

VARRO VILLE

22 March 2018

Campbelltown City Council
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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.

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PLANNING AND ENVIRONMENT

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 Scenic Hills... and failed. The DA and Masterplan are inconsistent with the zoning objectives of the CLEP15, in particular the objective 'To preserve the rural heritage landscape character of the Scenic Hills', with the objectives of the CLEP15 Heritage Conservation CI 5.10 (1) (a), (b) and (c), with cl. 7.6 Scenic protection and escarpment preservation (1) (a), (b), (c) & (d) and with the special provision Use of certain land at 166-176 St Andrews Road, Varroville 7.8A (2) (a), (b), (c) and (e), and it has avoided dealing with key requirements of the CLEP15 Development on Steep Land in the Scenic Hills 7.8 (4) (b).

- 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.

We provide as attachments to this report:

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.

Background

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.

In 2007 (before we relocated to Varro Ville) we offered to jointly fund a heritage study with the new owners of the surrounding land but the owners declined. In 2014, following the CMCT's purchase of an option on the land, and the CMCT Chairman's comment to us that the CMCT did 'not want to put any money into heritage unless...forced to', accompanied by the CMCT's further refusal to accept the planning controls for the land (including the prohibition of cemeteries there), we applied to the NSWHC for a grant to help fund the afore-mentioned curtilage study to resolve the issue.

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



proposal it originally submitted to Campbelltown Council – and chose to use outdated secondary sources of information authored by the same consultants we engaged to carry out our curtilage study. Our study significantly updates the heritage information on which the DA depends, with a domino effect on many of the reports commissioned for the site.

The NSWHC, we and non-government state heritage organisations, asked the CMCT and the NSW Department of Planning, in letters and submissions, to the South West Joint Regional Planning Panel in 2016 (concerning the CMCT's Planning Proposal for this site), to defer any decision on the land until the NSWHC had completed the process of assessing the state significance of the land in question. This was ignored and the CMCT has pushed ahead with its proposal at risk to itself and proper process. The Minister has yet to deal with the recommendation, but there are other compelling reasons why this DA and its Masterplan should be rejected, or, at the very least revised and re-exhibited.

Impact on us as owners of Varro Ville Homestead

It is hard to find alternative words for the overall impression created by the Varroville Cemetery DA plans other than they are a shocking, insensitive and potentially vindictive assault on state heritage and on us as private owners of heritage located in the middle of this development. The Masterplan has taken no notice of anything we said in our meeting with Urbis consultants during the community consultation phase, other than to use our words without changing anything of substance behind them. Claims in the DA's **Statement of Environmental Effects, Urbis, October 2017** – specifically that this development '*respects and safe-keeps the important colonial... landscape*' (p.18), that the buildings '*achieve a seamless integration with the rural qualities of the landscape*' (p.27), that the development has been '*designed to remain subordinate to the [pastoral] landscape character of the Scenic Hills*' (p.45) and to '*preserve and respect its rural landscape and visual qualities of the Scenic Hills*' (p.48), that '*...[it] will celebrate the heritage aspects of the site and seek to conserve...the significant areas in perpetuity..*' (p.67) - go beyond hyperbole and are clearly false.

The rural pastoral setting of Varro Ville Homestead will be replaced by 136,000 graves of all types, completely engulfing the Homestead to within 10 metres of its current 3.16 hectare boundary, and will wrap 8-metre concrete roads around the Homestead in every direction. These roads are also carparks (allowing parking on both sides) and will run hard up against our boundary between the Homestead and the outbuildings and between the Homestead and the agricultural trenching/elevated gravel borrow - both visible from the Homestead verandah and garden and assessed in our curtilage study as critical historic connections with the Homestead. The cemetery and its infrastructure, *including the sunken lawn plaques*, will be visible from the homestead lot because of the homestead's elevated position within the site. Further, the chapel building will not only be visible from the Homestead's garden, but possibly also from inside the northern wing of the Homestead given its prominent inset into the east facing range. The development will destroy all but 10% of the unique 19th agricultural trenching (wrongly identified in the DA as being only 7 hectares and 'degraded') along with the only remaining 19th driveway (i.e. the current drive from St Andrews Road to the outbuildings, wrongly classified as 1950s), and will engulf the historic dams in modern boardwalks and viewing platforms, buildings and sculptures. These structures could not be less sympathetic to the heritage of the site. If trees are planted to mitigate the effect of the road-carparks and its signage (speed and 'wayfinding') from the Homestead, then the rural pastoral views that give the homestead its architectural significance as a house in landscape, including to the western and

