Act 1979*. However it has to be considered at the DA stage under clause 7.8 of the CLEP15.

The implications of land stability for heritage at the site is that any disturbance to the land can alter its stability (including erosion) thus impacting heritage items, but similarly, any measures to ensure stability can also impact heritage items, including alterations to landform.

A report into land stability has been included with the DA at Appendix R¹¹. The authors - Douglas Partners (DP) - have confirmed prior findings of land instability and have risk-rated the whole site. Of note, the buildings claim to be in an area of 'moderate risk' but appear to be located in the area designated as 'high risk' - and while most of the site is designated 'low risk', the authors have noted that this rating only applies '*unless major changes to site conditions occur*' (p. 9).

The report is highly qualified by the repeated assumption (apparently given to the DP by the client) that '*only minor earthworks are planned for the proposed development.*' (p. 10)

In the report (dated March 2017) the authors emphasise '*As detailed design of the proposed development has not been undertaken, the comments given must also be considered as being preliminary in nature. Once details are available, they must be forwarded to DP for review to determine if comments given within this report are appropriate or require revision.*' (p. 4).

DP restrict their findings and advice to the sites where they made their test pits for this report, due to the '*preliminary nature of the investigation and potential for variability in the subsurface condition across the site.*' (p. 13)

What is concerning about these comments is that test pits were only made in Stage One and none were made within the proposed SHR curtilage land. Further, the subsequent civil engineering report of August 2017 (at Appendix P) does not reference this prior land stability assessment, and in turn, there is no assessment of the civil engineering report by DP, even though the latter specifically requested that detailed plans be sent to them to enable a review of their advice.

The land stability assessment must thus be regarded as inadequate and unreliable.

The implications for heritage are as follows: It is hard to envisage that the digging of 136,000 graves to an expected depth of 8 feet (?), serviced largely by 7.5 to 8 metre concrete roads, and with alteration to water run-off across the site does not represent '*major changes to site conditions*', notably affecting the SHR curtilage area. Unless the land and the proposed works are assessed and confirmed for stability in that area no assessment visually or in terms of heritage impact can be made, as it may require alteration to the civil works or even a re-evaluation of whether the land can support this kind of development.

A further concern is the specific relationship between land stability and water (refer Pogson and Chestnut and Douglas Partners). Since much of the land around Varro Ville Homestead and the outbuildings (Lots 22 and Lot 1) are surrounded by agricultural trenching which manages water flow and

¹¹ *Report on Preliminary Stability Assessment Proposed Memorial Park 166-176 St Andrews Road, Varroville*, prepared for Catholic Metropolitan Cemeteries Trust by Douglas Partners, March 2017.

retention, and has done so for around two hundred years, it is not clear what impact the digging up of this trenching and replacing with graves will have on land stability around the buildings – the destruction of landscape heritage notwithstanding.

Since the DA is for all stages of the development, the land stability assessment cannot be limited to Stage 1 and needs to be carried out against the detailed civil works for the whole site, in particular for the proposed SHR curtilage land. As such this part appears to be critically flawed with a domino effect on other assessments of the site notably its heritage and associated visual impacts.

This is of such fundamental importance to any consideration of development of this site that the DA should be rejected or at the very least substantially revised and re-exhibited.

3. Other heritage concerns

It is clear that this cemetery was never intended to accommodate or be sympathetic to heritage. In the **Landscape Design Response** at **Appendix D**, the author Florence Jaquet includes the site's history along with its topography and ecology as **constraints**, noting *'When combined with the client's aspirations for a unique contemporary cemetery, the challenge is sizeable.'* (**2.1 Site Analysis, Introduction**). This comment is consistent with the CMCT's comments to us in our one and only meeting with it and its consultants, i.e. that it did not want to put any money into heritage unless it was forced to.

The DA acknowledges the heritage curtilage – as listed in CLEP15 and on the SHR (proposed) but then completely ignores it in the cemetery design and its Masterplan which is largely unchanged since its inception in 2013 - suggesting the cemetery designer either does not understand what a curtilage is, or does not care. The 10m buffer zone around the boundary of the homestead lot has nothing to do with heritage, being the same buffer along all the cemetery's boundaries – and noting that the boundary of the Homestead lot (Lot 21 DP 564065) has nothing to do with heritage in the first place – hence the need for a curtilage expansion. The plaques in the lawn cemetery will be visible from the homestead lot, given its elevation – and seem only to serve the CLEP15 requirement for visibility from Campbelltown's urban area. Similarly the road-carparks cut across every critical view line to and from the Homestead, while the historic dams will no longer be visible being surrounded by trees. The ignorance of the designer is expressed in **2.2.5 Views (Landscape Design Response)**, *'We also recognise that Varroville Homestead has enjoyed, over the years, a number of views into the site. Although it is unwarranted to 'freeze them in time', the pastoral character should be retained and views onto structures mitigated.'* There is nothing rural or pastoral about any of this design and the concept of not 'freezing' the views 'in time' shows a total lack of care or understanding about heritage generally and the importance of these views to the architectural significance of the homestead. We also note her reference to our shed as 'modern' when perhaps she meant 'new'. In fact our shed was designed by heritage architects Clive Lucas Stapleton in materials and form sympathetic to sheds of the 19th century/early 20th century, including taking the roof line and angle from the nearby coach house. This sympathetic concept is clearly beyond the comprehension of the cemetery designer.

However this design response is not surprising given the philosophy expressed in the **Heritage Impact Statement (HIS) 7. Conclusions and Recommendations** p.126, i.e. that it is fine to destroy the heritage of the site, including its dams and terracing, as long as it is first recorded. This preserves *history* not



Added to our concerns about the integrity of the heritage assessment are the claims of having assessed views from Varro Ville Homestead. These claims are scattered through reports, notably in the Visual Assessment and in the HIS. With the exception of claims noted in the aforementioned 2000 study by Colleen Morris and Geoffrey Britton and our own curtilage study (OPP16), it should be taken that any other claims to have assessed views from the homestead are false.

Of further concern is the absence of an *Archaeological Impact Assessment* for European heritage across the site. An assessment of Aboriginal archaeology has been carried out and included as Appendix Y, but not European, even though this was recommended in Appendix C of the CMP's **Historical Archaeological Assessment by Artefact October 2015**, which states on p. 35, '*An Archaeological Impact Assessment [AIA] should be prepared for future development applications...*'. We understand that this was cancelled and it was decided to not submit one as part of the DA for reasons unknown. Yet the works across the site clearly impact the archaeology and go to the very heart of whether the site is suitable as a cemetery, noting the site's identification as an exceptionally rich archaeological resource in OPP16 curtilage report. The assumption that this can merely be done *post-DA approval as part of development* under the HIS policy of 'record and destroy'¹², is anti-heritage as the NSWHC has rated the site at the state level on Criterion E (Research Potential) and it is included in the revised statements of significance. Albeit that the proposed AIA was based on a smaller curtilage than is now included in the CLEP15 and proposed for the SHR, the DA's request (in the HIS) to postpone it is not in accordance with the Burra Charter, or with the objectives of the **CLEP15 Heritage Conservation cl. 5.10 (1) (a), (b) and (c)**, or with the special provision **Use of certain land at 166-176 St Andrews Road, Varroville cl. 7.8A (2) (b) and (e)**.

Notwithstanding the flaws in the CMP and its flow-on effect to the DA, the development is clearly not 'in accordance with' its own CMP as required in cl. **7.8A Use of certain land at 166-176 St Andrews Road, Varroville (2) (e)**, to an extent that the DA cannot be approved by the consent authority 'as is'.

¹² This is requested in the **Heritage Impact Assessment**, Urbis, October 2017 on p.108 response to policy 62 (policy 60 in the CMP), and p.115 response to policy 91 (policy 88 in the CMP) and p.117 response to policy 107 (104 in the CMP).

bumps the numbering forward each time, so that the policy numbers between the CMP and HIS are out of synch from Policy 25 onwards and then bumped further after the insertion of a new policy at no. 57. We had a copy of this letter but other members of the public had no apparent direct access to it.

