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Mr Peter O'Meara  
Chief Executive Officer  
Catholic Metropolitan Cemeteries Trust

Dear Peter ,

## **RE: THE VARROVILLE ESTATE, ST ANDREWS ROAD, VARROVILLE**

The following is provided in response to the presentation to the Independent Planning Commission (IPC) on the 14<sup>th</sup> of January 2019. The process allows for a right of reply to matters raised in the presentations to the panel. Items have been addressed below and respond to the presentations by the Office of Environment and Heritage, presentations and submissions by the owners of Varroville House (Mrs. Kirkby and Mr. Gibbs) and questions by the panel.

### Item 1) Heritage Significance

The OEH presentation referred to correspondence from Urbis on behalf of the CMCT during the submission period for the listing (between 12 July 2017 and 9 August 2017), which raised no objection to the expansion of the heritage curtilage.

We wish to make the following clarifications with regard to that correspondence:

1. Urbis and the proponent, the CMCT has always recognised the heritage significance of the Varroville Estate. The CMP identified 2 potential curtilages which were considered sufficient to encompass a physical setting and significant landscape/ built elements.
2. The CMCT's support for the curtilage however, has always been predicated on the gazettal of Site Specific Exemptions, which would facilitate the CMCT's use of the land for the Macarthur Memorial Park.  
Urbis considers that the proposed uses, in accordance with the Masterplan, will not diminish the identified significant values of the site.
3. Whilst we continue to support the state listing and extension of the curtilage, it is important that the curtilage adequately reflect those values which can be demonstrated to meet the state criteria. OEH and the Heritage Council has based the curtilage on the report prepared by Orwell and Peter Phillips (hereafter referred to as the OPP report). We have only very recently had access to an incomplete version of what we understand to be that report (and this has hampered our discussions with OEH to date and also our participation in the IPC review, due to unnecessary secrecy and obstruction). Having reviewed that report and undertaking further research by Dr Sue Rosen, we have challenged the conclusions of the OPP report which in our opinion are not adequately demonstrated by the historical research underpinning the conclusions. As detailed below, a number of claims have been exaggerated and inflate the attributed significance and curtilage.
4. As a result of further investigations, Urbis has put forward curtilage 1 as the preferred curtilage.

5. The OEH presentation flagged that the issue of Economic Hardship was not previously raised. This is because we were seeking site specific exemptions which diminished the risk of the curtilage extension to sterilise development area.

The OEH presentation also referred to an Urbis/ CMCT presentation to the Heritage Council from 6 September 2018 and reproduced a power point slide “Landscape Plan: Views and Vistas” (Slide 8). This slide misrepresents the intent of the slide in the original presentation and we wish to clarify that the slide depicted views that were **investigated, rather than views that were assessed as having heritage significance**. The CMP identified the view from Bunbury Curran Hill as having heritage significance and further identified that potential views between Varroville and other colonial homesteads should be evaluated as we did not have access to Varroville House to assess the accuracy of this. Urbis does not consider that the vista from Varroville House to the dams meets the threshold for state significance and does not contribute to the remnant colonial landscape as it is a mid-20<sup>th</sup> century modification.

Item 2) The merits of the curtilage as proposed by OEH/ the Heritage Council

Urbis contends that the curtilage as proposed by OEH and the associated statement of significance does not accurately reflect the state heritage values of the place and hence is not supported.

Many of the claims in the Assessment of Significance were not proven by hard documentary or physical records and expert opinion. The claims have been derived from generalised or exaggerated connections to historical references, assumed facts or material that is at best speculative. We therefore question the rigour of the assessment which underpins the statement of significance and the resultant curtilage recommendation. In particular Urbis disputes the following claims noted in submissions by OEH and/ or the property owners of Varroville House or their representatives.

a) The Attribution of Rarity for the Vineyard Trenching

The OEH presentation claimed that the trenching *“is rare in Australia on account of its unusually extensive area, it’s very early period, it’s unusual trenching patterns relative to the topography and it’s dual function as a means of intercepting rainfall and runoff for water conservation (it is also possibly unique in an Australian context as a vineyard apparently inspired directly from ancient Roman writers on agriculture).”*

The OPP report and subsequently the OEH statement of significance and the presentation makes this claim without a full comparative analysis.

