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Dear Ms Jattan

RE: Planning Proposal: 166-176 St Andrews Road, Varroville.

Thank you for your letter dated 9 December 2015 regarding the abovementioned Planning Proposal, requesting comments from the Heritage Council. I am responding as the Delegate of the Heritage Council of NSW (Heritage Council) under s21 of the *Heritage Act 1977*.

The documents attached to the Planning Proposal prepared by Urbis Pty Ltd for Catholic Metropolitan Cemeteries Trust dated October 2015 and exhibited on the Joint Regional Planning Panels' website have been reviewed.

The Planning Proposal seeks to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (CLEP) to permit (on a site-specific basis) 'cemeteries' as an additional permitted use in the 7(d1) Environmental Protection (Scenic) zone. The Proposal also seeks to include provisions in the draft Campbelltown Local Environmental Plan 2014 (dCLEP 2014) to permit (on a site specific basis) the use of the site for a cemetery.

Heritage Listings

The subject lands surround a property known as Varroville which is of State heritage significance and listed on the State Heritage Register (Lot 21 DP564065). Varroville is also listed as an item in the heritage schedule of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands).

Background

The original Varroville Estate dates from 1810. The estate has undergone various subdivisions since this time and now has multiple owners. The subject land surrounds the State Heritage listed Varroville Homestead and comprises Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016. The subject site incorporates rural space, early colonial vineyard terraces and connected paddock dams, potential historical and Aboriginal archaeology, former carriageways and a collection of historic outbuildings and yards that were associated with the development and operation of Varroville estate from the early 19th -to-mid 20th century. These outbuildings include a colonial era slab hut, stable, and dairy buildings. The subject side is owned by development company, The Cornish Group.

The Planning Proposal's timeline

- In September 2013, The Catholic Metropolitan Cemeteries Trust (CMCT) submitted a Planning Proposal to Campbelltown City Council seeking to permit the development of 166-176 St Andrews Road, Varroville for the purpose of a cemetery.
- On 02 October 2013, the Planning Proposal was discussed on the Heritage Council's meeting. The Heritage Council of NSW at that meeting resolved:
 1. *that the Heritage Council write to Campbelltown City Council requesting:*
 - a. *an opportunity to provide comment on the Planning Proposal to rezone land surrounding Varroville house;*
 - b. *that Campbelltown City Council consider the heritage status of the outbuildings in relation to their Local Environment Plan;*
 - c. *that the existing zoning controls around Varroville house remain in place; and*
 2. *that the Heritage Council resolve to pursue a curtilage extension of Varroville to include the outbuildings*
- On 22 October 2013 the Heritage Division wrote to Campbelltown City Council to request for the opportunity to comment on the Planning Proposal.
- On 28 November 2013 the Heritage Division provided a detailed comment on the Planning Proposal, 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 rural character of the subject land*'.
- At the meeting of the Heritage Council held on 6 August 2014, an Interim Heritage Order request for the Landscape and Outbuildings (the former estate) of Varroville Homestead was discussed and it was resolved that the Heritage Council of NSW:
 - c. *considers the land and outbuildings associated with and surrounding the State Heritage Register listed Varroville Homestead (SHR No. 737) are potentially of state heritage significance; and*
 - d. *advises the Minister for Heritage to make an Interim Heritage Order (IHO) over the land and outbuildings surrounding the SHR listed Varroville Homestead at 196 St Andrews Road, Varroville...*
- On 10 October 2014 the Heritage Division advised all the parties associated with the Planning Proposal that the Minister for Heritage determined not to make an IHO for the Landscape and Outbuildings (the former estate) of Varroville Homestead.
- On 20 February 2015 Ms Jacqui Kirkby was awarded a Heritage Division Heritage Grant to prepare a Heritage and Curtilage Study for the State Heritage Register-listed Varroville Homestead, specifically addressing Heritage Council concerns over its curtilage.
- On 19 June 2015, the Department of Planning & Environment issued Gateway Determination for the Planning Proposal, subject to thirteen conditions.
- On 14 December 2015, the Heritage Division received notice of the exhibition of the Planning Proposal.