The assessment of compliance with CLEP15 cl. 7.8A (2)(e) is made further difficult by the many inconsistencies within the CMP, raising the question as to which part of the CMP the development has to comply with when the directions are at odds. For example:

- The CMP at 4.2.6 (p.78), claims the early dams that may be attributed to Charles Sturt (noting that research in OPP16 puts some of these earlier than Sturt) are *'highly significant [our emphasis] and rare as an early example of water conservation in the colonial period...There was possibly some work done in the 1950s but they still retain high integrity.'* Yet Figure 83 rates them as only of *'moderate'* (not *'high'*) significance, and, at **5.8.2 Historical Archaeological Assessment** (p.104) it grades the area of the dams (Figure 46, p.105) as having low archaeological potential *'associated with... water storage'* despite previously saying that they had *'high integrity'*. The CMP then states at **7.3 Obligations Arising from Heritage Significance** (p.115, second dot point), *'Elements of moderate or high significance should be retained and conserved...'* (this would include the dams). This is then partially contradicted in Policy 24 (Policy 26 in the HIS) p.125 of the CMP which states that those elements rated as *'high'* significance should be *'retained and conserved'*, but those of *'moderate'* significance can be changed *'so long as it does not adversely affect values and fabric of exceptional or high significance or the significance of the place as a whole.'* Then Policy 29 of the CMP (p. 126) requires archaeological investigation to determine which dams are Sturt's so they can be *'retained and conserved'* even though they have been deemed to be of moderate significance which means they could be changed.
- Most contradictory is Appendix C of the CMP **Artefact Heritage – Historical Archaeological Assessment, October 2015** which states at 7.2 Recommendations (p. 25, second dot point) *'An archaeological impact assessment [AIA] should be prepared for future development applications within areas 1 and 2. Area 3 does not require approvals...'* The dams are in area 3 thus not requiring an AIA (see Fig. 27 p. 23 of the CMP's Appendix C or Fig. 46, p.105 of the CMP main report). This is entirely inconsistent with Policy 29 of the CMP requiring archaeological investigation to determine which are the Sturt dams. Those determined to be Sturt's are then to be *'retained and conserved'*. Note that neither of these recommendations have been implemented as part of this DA, because a European AIA has **not been done** for any part of the site.
- The CMP at 4.2.7 states that *'[Varroville's] archaeological remains have the potential to be of state significance'*, yet in the **Significance Assessment Criterion E Research Potential** (p.84) it rates Varro Ville at the *local level* only.

These inconsistencies in the CMP are hard to comprehend in a professional document. Such inconsistencies are typical of the 'editing errors' that occur when a report is amended to 'fit' an intended development after the fact, but could be because there were multiple authors bringing their own perspectives to the report. Whatever the reason for them, the report needs to be revised to make its intentions and the evidence for its policies clear.

However the inconsistencies above notwithstanding, the development is clearly not in accordance with the CMP because no AIA has been done and the HIS makes clear that it is seeking approval for the Masterplan's changes to the dams (i.e. to build a function building and carpark on the edge of 'significant' Dam 4, boardwalks and modern sculptures around the remaining significant dams and then surround them with vegetation so that they cannot be seen from outside the area, including from the Homestead) *without* having carried out further archaeological investigations as required in the CMP. It requests permission, as part of the DA approval, to do these as part of the development¹³. In other words the DA is asking for *carte blanche* to destroy the dams, irrespective of the archaeological finds, as part of the DA approval. This is not in accordance with the CMP (thus **cl. 7.8A (2)(e)**), or the **CLEP15 cl. 5.10** or the **Burra Charter**.¹⁴

Other critical non-compliance with **cl. 7.8A (2)(e)** examples are:

- Policy 27 of the CMP states '*The significant rural and pastoral character of the estate should be retained and conserved.*' The development is clearly not in accordance with this policy (see also the attached letter of 19 March 2018 from Geoffrey Britton).
- Figure 83 of the CMP (p.93) rates the site containing the vineyard 'terracing' (as assessed by the CMP) as being of '*high significance*' which requires (as above) an AIA be conducted as part of the DA (not done), but in any case, under Policy 24 of the CMP, it is to be '*retained and conserved*'. Instead the DA's Masterplan has Roads 1 and 11 (8m concrete with kerbside parking) cutting through this area and nearly all of it (except for the steepest slope around the gravel borrow) being dug up for graves.

It is not our intention to write a treatise on the non-compliance with **cl. 7.8A (2)(e)** but to simply demonstrate the extent of non-compliance of the development with its CMP with regard to some key issues. Having reviewed the DA and Masterplan, and contrary to the claims of the HIS, the development is not in accordance with the following policies *as a minimum*: Policies 16, 17, 20, 21, 23 (as numbered in both the HIS and CMP), and policies 24 (HIS 26), 27 (HIS 29), 29 (HIS 31), 49 (HIS 51), 51 (HIS 53), 52 (HIS 54), 59 (HIS 61), 60 (HIS 62), 62 (HIS 64), 69 (HIS 72), 88 (HIS 91), 89 (not mentioned in the HIS because AIA not done), 90 (not mentioned in the HIS because AIA not done), 98 (HIS 101).

Land use and heritage

The DA gives the impression that the site-specific rezoning of this land to permit cemeteries embodied in the **CLEP15 cl.7.8A** is the only use the land can be put to, and therefore its heritage is to be managed as best it can in subordination to that (clearly demonstrated in the HIS). A cemetery is not its only use under CLEP15 since the E3 planning controls as a whole still apply. And even if it were, a cemetery does not have to be of the nature and scale of this one. As per the attached letter from heritage consultant Geoffrey Britton of 19 March 2018, the nature and scale of the cemetery as exhibited in this DA and its Masterplan does not constitute an appropriate or compatible use of the site under the Scenic Hills E3

¹³ This is requested in the **Heritage Impact Assessment**, Urbis, October 2017 on p.108 response to policy 62 (policy 60 in the CMP), and p.115 response to policy 91 (policy 88 in the CMP) and p.117 response to policy 107 (104 in the CMP).

¹⁴ <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

zoning, and does not retain the assessed heritage significance of the site under the CLEP15 or its proposed state listing.

There are many other uses that the land can be put to that are consistent with the zoning and heritage objectives - most appropriately is its current agricultural use. This is consistent with the original *Conservation Policy Report* by Orwell & Peter Phillips Architects, May 1992, relied on in the CMP, with prior submissions by the NSWHC in relation to this cemetery, with the objectives of the Scenic Hills zoning, and with the Burra Charter. The Burra Charter states in Section 7, 7.1 'Where the use of a place is of *cultural significance* it should be retained', and 7.2 'A place should have a *compatible use*'.¹⁵

In contrast, the DA makes two extraordinary claims, both of which are untrue: (1) the agricultural use of the property has declined and (2) the current use of the site for cattle grazing is degrading the site, notably the agricultural terracing.

Firstly, a large part of the site has been in constant agricultural use (except for short periods between leases) since at least the 1810s (and may possibly have been used by the aborigines prior to that – see OPP16), and more recently was an *active* recreational area, open to the public, when it was used by the adjoining Riding School. This cemetery will permanently alienate the site for all such future use.

Secondly, the site has been largely grazed by livestock (including horses) for at least 160 years, i.e. since Judge Cheeke bought Varro Ville and used it to breed and train race horses, noting that 600 acres of the original estate had been cleared by the time of Sturt's departure in 1839¹⁶. The vineyard 'trenching' has survived throughout. The only reason it is degrading now is due to poor land care – leading to weed infestation and erosion of the vineyard trenches. This could be easily fixed by implementing a land care condition in the agricultural lease.

The suggestion that this land - described by Governor Macquarie in 1810 as '*...by far the finest soil and best pasturage I have yet seen in the Colony...*'¹⁷ - is otherwise useless, and that digging the land up - for 136,000 graves serviced by 11 concrete roads etc., including most of the vineyard area - will arrest the degradation of the land and better preserve the heritage of the site is absurd and goes beyond mere 'spin'. It is based on false information and assessments and is entirely misleading to the public and the consent authority.

Similarly misleading is the DA's claim that this cemetery is required to service the need for more burial space in the Macarthur and South West Districts of Sydney. This is contradicted in the **Sydney Metropolitan Cemetery Capacity Report** released in November 2017¹⁸, which the crown cemetery operators have had access to since at least August, according to documents accessed under the *Government Information (Public Access) Act 2009* (see Scenic Hills Association submission).

¹⁵ <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

¹⁶ Advertisement for the sale of Varro Ville in the *Sydney Monitor*, 13 February, 1839, p.1, and *The Australian*, 31 January 1839, and *Varroville, the estate of Dr Robert Townson*, by Verlie Fowler, Grist Mills, Journal of the Campbelltown and Airds Historical Society Inc. Vol.16 No. 3, November 2003, p.83

¹⁷ *Lachlan Macquarie, Governor of New South Wales: Journals of his Tours in New South Wales and Van Diemen's Land 1810-1822*, Published by the Trustees of the Public Library of New South Wales 1956, p.2.

¹⁸ https://www.industry.nsw.gov.au/_data/assets/pdf_file/0014/143402/CCNSW-Metropolitan-Sydney-Cemetery-Capacity-Report.pdf

Conclusions

If the DA and its Masterplan were to be approved as is, the implications for NSW's heritage and for future 'culture wars' cannot be underestimated. The unsympathetic, intensive and invasive nature of these plans, if approved, will create a precedent for a similar destruction of heritage in NSW, but particularly by other large scale cemetery developments catering to minority cultural practices. While we support the cultural rights of minorities, this cannot be *at the expense of* our assessed cultural heritage, and particularly when there is other land available in more appropriate locations. **It is not in the public interest.** Further, based on feedback from within Scenic Hills Association's own supporter base, we do not think that most cultural minorities will support such a policy if the truth about heritage impacts and the availability of more appropriately located burial land is correctly stated and made known. We cannot imagine that the heritage organisations will let this go without a fight. The National Trust of Australia (NSW) and the Australian Garden History Society of NSW have already made their views clear, along with locally based community associations in Sydney's Western City District.