This claim originates from the OPP report however has not been substantiated by historical research. Whilst Townson was certainly one of the most educated men in the colony, and likely would have been familiar with the writings of Varro (for whom he named Varro Ville) including *Res Rusticae* on practical agriculture, this is not sufficient evidence to confirm that the trenching was based on ancient Roman techniques. Contour planting is a natural response to hilly landscapes and Townson was also known to have read contemporary treatise on viticulture and was well travelled including traveling extensively throughout Europe in the late 18<sup>th</sup> century and later undertaking a study tour of the wine regions of Hungary. It is more likely that this provided inspiration.

It is noted too that Varroville is not the only colonial vineyard to feature contour trenching as evidenced in the 1878 lithograph of Camden Park, which shows the house and contour vineyards.

In citing the early period and extent of the trenching, the OEH Statement of Significance and Presentation also does not acknowledge the potential for the vineyards to have been expanded over

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

A significant area of vineyard trenching has been included in the recommended extended curtilage.

Figure 1 – 1878 Lithograph of Camden Park showing the contour vineyards



Source: *Illustrated Sydney News and New South Wales Agriculturalist and Grazier* (NSW : 1872 - 1881), Saturday 23 March 1878, page 8

#### b) Evidence of Earlier Dams and Water Management

The OEH presentation includes a slide which shows a modified aerial view of the site in 1947. The view is annotated with supposed dams which have been attributed to the early 19<sup>th</sup> century in the period of Sturt and Wells/ Wills. Despite verbal acknowledgement by the Heritage Council/ OEH representatives of the modifications to the western dams in particular, the slide claims that the physical evidence of the dams is “largely intact”.

This is strongly disputed. Sturt owned Varroville for a relatively short period of time (between 3 -4 years) and although he is recorded as having made reference to sinking “tanks” on his farm at Varroville, in a later account published in 1849, he also credits the previous owner, Wills/ Wells, for the

dams, noting: “I would observe that I had several capacious tanks on my property at Varroville, near Sydney, for which I was indebted to Mr. Wells, the former proprietor”.<sup>1</sup> Whilst Sturt has claimed that there was a water hole in each paddock when he passed the farm, there is no documentation of the number or location of these dams. It should also be reiterated that the original land holding is much larger than the present CMCT land holding which reflects a smaller subdivision of the original grant, and therefore a number of these dams could be located outside the subject site. Therefore, there is no hard historical documentation which attests to these dams being early 19<sup>th</sup> century dams. In fact, documentation provided by military maps of the site in 1917, 1933 and 1954 directly contradict this, as they do not record any dams on the property at these times. The annotated dams generally appear on natural watercourses and may not reflect man made dams. In addition, the OEH claim makes no allowance for changes to drainage and watercourses as a result of the earthworks for the western dams and other environmental factors (over a period of almost 200 years).

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

If the value of the dams and modified water courses is in their ability to demonstrate “one of the earliest attempts at water conservation”, as stated in the OEH presentation (note that this claim is made with no comparative analysis), insufficient justification has been provided for the further extension of the curtilage to encompass the remainder of the western dams (as indicated at Figure 2 below).

The OEH curtilage was extended specifically to include the remainder of the chain of dams running along the St Andrews Road frontage (as indicated at Figure 2) and referred to as the western dams. OEH verbally acknowledged that these dams have been altered and enlarged and the OPP report further acknowledges that the dams were built for the Jackamans (1950s). This is supported by oral history accounts provided to the CMCT by a past property owner (Peter Thomson) and further documentary evidence including military maps (1917, 1933 and 1954 submitted to the IPC on the 14<sup>th</sup> of January) which do not record any such dams on the property. The area does not include any of the purported potential Sturt dams indicated on the annotated 1947 aerial provided in the OEH presentation.