eastern valleys and their dams, and the homestead's connection with the outbuildings (a deliberate siting intention) will be lost forever, destroying the ability to effectively interpret and appreciate the significance of the Homestead and its collection of buildings no matter who owns it in the future.

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 also note the importance of the 3D visual effect from the Homestead and its surrounding garden. Due to the elevated nature of the homestead siting and the undulating landform that cradles it, the surrounding land is visually much closer on-site than represented in aerials where the buildings and landform look small and distant from each other. This effect greatly enhances the on-site relationship between the surrounding land and the homestead and its associated buildings, and, in turn, greatly exacerbates the impact of the planned cemetery on the same. We and our descendants can thus choose to live in a public gold fish bowl or be incarcerated behind security fencing and dense Leighton Greens destroying the architectural significance of the Homestead and its setting.

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

The financial impact of such a development is obvious. Few people want to live near a cemetery, and those that do expect to do so 'at price'. We will be *in the middle of one (!)*, being further obliged to maintain an 1850s home as a state significant property under the *Heritage Act 1977* (with very high maintenance costs) but which has been substantially devalued and with reduced options to generate income. We have not supplied a valuation of the financial impact on us at this point because estimates suggest it would cost around \$6,000 to \$8,000, and, if we are forced to seek legal redress through the courts this would only have to be updated at that time. We have been advised that the development would reduce the value of our property alone by 40-100%. Should the consent authority require confirmation of the oral advice we have been given and a dollar figure, then we request that we be allowed to source our own written advice independently of the proponent of this DA (the CMCT) but that this cost be met by the proponent.

Key flaws in the DA

There are two key issues that should have been taken into account when the land to which this DA applies was assessed for a site specific rezoning permitting cemeteries with development consent – otherwise prohibited under the Campbelltown Local Environment Plan 2015 (CLEP15) in E3 Environmental Management zones. These now become crucial in assessing whether this DA should be approved:

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



heritage. It is obviously not 'conservation' and it is not consistent with the **CLEP15 Heritage Conservation Objectives cl. 5.10**. Further, the best that can be said about the assessment of the **Landscape Design Response** against the CMP Policies is that it is inept. Even with the flaws in the CMP, careful comparison of the design against these shows that it does not meet any of the CMP policies with the exception of those concerned largely with protection of landform (26, 46, 56, 94) which are sufficiently vague, though these would also have to be questioned if the land stability measures had to be revised. We also understand that the author of the CMP policies was not the consultant who made the assessment against these, and we wonder, if it had been the same consultant, whether the result would have been the same, noting Policy 98 *'the highest form of interpretation is the retention and conservation of significant fabric, spaces and relationships...'*

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)**.

Compliance with cl. 7.8A (2) (e) Use of certain land at 166-176 St Andrews Road, Varroville

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'.

Assessing this compliance is made difficult by the lack of consistency in 'policy' numbering between the CMP and **Heritage Impact Statement, Urbis October 2017 (HIS)**. The **Letter by Urbis of 22 August 2016** that is referenced in CLEP15 cl.7.8A (2)(e) amending the CMP, was not, as far as we can see, included in the documents on public exhibition. This letter inserts three new policies into the CMP and simply

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



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

Peter Gibbs and Jacqui Kirkby



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



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



Geoffrey Britton
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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