The principal attraction of state heritage land for cemeteries here is the cheap acquisition price. That price is based on the fact that no such intensive development would normally be allowed, and should not be allowed. This would appear to be a 'try on' by the CMCT as a crown cemetery operator, backed by the Sydney Catholic Archdiocese, and utilising the special exemptions that exclude cemeteries from scrutiny by merits appeal under the *Environmental Planning and Assessment Act 1979* and associated regulations.

This does not mean that the consent authority should or can ignore the planning considerations. The DA is critically flawed. The site's heritage is central to the planning for this land, as are the physical aspects of the site – both being cited as the key reasons for preserving the Scenic Hills as an environmental protection area in the state planning of 1973¹⁹ and reiterated in Campbelltown City Council's Visual Study used as input to the CLEP15.²⁰ It is in these two areas in particular that the DA fails, with a domino effect on nearly every other study contained in the Appendices to the Statement of Environmental Effects.

If the consent authority feels it cannot reject the possibility of a cemetery in this location without more information, *at the very least*, the proponent (the CMCT) should be required to substantially redo the DA and its Masterplan based revised expert reports (as Appendices) - particularly in the areas of heritage (including OPP16, tended with this submission), land instability and visual impact, and the DA should be publicly re-exhibited.

Yours sincerely

SIGNATURE REDACTED

Peter Gibbs and Jacqui Kirkby

¹⁹ *The New Cities of Campbelltown Camden Appin Structure Plan*, State Planning Authority of NSW, 1973.

²⁰ *Visual and Landscape Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands, Final Report* by Paul Davies Pty Ltd and Geoffrey Britton, March 2010, Updated October 2011

19 March 2018

Mrs Lindy Deitz
General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Email : council@campbelltown.nsw.gov.au

File number 3293/2017/DA-C

Dear Mrs Deitz,

Development Proposal by the Catholic Metropolitan Cemeteries Trust for the construction and use of a new cemetery and parklands at 166-176 St Andrews Rd, Varroville

The National Trust again lodges its strongest objection to this proposal to construct and operate a cemetery directly adjoining historic Varroville. This property dates from its original land grant in 1810 and construction in 1817. The development proposal is within the original land grant which has been recommended for listing on the State Heritage Register as a curtilage extension for the present Varroville State Heritage Register Listing boundary.

The Statement of Environmental Effects (page 56) and the Heritage Impact Statement (page 71) both acknowledge the Listing of Varroville on the National Trust Register but indicate that the extent of the 'classification' is unknown, but "thought to include Lot 22." Contact with the National Trust would have clarified the extent of the National Trust Register Listing boundary (the term 'classification' is no longer used in terms of National Trust Register Listings). The Trust Listing includes all of the land, now proposed for re-development, that is, Lot 1 DP 218016, Lots 21 and 22 DP 564065 and Lot B DP 370979, as well as Lot 4 DP 239557 adjoining the Hume Motorway. The National Trust of Australia (NSW) is a former owner of the Varroville Homestead (the subject of the present State Heritage Register Listing) and this property was purchased from the National Trust by the present owners.

As the National Trust recently successfully argued against a cemetery proposal, within a State Heritage Register listed property, Fernhill at Mulgoa, "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."

In March, 2015 the Trust expressed its deep concern to the Secretary of NSW Planning & Environment at the planning processes which appeared to be leading towards facilitating this cemetery development proposal.

This proposal would seriously degrade the important curtilage, dating from 1810, of the property Varroville at Varroville in the Campbelltown Local Government Area and damage a long term proposal, supported by the National Trust, for statutory recognition of the Scenic Hills Environmental Protection Area.

The National Trust had urged the rejection of the Joint Regional Planning Panel advice to the Minister for Planning on this development proposal, which recommended 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 immediate Varroville property was listed on the State Heritage Register in 1999, following an earlier Permanent Conservation Order in 1993.

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

"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.' (Morris and Britton, 2000, 98)"

"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. (Morris and Britton, 2000, 98)"

In a March 2016 submission to the Regional Panels Secretariat, the Trust noted its concerns that the Catholic Metropolitan Cemeteries Trust had 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 particularly objects to the wording of the Urbis Heritage Impact Statement Conclusions and Recommendations.

The Macarthur Memorial Park proposal is underpinned by a strong understanding of the heritage values and significance of the place (including natural and scenic values, 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 development of different types of memorialisation, tree and shrub plantings (species and siting), siting of roads and infrastructure, siting and architectural design of new buildings, the conservation and adaptive reuse of the outbuildings precinct, WSUD and treatment of the dams, conservation and reinterpretation of significant landscape elements, provision for public art, and regeneration of CPW/ MSW.

The result is a highly considered proposal that not only retains and conserves but also celebrates the heritage aspects of the place. The proposal is supported and is recommended to Campbelltown Council for support, subject to the following recommendations:

- *The former Varroville Estate should be subject to archival recording prior to any demolition or earthworks, in accordance with the CMP policy, Heritage Division guidelines and subject to DA conditions of consent. The archival recording should include (but is not limited to) significant landscape features (dams and remnant trenching) and built elements proposed for demolition (i.e. within the outbuildings precinct).*
- *Heritage interpretation is a critical aspect of the design and the subject proposal provides for extensive interpretation of the significant European and Aboriginal values as an integrated part of site design and planning. The Heritage Interpretation Strategy should be further expanded including development of detailed interpretation briefs, informed by archaeological test excavation, stakeholder consultation and any additional historical research. Delivery of heritage interpretation should be subject to DA conditions of consent.*



In February, 2018 the Board of the National Trust, on the recommendation of the Trust's expert Built Heritage Conservation, Landscape Conservation and Industrial Heritage Committees, adopted the *National Trust Ethical Principles for Heritage and Conservation Professionals*. The background to the principles noted –

Recent media reports have questioned the role of professional consultants advocating the demolition or destruction of buildings, landscapes, archaeological relics, trees, places and objects of heritage significance, rather than advocating their protection. For some considerable time, the National Trust has observed and shares these concerns, witnessing consultants seeking to justify, often on quite insubstantial arguments, the demolition and destruction of places and objects which they should be seeking to conserve.

While acknowledging there are contractual obligations to clients, the Trust considers that heritage and conservation professionals have ethical obligations to the heritage item, to their clients, to the public, the profession, and their colleagues. The basis for this view is that conservation of our heritage at all levels is an indelible and indefatigable thread in the fabric of our culture and our society. Our heritage represents what we stand for and what we have sacrificed, even with our lives. As we have seen time and again, societies want and where necessary, demand the return of their cultural assets.

The National Trust sets out a number of principles that it believes are appropriate and encourages heritage professionals to also adopt and follow these principles.

NATIONAL TRUST ETHICAL PRINCIPLES

The National Trust encourages heritage professionals:

- 1. to give full, appropriate weight to the protection, conservation and enhancement of the heritage of NSW, with preservation of significance as the fundamental objective;*
- 2. to acknowledge that the heritage of NSW includes both statutory listings at the local, state, national and international level and non-statutory places listed on key non-statutory lists and that the heritage of NSW also includes any item, place, object, or material evidence that could be considered, in a professional opinion, to be suitable for listing;*
- 3. to give full and appropriate weight in Heritage Impact Statements to the protection and conservation of an item, place or object, not just observe minimal statutory requirements;*
- 4. to ensure that, where Conservation Management Plans endorsed by an approval authority are in place, policies and recommendations are consistent with the CMP, unless substantial information and assessment, also endorsed by the authority, indicates an update and amendment is justified;*
- 5. to make certain that heritage assessments are as accurate as possible with regard to listings and documented history, follow appropriate guidelines and are independent, impartial and unbiased.*
- 6. to only make recommendations and provide advice within the scope of their experience and expertise and fulfil an overriding duty to assist the public rather than their client.*
- 7. to recognize that "local heritage significance" means that an item has significance to a local area and that it may be rare and of high significance.*
- 8. to follow the concept that the identification, conservation, continuing use and presentation of heritage is both in the public interest and a fundamental component of the public interest.*

Accordingly, the question which needs to be asked is "if Urbis had been contracted and funded by the local community to assess the heritage impact of this proposal, would it have come down with the same conclusions



and recommendations.” The Heritage Impact Statement conclusions and recommendations read as though they are a public relations company’s promotional brochure for the development.

The Heritage Impact Statement commences –

The site is subject to a Conservation Management Plan: Varroville Estate: 166-176 St Andrews Road Varroville, prepared by Urbis (in conjunction with Artefact Heritage and MUSEcape Pty Ltd.) dated October 2015 and prepared on behalf of the Catholic Metropolitan Cemeteries Trust (CMCT). That report found the cultural landscape of the subject site to be of heritage significance at the state level for its historic values and for its rarity.