All parties have acknowledged that these dams form part of mid-20<sup>th</sup> century modifications to the landscape and Urbis therefore questions the inclusion of mid-20<sup>th</sup> century highly modified dams within the state heritage curtilage as these cannot be seen to contribute to the remnant colonial cultural landscape. OEH/ The Heritage Council has indicated that the views to the dams from the homestead are of heritage (aesthetic) significance, however as detailed above these are not historic views.

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<sup>1</sup> Charles Sturt, Narrative of an Expedition into Central Australia, Performed Under the Authority of her Majesty’s Government during the Years 1844, 5 and 6, Together with a Notice of the Province of South Australia in 1847, T&W Boone, 29 New Bond Street London, 1849, Chapter II, cited in the OPP report section 5.1.7.

Figure 2 – Partial view of the OEH nominated curtilage with disputed area indicated (yellow circle)



Source: Office of Environment and Heritage

The claims with regard to the earlier dams and water management and resultant curtilage expansion demonstrates an example of inflating significance which has a considerable impact on the everyday management of the western dams, and which is not justified by the historical evidence. The western dams are to be retained by CMCT however are not considered to be state heritage significance and should be managed as part of the overall landscape Masterplan for the site rather than as specific colonial remnants. The CMCT must conserve and manage this site in perpetuity and the curtilage extension to include the remainder of the western dams forces an additional level of heritage management, currently unsubstantiated and undefined.

The view from the homestead is not historically relevant to the colonial heritage values of the place however will be retained in accordance with the Masterplan and will be designed and managed appropriately. This extension is considered unreasonable on heritage grounds and hence the extension of the curtilage for the western dams is disputed notwithstanding that the view from the homestead will be retained.

c) The Claim that the Cultural Landscape Demonstrates a Rare Surviving English Landscape

The OEH/ HC presentation and submission from the Varroville property owner claims “that the cultural landscape represents a rare surviving example in NSW of an English landscape park approach to estate planning indicating an awareness of the highly influential work of landscape pioneers Capability Brown and Humphry Repton.”

The extension of the curtilage is thus based upon unfounded and romanticised claims that suggest the landscape was developed in a continuum by the first 6 successive owners over 40 years and in accordance with ancient Roman writings and the writings of 18<sup>th</sup> century English landscape designer Humphrey Repton, and remaining intact as a landscape park. The alternative Urbis statement of

significance instead identifies an evolved agricultural and pastoral landscape, that has been developed and managed by almost 20 owners over a period of 200 years. The selective focus on the rural landscape does not acknowledge that Varroville has been regarded as a working (and evolving) enterprise for more than 200 years.

A visual inspection will verify that the existing landscape is a neglected typical rural/ pastoral landscape of the 19th/ 20th centuries with no distinguishing features characteristic of known ancient or English landscape park traditions. None of these supposed attributes occur within the proposed extension and no analysis or evidence has been provided in the studies of the site that adequately substantiate this.

Geoffrey Britton and Colleen Morris previously authored a study on Colonial estates of the Cumberland Plain which included a review of Varroville. That study noted the potential for the siting to be attributed to the Loudon model which locates homestead buildings in hilly country and lower down the slope from the summit model.<sup>2</sup> The study does not reference Repton or Capability Brown and as detailed above, the site lacks the typical characteristics of these landscapes.

Again, this unjustified and inflated attribution of significance has the potential to impact on the understanding and management of the landscape and the impact on curtilage and the statement of heritage significance should be reconsidered. The structure of the landscape and the indigenous species are to be conserved and managed in accordance with the Masterplan. The physical analysis protects the flora and fauna of the site however no specific landscape modifications have been discovered in the Jacquet analysis which suggests an 18<sup>th</sup> C English ideal. The property was always attractive when discovered by European settlers and will remain attractive with all the important identified elements conserved.