Heritage Division's comments on the Planning Proposal

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Of the thirteen conditions that the Gateway Determination subjected, two included:

2. *Prior to exhibition the proposal should be prepared as an amendment to both the draft Campbelltown Principal LEP and, (should the proposal proceed ahead of the draft Campbelltown Local Environmental Plan 2015) the Campbelltown Local Environmental Plan - District 8 (Central Hills). The proposal should be amended to clearly outline the proposed provisions and provide mapping as follows:*
 - a. *the proposed provisions for both the existing Campbelltown Local Environmental Plan - District 1 (Central Hills) and the draft Campbelltown Local Environmental Plan 2015.*
 - b. *the existing 6(c) Open Space (Regional) zone, and the proposed RE1 Public Recreation zone should not be amended to include cemetery as an additional use for the site.*
 - c. *a map should be provided to clearly identify the land to which the additional use will apply. It is noted that such mapping should be in the form of the draft mapping series "Additional Permitted Uses Maps" drawn by Campbelltown Council for the draft Campbelltown Local Environmental Plan 2015.*
 - d. *a local provision should be derived to address the scenic and rural values of the site, and should particularly address the critical view of the site when seen from the Campbelltown urban area.*

3. *Prior to exhibition, further detailed heritage investigation of the cultural landscape should be carried out, particularly in relation to the area adjacent to the Varroville Homestead site and the views from the Campbelltown urban area.*

These investigations are to include a Conservation Management Plan (CMP) which should be prepared in consultation with the Heritage Division of the Office of Environment and Heritage. The CMP should aim to map and define significant fabric, landscape features, views and vistas and determine the level of significance. The CMP should inform the proposal's detailed visual assessment and the related local provision [2(d) above].

The introduction section (quoted below) and the objective of the revised Planning Proposal still mention that an amendment is sought to the existing 6(c) Open Space (Regional) zone or the RE1 Public Recreation zone, contrary to the requirement of condition 2b of the Gateway Determination. However, later parts of the Planning Proposal, especially the maps for the 'Additional permitted uses' show that the proposal does not seek to amend these zones to allow development as a cemetery. This inconsistency in the proposal is confusing.

*'NSW Department of Planning and Environment on behalf of the Sydney West Joint Regional Planning Panel (the relevant planning authority) to support a request by CMCT to initiate an amendment to Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (CLEP) to permit (on a site-specific basis) **'cemeteries' as an additional permitted use in the 7(d1) Environmental Protection (Scenic) Zone and 6(c) Open Space (Scenic) Zone**, in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Noting that Council has adopted the draft Campbelltown Local Environmental Plan 2014 (dCLEP2014) the proposal also seeks to include provisions in this draft instrument to again on a site specific basis to permit the use of the site for a cemetery.'*

It is also noted that the condition 3 of the Gateway Determination required that the CMP be prepared in consultation with the Heritage Division. After an initial contact (August 2015) from Urbis regarding this condition, there has been no contact and consultation with the Heritage Division for the preparation of this CMP. The draft CMP was lodged with the Division on 9 February 2016 seeking Heritage Council endorsement. Assessment of the CMP has yet to be progressed.

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The Planning Proposal contains a number of anomalies e.g. the figure number for the proposed curtilage map in the text and that in the map do not match. Similarly, the existing 6(c) Open Space (Regional) zone has been indiscriminately referred to as 6(c) Open Space (Scenic) on numerous occasions throughout the report.

The Heritage Division has awarded Ms Jacqui Kirkby a heritage grant to prepare a Heritage and Curtilage Study for Varroville. The findings of this study are due but yet to be received. These findings are considered to be crucial in determining the appropriate curtilage of the Varroville House and any Planning Proposal should not proceed before these findings are available. The reports supporting the Planning Proposal such as the draft CMP and Visual Impact Study and Design Master Plan may all need revision and alteration as a result of cross-comparison with this Curtilage Study.

The Heritage Division would like to reiterate previous comments that proposed use of a 'cemetery' will not be compatible with the predominantly rural character of the Scenic Hills and Varroville estate. The additional use of 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.

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 Memorial Park is not supported.

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Yours sincerely

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