The Heritage Impact Statement concludes by actively promoting the project with the only conditions relating to interpretation and archival recording prior to demolition.

It does appear that Council’s own planning staff will need to undertake their own Heritage Impact Assessment and indeed should consider commissioning another consultant to undertake an “independent” assessment of the development given the site’s State Heritage Significance.

The National Trust provides the following comments on the development proposal and its impacts on the State Heritage Significance of this property.

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 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 Heritage Impact Statement refers to the Plan for Growing Sydney developed by the Greater Sydney Commission (page 44 of the Statement). The Plan for Growing Sydney has now been superseded by the release on 18 March 2018 of the *Greater Sydney Region Plan – A Metropolis of Three Cities*.



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 *A Metropolis of Three Cities* - 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 council to plan and deliver for 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 lists Objective 6 – *Services and infrastructure meet communities' changing needs* and in terms of *Accessibility* states –

"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."

The two Strategies for achieving *Accessibility* are –

Strategy 6.1

Deliver social infrastructure that reflects the needs of the community now and in the future.

Strategy 6.2

Optimise the use of available public land for social infrastructure.

The related government initiative for implementing these strategies is –

Cemeteries and Crematoria NSW 2017 Metropolitan Sydney Cemetery Capacity Report

The National Trust has referred to this Report earlier in this submission and its finding that the South-West Sydney Region was well served with the number of grave plots available.

The Western City District Plan which must now be taken into account in the assessment of planning proposals has Planning Priority W3 – *Providing services and social infrastructure to meet people's changing needs*. The Plan notes –

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.

However, the new Greater Sydney Region Plan also has Objective 13 – *Environmental heritage is identified, conserved and enhanced*. The Plan then states –

"Conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations."

Environmental heritage is protected for its social, aesthetic, economic, historic and environmental values. Environmental heritage is defined as the places, buildings, works, relics, moveable objects and



precincts of State or local heritage significance. It includes natural and built heritage, Aboriginal places and objects, and cultural heritage such as stories, traditions and events inherited from the past.

While the strongest protection for heritage is its value to the community, it is also protected under the Heritage Act 1977, National Parks and Wildlife Act 1974 and local environmental plans. The statutory framework requires identification of the values of environmental heritage, and context specific design and development that conserves heritage significance. This includes the tangible and intangible values that make places special to past, present and future generations.

The NSW Office of Environment and Heritage is developing a new legal framework to improve the protection, management and celebration of Aboriginal cultural heritage that will include an Aboriginal Cultural Heritage Act.

Areas of natural heritage are found in wilderness areas and managed landscapes across Greater Sydney. These are often sites of important biodiversity and cultural value and many are significant to Aboriginal people.

Sympathetic built form controls and adaptive reuse of heritage are important ways to manage the conservation of heritage significance. Respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity. This is particularly important for transitional areas and places experiencing significant urban renewal, where it is necessary to take account of the cumulative impacts of development on heritage values.

Improved public access and connection to heritage through innovative interpretation is also required. A well-connected city (refer to Objective 14), creating great places (Objective 12) and developing the Greater Sydney Green Grid (Objective 32) will improve the connectivity and accessibility of the region's heritage.

Understanding the significance and community values of heritage early in the planning process provides the greatest opportunity for conservation and management. This provides an opportunity to address cumulative impacts on heritage using a strategic approach. Protection and management of heritage is a community responsibility undertaken by a broad range of stakeholders including Aboriginal people, State and local governments, businesses and communities."

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 Objectives 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. This Planning Priority notes –

“Continued protection of the Western City District’s scenic and cultural landscapes is important for the sustainability, liveability and productivity of the District. It can complement the protection of biodiversity and habitat, help manage natural hazards and support tourism. Protecting scenic and cultural landscapes can also help preserve links to Aboriginal cultural heritage.”

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 (pages 44 & 53), the Administration Office (page 63), the Function Room (page 67), the Gatehouse (page 59), the Café for 80 people (page 71), Ground Staff Facilities (page 75), more than 70 Crypts in length and five crypts in height (page 82) and sixteen Shelters (page 80) 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 newly created landscape around them is totally out of character with the Scenic Hills rural heritage landscape.

Proposed Destruction of the Early Colonial Period Remnant Viticultural Trenching

The Conservation Management Plan for the Varroville Estate states that the remnant viticultural ‘terracing’ has high significance. The Statement of Significance notes –

“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.’ (Morris and Britton, 2000, 98)

‘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.’ (Morris and Britton, 2000, 98)

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. Expressed in other terms 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.

The Heritage Impact Statement (Conclusion and Recommendations – Page 126) tries to put the argument -

The Macarthur Memorial Park proposal is underpinned by a strong understanding of the heritage values and significance of the place (including natural and scenic values, 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 development of different types of memorialisation, tree and shrub plantings (species and siting), siting of roads and infrastructure, siting and architectural design of new buildings, the conservation and adaptive reuse of the outbuildings precinct, WSUD and treatment of the dams, conservation and reinterpretation of significant landscape elements, provision for public art, and regeneration of CPW/ MSW.

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

It is difficult for the National Trust to believe that these statements and claims actually refer to the Varroville early colonial scenic landscape being dissected with 8.5 kilometres of concrete roadways.

It is even more concerning to see the provisions of the Burra Charter being quoted as though they would be supportive of this project –



Best Practice Heritage Management

“...the Burra Charter also recognizes that all places and their elements change over time at varying rates. It further states that the amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation.”

This early colonial landscape is of State Heritage Significance and it is recognised as a vital scenic protection area. Thus a development of the type proposed is totally unsuitable due to the massive change that it involves.

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

The Campbelltown Local Environmental Plan 2015 Environmental Constraint Map – Sheet ECM_007 indicates that the entire Varroville site (Lot 1 DP 218016, Lots 21 and 22 DP 564065 and Lot B DP 370979) is mapped as Land Constraint – Development on Steep Land (Scenic Hills) and the entire site is also indicated to be “Escarpment Preservation Area”. Lot 1 DP 218016 and the portion of Lot 22 DP 564065 south east of the Varroville Homestead driveway are also indicated as a “No Build Area”.

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

- (1) The objectives of this clause are as follows :
 - (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.
- (2) This clause applies to land identified as “Escarpment Preservation Area” on the [Environmental Constraint Map](#).
- (3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land, and
 - (b) the external surfaces of any building consist of prescribed materials, and
 - (c) the development will incorporate measures to preserve the scenic qualities of, and views to and from, the land, and
 - (d) measures will be taken to reduce any potential land use conflict, and
 - (e) the development will maintain the existing natural landscape and landform and will not affect the stability of the land.
- (4) In this clause:



external surfaces, in relation to a building, include the external walls of the building and any cladding on the walls, and any doors, door and window frames, columns, roofs, fences and any other surfaces of the buildings visible from the outside of the building.

prescribed materials means materials that are dark-coloured and of low reflective quality or painted or similarly treated with dark-coloured paint of low reflective quality and that blend with the landscape of the site of the building of which they form part.

Section 7.7 of the Campbelltown Local Environmental Plan 2015 – Considerations for development on environmentally constrained land states –

(1) The objective of this clause is to prevent inappropriate development on land that is subject to environmental constraints.

(2) This clause applies to land identified as “Development on land in Nurra Reserve”, “Restriction on land for overland flow detention purposes (drainage)” and “No build area” on the Environmental Constraint Map.

(3) In determining whether to grant development consent to development on the land to which this clause applies, the consent authority must consider the following matters:

(a) for land in Nurra Reserve, Ambarvale, being Lot 12, DP 700701 and part of Lot 13, DP 700702 identified as “Development on land in Nurra Reserve” on the Environmental Constraint Map—the impact of the development on the preservation of trees and other vegetation on the land,

(b) for land identified as “Restriction on land for overland flow detention purposes (drainage)” on the Environmental Constraint Map—the impact of the development on the continued use of the land for stormwater detention,

(c) for land in Wedderburn, identified as “No build area” on the Environmental Constraint Map—the fact that the land is not capable of accommodating development other than fencing,

(d) for land in Varroville, identified as “No build area” on the Environmental Constraint Map—the fact that the land is not capable of accommodating development other than a lawn cemetery and associated fencing.

(National Trust holding)

Section 7.8A of the Campbelltown Local Environmental Plan 2015 – Use of certain land at 166 – 176 St Andrews Road, Varroville states –

(1) This clause applies to land at 166–176 St Andrews Road, Varroville, being Lot 1, DP 218016, Lot B, DP 370979 and Lot 22, DP 564065.

(2) Development for the purposes of a cemetery is permitted with development consent, but only if the consent authority is satisfied that:

(a) the development will complement the landscape and scenic quality of the site, particularly when viewed from surrounding areas including the Campbelltown urban area, “Varro Ville” (homestead group at 196 St Andrews Road, Varroville) and the Hume Highway, and

(b) the development will not adversely affect the visual or physical qualities of the site, and

(c) the development will cause minimal effect on the existing landform and landscape, and

(d) the site will also include a publicly accessible passive recreation space, and

(e) the development will be carried out in accordance with the conservation management plan titled “Conservation Management Plan, Varroville Estate: 166–176 St Andrews Road, Varroville”, dated October 2015, and the supplementary information relating to the plan provided by letter by Urbis on 22 August 2016, published on the website of the Department of Planning and Environment.

Note.

Clause 7.7 (3) restricts development on part of the land to which this clause applies to development for the purposes of a lawn cemetery.



Having regard to the three sections of the Local Environmental Plan set out above, the National Trust makes a number of points

- Clause 7.7 (3) declares Lot 1 DP 218016 and part of Lot 22 DP 564065 a “No Build Area”. The clause then requires that, in determining whether to grant development consent to development on this land, the consent authority must consider the fact that this land is not capable of accommodating development other than a lawn cemetery and associated fencing.

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’.

- Clause 7.8A states that development of a cemetery will only be permitted if the consent authority is satisfied that the development will complement the landscape and scenic quality of the site and the development will not adversely affect the visual or physical qualities of the site.

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 Macarthur 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.

- Clause 7.6 states that development consent must not be granted to any development in the Escarpment Preservation Area unless the consent authority is satisfied that the external surfaces of any building consist of prescribed materials, that is, materials that are dark-coloured and of low



reflective quality and blend with the landscape of the site.

In the Trust's view, the majority of the buildings proposed incorporate light-coloured stone walls with considerable areas of glass. The number of buildings proposed and their scale (the building named the 'chapel' contains multiple chapels) make it impossible to fulfil the objective of Clause 7.6 – *"to recognise and protect the scenic, environmental, cultural and historic qualities of the Scenic Hills and the landscape setting of Campbelltown."*

Development Application based on outdated supporting reports

The Conservation Management Plan was prepared in October 2015 based on earlier reports, for its assessment Varro Ville House's significance, including its significant views, such as -

- *Colonial Landscapes of the Cumberland Plain and Camden, NSW, 2000*, prepared for the National Trust of Australia (NSW),
- *Historical Context: "Varro Ville"*, 1992, Wendy Thorpe, prepared for Orwell and Peter Phillips Architects, revised and updated by Pearson-Smith & Associates Pty Ltd Architects and
- *Revised Conservation Policy 'Plan' for "Varro Ville", St Andrews Road, 'Varroville'*, Pearson-Smith & Associates Pty Ltd Architects May 1999, originally prepared by Orwell & Peter Phillips Architects in May 1992.

Geoffrey Britton and Peter Phillips have since updated these assessments in the study commissioned by the owners of Varro Ville House funded by a grant from the NSW Heritage Council (*Curtilage Study Varro Ville, May 2016* by Orwell and Peter Phillips).

This 2016 Curtilage Study was utilised by the NSW Heritage Council to inform and support its recommendation to the NSW Heritage Minister, in late 2017, to list on the State Heritage Register, the major part of the land proposed for the cemetery development.

The Development Application does not comply with Policy 9 of the Conservation Management Plan (page 121)

- *"All future decisions and works to the place must be guided by the statement of significance and the identified significant spaces, views, fabric, and building elements identified in this Conservation Management Plan (section 5.4) together with any additional detailed research and assessment."*

As required by Clause 7.8A (2) (e) of the Campbelltown Local Environmental Plan 2015 –

"the development will be carried out in accordance with the conservation management plan titled 'Conservation Management Plan, Varroville Estate: 166–176 St Andrews Road, Varroville', dated October 2015, and the supplementary information relating to the plan provided by letter by Urbis on 22 August 2016, published on the website of the Department of Planning and Environment."

Inconsistencies and Contradictions in the Conservation Management Plan

Even within the Conservation Management Plan there are inconsistencies. Point 4.2.7 on page 78 of the Plan states that "[Varroville's] archaeological remains have the potential to be of state significance". However, in the Significance Assessment Criterion (e) 'Research Potential' (page 20 of the Heritage Data Form) Varroville is only rated at the local level.

Policy 29 of the Conservation Management Plan (page 126) states –

"Those dams identified and assessed by archaeological or other detailed physical investigation to have been formed in the Sturt period are regarded as being of heritage significance and should be retained and conserved where possible, and used for ongoing water management of the subject property."



The Sturt Dams are within Area 3, as shown in Figure 27 on page 23 of the Conservation Management Plan's Appendix C – Artefact Heritage – Historical Archaeological Assessment.

However a recommendation (section 7.2, page 35) of the Historical Archaeological Assessment contradicts the policy quoted above –

“An archaeological impact assessment should be prepared for future development applications within Areas 1 and 2. Area 3 does not require approvals and therefore an archaeological impact assessment is not necessary.

The National Trust understands that no archaeological impact assessment has been carried out.

Conclusion

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 would appear to 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 ironic that the other State Heritage Listed landscape threatened by a cemetery development was in the Mulgoa Valley.

Finally, 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.


SIGNATURE REDACTED

Quint
Conservation Director

3 November 2017

Mrs Lindy Deitz
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Email: council@campbelltown.nsw.gov.au

Dear Mrs Deitz,

**Development Application by the Catholic Metropolitan Cemeteries Trust to Construct and
Use a New Cemetery at 176 St Andrews Road, Varroville – 3293/2017DA-C**

On 27 September, 2017 the National Trust lodged a submission with the Heritage Division supporting a proposed curtilage extension on the State Heritage Register of: Varroville (SHR No. 00737) at 196 St Andrews Road, Varroville.

On 17 October, 2017 the Catholic Metropolitan Cemeteries Trust lodged a Development Application to construct and use a new cemetery at 176 St Andrews Road, Varroville (3293/2017DA-C) on lands within the proposed State Heritage Register boundary extension.

Today, the National Trust received a notification letter from the Heritage Council of New South Wales advising that, in accordance with section 33(1) (e) of the Heritage Act 1977 (NSW), the Heritage Council of NSW has resolved to recommend listing an extension to the curtilage of Varroville (SHR No. 00737) as **Varroville Homestead and Estate** on the State Heritage Register (SHR) to the Minister for Heritage.

The recommendation was made after consideration of a report prepared by the Heritage Division, Office of Environment & Heritage (OEH) which included submissions received from affected parties and members of the public.

It has been indicated to the National Trust that Campbelltown City Council intends to put the Development Application on public exhibition in the second week of November for a period of thirty days.

The National Trust supports calls for the exhibition period for this Development Application to be extended to three months (excluding the Christmas/New Year school holiday period).

An extension of the State Heritage Register Listing Curtilage would be a major consideration in the assessment of this Development Application and its effects upon the State Heritage Significance of the broader estate. The impacts of a cemetery proposal need to be extensively investigated and assessed.

Kind regards,

SIGNATURE REDACTED

Graham Quint
Director - Advocacy

To Whom it may concern

Re: DA 166-176 St Andrews Road, Varroville – File No 3293/2017/DA-C

Our family formally objects to the proposed DA for a Cemetery at Varroville for the following reasons;

- The intent of Campbelltown Local Environment Plan 2015 is PRESERVATION OF HERITAGE LANDSCAPE OF THE SCENIC HILLS we do not consider this DA for a commercial development of a cemetery consistent with the E3 zoning or heritage conservation objectives
- It is unclear how this DA meets the special provision of clause 7.8A of the Campbelltown LEP2015
- With reference to State Government Metropolitan Sydney Cemetery Capacity Report, November 2017 South West Sydney is “well served” (p.39) until 2056. This report states the need for cemeteries in the South & North of Sydney, not the south west of Sydney
- There is no archaeological assessment of the colonial dams as part of this DA, we consider this imperative for these dams to be retained & conserved
- It is proposed for most of the early colonial vineyard trenching to be destroyed by roads & graves, these are locally heritage listed and must be retained & conserved
- We understand a recent view assessment study has been carried out by NSW Heritage Council, this DA references outdated view studies from 17-26 years ago. We ask that this DA references all current studies available

Further we require additional advice on the following;

- What infrastructure is proposed to support this development. St Andrews Road traffic impact and upgrades, kerb side footpaths, council maintenance programme, litter collection, etc
- Although not currently noted on this DA will the CMCT guarantee that a crematorium will never be intended for this site. Our concern is the public health & environmental impact of smoke & emissions from crematorium activities
- What is the public health & environmental impact of ground contamination & leachate i.e. decomposing bodies, formaldehyde, toxic pesticides, fertilizers, weed killers, etc

In addition, we site the following insensitivity to the residences of Varroville;

- The residence of Varroville purchased property for the rural environmental setting and Campbelltown City Council’s conditions to the protection and preservation of the Scenic Hills

- Planning insensitivity to heritage listed Varro Ville House and the residence who have invested in preserving the property and local history
- Developer owners of adjoining lands awaiting the overruling of this development so they too can develop insensitively as this proposed development will set a precedence
- The over development of the South West Macarthur Camden & Wollondilly carving out green space creating heat traps & now this development to ruin the Scenic Hills green belt
- Existing cemetery, Forrest Lawn Memorial Park is only 16 kilometres from this proposal & has enough capacity to serve the area
- Land value depreciation due to a cemetery being in such close to existing residences of Varroville

We ask that all our questions and concerns with this proposed DA are on record and responded to accordingly as concerned residences of Varroville.

Regards

[Redacted signature block]

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

[REDACTED]

[REDACTED]

Email: [REDACTED]

[REDACTED]

21/03/2018

General Manager

Campbelltown Council

PO Box 57

Campbelltown NSW 2560

Email: council@campbelltown.nsw.gov.au

DEVELOPMENT APPLICATION FOR A 136,000 GRAVE CEMETERY AT VARROVILLE IN THE SCENIC HILLS
(MACARTHUR MEMORIAL PARK), 166-176 St Andrews Road, Varroville- FILE NO.3293/2017/DA-C

This submission is to recommend that Campbelltown Council reject the above Development Application (DA).

The proposed cemetery is totally inappropriate in its footprint, scale and range of structures and the presentation to Council at this time is unconscionably premature given that the Heritage Minister's decision is still pending on the NSW Heritage Council (HC)'s recommendations to revise and extend the curtilage of Scenic Hills Varroville Homestead.

The State Heritage Listed (SHR NO.00737) Varro Ville Homestead and surrounding landscape is a unique asset demanding preservation for its heritage values, for the amenity it provides to the local community and in recognition of the essential role the traditional green space of the Scenic Hills area plays, both visually and environmentally, in the broader South Western Sydney Region. Campbelltown's Local Environment Plan (LEP) 2015 appropriately articulates the objective "to preserve the rural heritage landscape character of the Scenic Hills".

The proposed DA features kilometres of concrete roadways, up to 8m in width to accommodate parking either side in the context of provision of a staggering 350 car spaces in total in the complex. It incorporates a number of large and imposing buildings including a 'chapel' that actually comprises 3 chapels and mortuary, a function building capable of accommodating 300 people, and an 80 seat cafe which also appears to be in contravention of zoning prohibitions.

Additionally the Proposal doesn't even pretend to preserve green space by restricting graves to those found in a lawn cemetery, but permits all the grave types- no doubt maximising commercial advantage and also permitting the development of a necropolis densely filled with structures of every imaginable design and numbering a colossal 136,000.

These are but some of the concerning features of the proposed DA that will *ensure* the obliteration of the rural character of Scenic Hills and the loss of yet another treasured vestige of green space in the South West Region.

The "rural heritage landscape character" that Campbelltown's 2015 LEP commits to preserving also includes 'built' elements of pastoral agricultural heritage such as dams, vineyard trenching and lines of site to and from road and homestead and its approaches.

While the Catholic Metropolitan Cemeteries Trust (CMCT)'s *own* Conservation Management Plan requires that heritage item's decreed to be of 'high significance' be 'retained and conserved', it is now proposed that the development be approved *before* recommended further archaeological assessment and *before* the Heritage Minister's decision on the Heritage Council recommended increase of curtilage around Varro Ville Homestead. This haste is puzzling and confounding, and surely must not be permitted.

Also, in light of the NSW government's cemetery report released in November 2017, it appears that the CMCT's assertion that this proposed development is addressing an impending burial space crisis in SW Sydney and Macarthur is completely unfounded. On p39 of that report SW Sydney is stated to be currently 'well served' for burial space (until 2056 no less!) and that the shortage lies elsewhere in districts South and North of Sydney. Let land be found and cemeteries located there if and when needed, rather than this region's precious heritage landscape be sacrificed in order to address a 'problem' that isn't even ours.

It is dearly hoped that Council Officers and Councillors alike will reject the above DA. It is, in summary, inappropriate in design, excessive in dimension, premature in its presentation and not needed. Were it granted approval this would represent a deeply disturbing failure of Campbelltown Council to honour its commitment to its community: to preserve and manage the rural heritage landscape character of the Scenic Hills that it professes to value.

Yours sincerely,

SIGNATURE REDACTED



President



19 March 2018

Peter [REDACTED] and Jacqui [REDACTED]
[REDACTED]
[REDACTED]

Dear Peter and Jacqui,

RE Development Application, 166-176 St Andrews Road, Varroville – File No. 3293/2017/DA-C

You have asked for my opinion as the principal co-author (with architect colleague Peter Phillips) of the recent Curtilage Study Varro Ville, May 2016, Orwell & Peter Phillips 2016 (OPP, May 2016), on what impact the Development Application (DA) for a cemetery on the land surrounding Varro Ville Homestead (File No. 3293/2017/DA-C) will have on the State heritage significance of Varro Ville and its Homestead, as assessed in that report and most recently adopted by the NSW Heritage Council in its recommendation to list the land surrounding Varro Ville Homestead on the State Heritage Register.

As you know I bring to this assessment a combined experience, over many years, in the areas of cultural heritage assessment and management as well as environmental design and planning. The former experience - in the specialized field of cultural landscape conservation - includes many conservation assessments and heritage management plans for a wide range of contexts. These have included a survey of over 50 remnant colonial cultural landscapes throughout the Cumberland Plain for the National Trust of Australia (NSW) (with my colleague Colleen Morris)¹; documentation of the former 1803 land grants of the Castlereagh Valley (also with Colleen Morris)² and co-authoring (with PDA Architects) a planning report to Campbelltown Council on the *Scenic Hills and Eastern Edge Scenic Lands* within which are several important historic cultural landscapes – by far the most important of which is Varro Ville³.

Further, as my initial degree was from the University of Canberra in environmental design and planning I'm conversant with master planning and detailed site planning and development. I've been trained to be able 'read' plans and 'see' them as three-dimensional schemes within and across landscapes. I therefore have two important skills with which to appraise the current DA proposal for Varro Ville – an advantage over non-design based heritage consultants or designers lacking heritage assessment training and experience.

The Landscape

The Varro Ville landscape that is the subject of the present DA proposal for an extensive metropolitan cemetery is a largely open, undulating rural landscape and where the Varro Ville homestead and its closely associated outbuildings occupy a visually dominant position. This close connexion between estate buildings and the associated landscape has remained as such since the middle of the 19th century but maintains or interprets a relationship that predates this by more than several decades. So important is the siting of the homestead group within this landscape that the recent Varro Ville Curtilage Study (OPP, May 2016) has shown that this special relationship substantially contributes to the State heritage significance of both the homestead group and the continuing rural landscape. That is, the intactness of the surrounding rural landscape is integral to the cultural significance of the Varro Ville homestead group.

GEOFFREY BRITTON ENVIRONMENTAL DESIGN & HERITAGE CONSULTANT

ABN 75 869 266 782

Studio 67/30 Gadigal Avenue Zetland NSW 2017 Australia T: +61 2 9662 2266 E: geoffrey@britton.com.au
Environmental Design Installations Heritage Conservation Landscape Resource Assessment

Cultural Significance of the Varro Ville Landscape

The 1858 William Weaver-designed homestead has long been recognized, and is currently listed, as an item of State heritage significance. Incongruously and incredulously, the integrally connected outbuildings and broader rural landscape remain unlisted even though these have been consistently assessed, over many years by numerous independent professionals, as worthy of inclusion in a State listing. On 28 September, 2017 the NSW Office of Environment and Heritage again confirmed this to be the case by recommending to the Minister, through the NSW Heritage Council, that the remaining intact cultural landscape of Varro Ville (and its ostracized outbuildings) be included in a State Heritage Register curtilage extension. This is strongly supported by all of the peak heritage bodies in NSW.

While I've had the privilege of studying aspects of the Varro Ville history and site from time to time over some years, it has only been during the 2016 study - with colleagues Peter Phillips and Dr Terry Kass - that a long, concentrated and comprehensive investigation was possible and this has yielded important new information. So important are these discoveries, they have effectively superseded all of the previous landscape studies (including those used as the basis of the DA's Conservation Management Plan, October 2015 (CMP Oct. 2015) and its Appendix C Historical Archaeological Assessment by Artefact). These observations are fully and carefully documented in the 2016 Varro Ville Curtilage Study (OPP, May 2016) in Section 6 (Reconciliation of archival and physical evidence) and summarized in Sections 7 (Cultural Significance) and 9 (Conclusions).

For the purposes of this letter, I reference two of these aspects as a basis for offering a judgement on the present DA in relation to cultural heritage issues: views within the Varro Ville landscape and Varro Ville's famous former vineyards. Let's consider the issue of views first. When Weaver planned, sited and designed the 1850s homestead (originally for then-owner George Rowe), he did so by masterfully exploiting a number of key view lines roughly aligning with the cardinal points of the compass. The southern view connects the homestead with the earlier stables/coachhouse building; the eastern view is on axis with Macquarie Field House in the distance; the northern view addresses the pervading rise of Bunbury Curran Hill; and the western view (out the back door) focuses on the distinctive local hill where Raby Road crosses it (the main spine of the Scenic Hills).

But more than simply arranging the homestead to have multiple views based on a mathematical model, Weaver had planned the large building to fold across its local rise such that it presented a relatively narrow front – presumably not to overawe the earlier homestead (the original 1810s Townson villa) that was also still there at the time – while extending back to the west allowing its only 'public' elevation in full broadside from St Andrews Road and the western dams (Figures 60 and 63, pp. 87-89, OPP May 2016). This view is the only one in which the long elevation of the homestead can be fully appreciated and it does so within the context of a typically picturesque English estate landscape composition – precisely as Weaver intended. The dams in the western and eastern viewlines in Fig. 63, OPP, May 2016 are an intrinsic part of the setting. The Curtilage Study (OPP, May 2016) shows that these pre-date European intervention as 'chains of ponds' that successive owners have continued to maintain for agricultural use whilst also serving an aesthetic purpose. Even where enlarged in the mid-20th century, it is expected that they may offer remarkable archaeological evidence of subsumed structures or where abandoned in existing watercourses.

These visual relationships between the homestead and the various parts of the surrounding rural landscape are critical to an understanding of the cultural significance of the place. They demonstrate that William Weaver was clearly very aware of this specific Varro Ville landscape and was also steeped in, and well understood, classical principles of villa planning and design – even using famous forerunners such as Andrea Palladio as inspiration. With the Varro Ville rural landscape remaining intact, it is still possible to appreciate Weaver's rationale for planning and designing the homestead core in the mid-19th century.

Secondly, Dr Robert Townson's famous vineyard is now an important potential research subject as never before as it appears to be directly (and literally) based on the widely influential classical writings of Roman exponents such as Marcus Terrentius Varro (116-27 BC) (after whom Townson named his estate), Marcus Porcius Cato (234-149 BC) and Lucius Junus Moderatus Columella (AD 4- c. 70). Townson was a scholar so access to, and understanding, obscure Latin texts was no impediment. Indeed, a careful comparison of the descriptions of vineyard organisation, layout and management recommended by the Roman writers with the evidence of Townson's vineyards at Varro Ville (c/-

archival aerial photography and ground checking), reveals extraordinary similarities. A further review of contemporary vineyard layout and techniques in colonial Australia shows that Townson appears to have been alone in implementing vineyard planning on the classical Roman basis. This is a groundbreaking revelation for the study of Australian cultural landscapes and the remarkable news is that about 20 hectares, at least, of this vineyard evidence survives at Varro Ville. The DA's CMP, October 2015 has this area as considerably less in extent but this is wrong as it is based on an incorrect assessment of primary sources and an inadequate understanding of what constitutes the archaeological resource in this case – trenching NOT terracing.

So there are a number of extraordinary things about this vineyard evidence – it dates from a very early period in Australian colonial history (it was basically all implemented by convict labour during the 1810s); it is very extensive in area compared with Townson's NSW and Tasmanian contemporaries; it was already famously extolled in his lifetime (he died in 1827); it is known to have been stocked with vines collected from various sources including some from the 1800s (c/- merchant Robert Campbell); the characteristic contour trenching carries interesting and profound implications as a very early water conservation and irrigation system; and it appears to be unique in Australia by being directly organized according to classical Roman guidelines and practical advice.

In these two brief instances, it can be established that the remnant Varro Ville estate landscape retains qualities that substantially contribute to its considerable cultural significance and fully justify its inclusion within an extended SHR curtilage. There are, in fact, many more aspects of significance that this remarkable cultural landscape is capable of demonstrating and these are further described in the 2016 Curtilage Study. Of particular importance is the section on Significance (Section 7) and the *Statement of Significance* at Section 7.2 where the chief heritage values of the Varro Ville cultural landscape are summarised.

Implications of the Cemetery DA Proposal

The present CMCT cemetery proposal is described in various plans and documentation associated with this DA Exhibition period, specifically Drawings L101 (Overall Site Plan) and L102 (Burial Extent and Types) both of 18 September, 2017 by Florence Jaquet Landscape architect (Victoria) as well as numerous drawings by the same consultant throughout the Urbis Heritage Impact Statement (October 2017). The drawings convey that it is the intention of the CMCT to introduce a network of roads and services throughout the remnant Varro Ville estate landscape supported by various buildings and structures and extensive new plantings along with the revegetation of riparian zones. The roads will require earthworks involving excavation and filling (See indicative sections on p. 64 of the Urbis HIS, October 2017). Added to this would be the various cemetery-related monuments and memorials, public art and signs and, possibly, lighting structures.

An implication of all of this is that with various services and civil engineering works throughout the site for a variety of built elements, together with extensive new plantings, the existing broad, open rural landscape would be changed to a more manipulated, cultivated and structured landscape with smaller spaces and a loss of key long vistas. Especially vulnerable would be the very long vistas that William Weaver consciously planned for the homestead and that lend it an important part of its significance. It would become a more intensively managed landscape with irrigated lawns, planted access ways along which there would be car parking, intimate landscape compartments and a linked network of riparian plantings with the capacity to block historic views. A simple, picturesque rural landscape would be replaced by a much more complex, heavily manipulated landscape of pavements, buildings, structures, planting belts, poles, signs, public art and cars (the entire road network allows for road-side parking). It would no longer be perceived as the largely open rural landscape it is today or has been for the past 200 years.

So in two important ways the existing traditional landscape would irrevocably change with this proposal: firstly, its traditional open rural landscape character would be replaced by a heavily shaped and structured landscape character with many introduced 'features' and, secondly, key long historic vistas from and to the homestead would be lost. Both these qualities are assessed as having direct and important ramifications for the cultural significance of the historic Varro Ville estate core.

Further, the proposed excavation of the Varro Ville landscape for burials would mean the removal of the remaining evidence of one of Australia's earliest and most remarkable vineyards along with other important archaeological resources – resources that have a direct bearing on the assessed cultural significance of this landscape.

There is clearly little capacity in the nature of this cemetery proposal to accommodate the special conservation needs of the highly significant Varro Ville landscape resource. It requires its longstanding expansive open fields to be retained as such enabling its critical views to remain unencumbered but this proposal has no capacity to do so – it overrides the broad spaces and divides it up with a network of confined, enclosed spaces and would have roads, vehicles, structures and signs as new features. The site requires the retention and conservation of its significant and extensive colonial landscape features and archaeology but many (if not most) of these would be expunged with serious implications for the heritage significance of the Varro Ville homestead core and its future interpretation.

Brief response to the 'Appendix X Heritage Impact Statement' of DA 166-176 St Andrews Road, Varroville – File No. 3293/2017/DA-C

Both the Statement of Significance (p. 41) and grading of significant elements (from p. 42) are from the 2015 CMP which is now out of date with respect to the latest research and findings relevant to an understanding of the cultural significance of the former Varro Ville estate. The gradings of significant elements in particular have often been understated and do not adequately reflect their true level of significance. The significant views identified on pp. 45-46 do not mention the important vista between the homestead and the coachhouse (which the Master Plan proceeds to ignore) or to Bunbury Curran Hill or the critically important views between the western dams and the homestead. They do, however, mention a spurious view to Denham Court (from the homestead) which is no longer possible and hasn't been the case for many years.

A consequence of the understating of significance of key elements such as early dams is that p. 67 of the Urbis HIS indicates that various dams (stated as having only Moderate significance even though they are flagged as potentially those of Charles Sturt) would be modified with no mention of archaeological assessment.

Section 5.10 of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) is the chief section of the LEP dealing with environmental heritage. The Urbis HIS provides a discussion with respect to the various clauses of Section 5.10 on pp. 74-82. At best, the discussion is disingenuous while at worst, it simply lies about the likely consequences. After just having described the proposal as necessarily involving excavation and the transformation of the existing landscape into one to accommodate roads, paths, buildings, parking areas, signs, miscellaneous structures along with an extensive new planting strategy, avenues and riparian planting belts, the HIS then basically states that the rural landscape would be retained. This is simply not possible and to maintain that is a clear distortion of the truth. As a consequence, the proposal would not be capable of "conserving the environmental heritage of Campbelltown" in this case. The paragraph of discussion under Clause 1(a) on p. 74 is nothing but vacuous spin doctoring. In reality it means very little as the proposal is impossible to satisfactorily reconcile with the various assessments of significance (either the inadequate one on p. 41 of the HIS or that contained in the OPP Curtilage Study 2016).

Similarly, it is impossible to reconcile the subsequent paragraphs under Clause 1(b) with the bold assertion that the MMP concept "...respects the land and its heritage... values...". How does it demonstrate it has respected the assessed significance when the proposal clearly advocates the replacement of the existing landscape (assessed as having State significance) with an entirely different one. The description of the proposal in the discussion between pp. 74 and 82 of the HIS simply glosses over the profound implications of the substantial heritage impact that would follow from this proposal. Astonishingly, the HIS doesn't even discuss the severity of the potential heritage impact (surely one of the principal reasons for writing a heritage impact assessment).

As for the dot points at p. 76: the current ruinous state of the outbuildings is a direct indictment on, and condemnation of, the deliberate policy of neglect of the current and immediate past owners of the site; Bunbury Curran Hill has been owned by Council and is already in the public domain – its ownership has nothing to do with this proposal; and all sound conservation practice acknowledges that the best mode

of interpretation is to retain and conserve original landscape character, fabric, layout and views. The Varro Ville landscape already has its remnant elements of exceptional significance. It doesn't need them to be removed then 'interpreted'. The proposal does not provide for the proper interpretation of either the vineyards or the early access drives. It does, however, provide for the excavation of the vineyards and the building over of the early drives – in neither case amounting to the conservation of landscape resources of exceptional cultural value.

The proposal is in direct conflict with the findings of archaeological resources (CLEP 2015 Section 5.10 Clauses 1(c) and (d)) described in the OPP Curtilage Study 2016. There would be a substantial and irreconcilable adverse heritage impact on the highly significance archaeological resources of Varro Ville should the proposal be approved. The archaeological assessment by Artefact Heritage is inadequate and based on research information that has been very pertinently superseded.

With respect to CLEP 2015 Section 5.10 Clause 4, the proposal is **not** "sympathetic to the heritage significance and character of the place...". The OPP Curtilage Study 2016 has established the benchmark for the significance for Varro Ville by carefully explaining exactly what it is that contributes to the significance of the place. This proposal would irrevocably change this landscape character and, hence as a consequence, the assessed (State-level) significance of the place. It is simply incorrect to suggest otherwise.

Section 7.8A of the CLEP 2015 has been inserted to allow a cemetery where it has historically not been previously allowed. The clause indicates that a cemetery would be permissible at Varro Ville if Clause 2 is satisfied. On the basis of this review and the OPP Curtilage Study 2016, it is contended that Clause 2 (a) to (c) are not satisfied by this proposal. Two of the most critical views of the estate (between the homestead and the western dams) would be irrevocably changed for the worse. It is not possible to satisfactorily reconcile the proposed changes to this landscape and these views in particular with the landscape that has essentially remained an open, rural landscape for over 200 years and as such is now nominated for State Heritage Register listing. Similarly, the proposal will undoubtedly adversely affect the visual qualities of the homestead and its contextual landscape.

The visual impact assessment of Richard Lamb and Associates (mentioned at p. 83) did not even include the critical views between the homestead and the dams nor those other important views explored in the OPP Curtilage Study 2016. The visual impact assessment is wrong to make the assessment that the proposal "is compatible with and complementary in terms of design, size and scale with the character of the land...". Given the nature of the existing, historical landscape this is a ridiculous statement to make and one that shows that the author both misunderstands the historic Varro Ville landscape and the scale and nature of the proposed landscape transformation. The proposal will entail a very different type of landscape surrounding the Varro Ville homestead. There is no other conclusion to reach. The new landscape will not be compatible with the existing historic rural landscape because the two are entirely different by their natures. The further assertion by Richard Lamb and Associates (under the HIS discussion on p. 83) that the DA and CMP policies would result in a better form of protection of this landscape is utterly ridiculous. On what sound, demonstrable basis could such a statement be made? There isn't one. Neither this cemetery proposal (because of its very nature) nor the CMP policies will protect the Varro Ville landscape for the very reason that it is this proposal and the inadequate CMP that advocate its demise as an intact historic rural landscape of widely acknowledged exceptional cultural significance.

The HIS finally admits that the existing landscape would change on p. 87 under Policy 8. However, the assertion that the Burra Charter justifies the demise of cultural landscapes of exceptional significance because change is necessary is an appalling misuse of this important cultural document. Australia ICOMOS (the owner and publisher of the Burra Charter) would not be impressed to see the Burra Charter used in this way. Yes the use of the Varro Ville landscape should be guided by the significance of the place. And since the significance of the place is exceptional, there should be no cemetery as this is incompatible with the assessed significance. The CMP does not represent "best practice heritage management" as it is based on superseded research and contains spurious policies.

Conclusion

The 2016 Varro Ville Curtilage Study shows that the areas of rural landscape surrounding Varro Ville homestead and its outbuildings amply qualify for listing on the State Heritage Register. It is my observation that the CMCT proposal has taken neither the SHR-listed Lot 21 site nor the integrally related surrounding rural landscape (assessed as having State heritage significance) into any convincing account. There is no doubt that this proposal would seriously compromise the many attributes of the Varro Ville landscape that testify to its exceptional cultural value. It would no longer be a landscape of State heritage value. This would have dire consequences too for the 1850s homestead which would be marooned and closeted in isolation from the integral landscape that gives it its critical historic context.

By its nature, a cemetery (logically involving extensive excavation and manipulation of the ground) is at odds with a cultural landscape of State heritage significance where its archaeological resource and existing landscape character is critical to its community value. The present cemetery DA for the Varro Ville lands would clearly involve the permanent, irrevocable and irreplaceable loss to the community of Campbelltown, NSW and Australia of the broader Varro Ville cultural landscape and that for the sake of an unnecessary development that is yet to compellingly demonstrate its justification in regional (or even local) planning terms.

In my professional opinion the CMCT proposal is intrinsically and substantially incompatible with the maintenance of the broader Varro Ville rural landscape as the only appropriate setting for the Varro Ville estate core. The DA proposal fails to “conserve and protect the ... cultural ... heritage of Campbelltown...” (Campbelltown Local Environmental Plan 2015 (CLEP 2015) Part 1.2 Aim (j)). It also fails at Part 1.2 Aims (l) and Aim (c).

The DA proposal is patently inconsistent with the Heritage Conservation objectives of the CLEP 2015:-

* Part 5.10 Clauses 1(a) to (c) along with Part 7.8A Clauses 2(a)(The DA proposal would not complement the existing landscape and scenic quality of the site because it would irrevocably alter the landscape and replace the existing rural views from and to the homestead with a non-rural cemetery landscape), (b)(The DA proposal will adversely affect culturally significant views to and from the SHR-listed homestead) and (c)(The DA proposal will certainly cause more than “minimal effect” on the existing landform and landscape because it involves excavation and cut and fill throughout the site for numerous engineering purposes – because of the scale of the proposal it would affect a considerable site area);

* Part 7.8A Clause 2(e) in relation to the flawed CMP 2015 of the DA (the OPP 2016 Curtilage Study demonstrates the inadequacy of the DA's 2015 CMP through its research, analysis, findings, Statement of Significance and conclusions); and

* most of the E3 Zoning (Environment Protection Zone) objectives:-

To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. The DA proposal would not protect the remnant Varro Ville estate area with its State Heritage Register-worthy cultural values.

To provide for a limited range of development that does not have an adverse effect on those values. The DA proposal would undoubtedly have an adverse effect on the exceptional cultural values of the remnant Varro Ville estate area along with those of the SHR-listed Varro Ville homestead.

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. The DA proposal would not be compatible or complementary with the existing SHR-worthy cultural landscape character in terms of design, size or scale. Precisely because of its proposed design, size and scale, the DA proposal would irrevocably change and dominate this sensitive, 200 year old rural landscape.

To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land. The DA proposal would remove the agricultural use from the site in which case the operation of a café etc in this context is against the objective of the zoning.

To protect, and maintain the environmental, ecological and visual amenity of the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development. The DA proposal would not protect or maintain the existing visual amenity of the Scenic Hills with respect to the remnant Varro Ville estate area because it would transform it from its traditional open, rural agricultural landscape character to an intensive, non-agricultural cemetery landscape. Its present visual amenity is inextricably tied up with its traditional rural landscape character and views encapsulating its long cultural history (such as vineyard trenching, dams, access roads, fence lines and remnant woodland trees). The DA proposal would completely change this, hence the traditional rural visual amenity would be lost.

To preserve the rural heritage landscape character of the Scenic Hills. For the same reasons as the previous objective, the DA proposal would irrevocably alter the existing SHR-worthy cultural landscape character of the remnant Varro Ville estate area which occupies a substantial component of the remaining Scenic Hills area within Campbelltown.

For the same reasons the DA proposal also fails with respect to CLEP 2015 Part 7.6 Clauses 1(a) to (d).

For the sake of present and future generations of Australians I strongly counsel the rejection of this application on heritage grounds.

Yours sincerely

SIGNATURE REDACTED

Geoffrey Britton
BLArch (Canb), M.ICOMOS
Environmental Design & Heritage Consultant

¹ Colleen Morris and Geoffrey Britton, *Colonial Landscapes of the Cumberland Plain and Camden, NSW*, Draft Report to the OEH on behalf of the National Trust of Australia (NSW), 2000

² Geoffrey Britton & Colleen Morris, *Cultural Landscape Study of the Castlereagh Valley*, for the Penrith Lakes Development Corporation (PLDC), 1998

³ Paul Davies & Associates and Geoffrey Britton, *Visual and Landscape Analysis of Campbelltown's Scenic Hills East Edge Scenic Protection Lands*, for Campbelltown City Council, March 2010, updated October 2011