#### d) The Claim that Weaver deliberately planned Axial Views

The OE/ HC presentation and submissions from the property owners of Varroville House claims that the axial alignments *demonstrate Colonial Architect William Weaver's awareness of classic country villa siting, formal planning and design principles espoused by ancient European writers such as Pliny the Younger and Renaissance architects such as Leon Battista Alberti and Andrea Palladio.*

This reportedly includes the vista to the western dams which cannot be the case as this vista dates to the mid-20<sup>th</sup> century Jackaman period. Views from the rear are also from the back of house and service areas and are unlikely to have been regarded as primary vistas historically. All of the views nominated in the OE/ HC presentation rely heavily on the mid-20<sup>th</sup> century dams which have changed the historic landscape considerably. The original siting of the first dwelling (1813) which predated the Weaver house of 1858 has not been confirmed and is subject to debate. The view from a window provided in the presentation does not relate to the current Varroville Homestead and is misleading with respect to current views.

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<sup>2</sup> Britton and Morris, 2000, Volume 2 pg 128: Colonial Landscapes of Cumberland Plain and Camden, NSW – a Survey of Selected Pre-18760 Cultural Landscapes from Wollondilly to Hawkesbury LGAs.

e) The Attribution of the cottage as Townson's first residence.

Mrs Kirkby claimed that the cottage was Townson's first residence, this was also claimed in the submitted statement by Mr. Peter Gibbs and the potential for this was reiterated in the OEH presentation.

The CMP acknowledges the significance of the cottage and we do not dispute its inclusion in the curtilage however we do object to this claim as fact when there is no basis for this in the historical record. The report prepared by Design 5 on behalf of the owners of Varroville House, excerpts of which are included in the OPP report, note that the building has been substantially altered in the mid-19<sup>th</sup> century and again by the Jackamans, and if the cottage were to date to the original phase of occupation, the only physical remnant of this is likely to be to the chimney and part of the masonry wall. The various sale descriptions mention various cottages and outbuildings over time and it cannot be confirmed that they refer to the surviving cottage. This requires further investigation and does not preclude the conservation of these potentially significant elements. This claim does not provide any further information on the homestead that preceded the current homestead.

f) The attribution of Archaeological Potential/ Significance

It was suggested in representations from the Heritage Council/ OEH and the property owners of Varroville House that there is archaeological potential beyond the accepted zones of the immediate homestead and outbuildings group. These findings conflict with the findings of the archaeological assessment prepared by Artefact Heritage, which formed part of the Urbis CMP and have not been supported by a separate independent archaeological assessment – an archaeological assessment did not form part of the OPP report and may have relied upon previous assessments. It was also suggested that there may be potential for archaeological remains of earlier dams however no evidence has been provided. It is not good heritage practice to recommend extended curtilages on supposition without any hard evidence. The OEH should either do the research work or rely on the evidence before it.

Summary of Item 2)

Having regard for the above we reiterate that the issue of curtilage is an extremely important matter as it has significant economic impacts, and moreover, impacts for the heritage process: significance assessment must be factually based and rigorous to have any meaning and to ensure the appropriate protection of heritage items as well as managing the process of change. This submission is about authenticity and proven values that provide the criteria for a state listed area. The curtilage must be based on a rigorous assessment, historical research and analysis and factual rather than exaggerated claims. We remain unconvinced by the conclusions of the OPP report and subsequent curtilage extension, as this has not been sufficiently supported by hard documentary or physical records and / or expert opinion. Therefore, it is considered inappropriate to extend the curtilage in the present form and further to gazette the current nominated Statement of Significance.

Item 4) The Necessity for Site Specific Exemptions

The panel members queried the need for Site Specific Exemptions and the following is noted in response:

Whilst SSEs are not explicitly required in the listing of on the state heritage register it is considered there is a clear nexus between the proposed curtilage extension and the provision of SSEs in ensuring the maintenance and adaptive reuse of the site is facilitated into the future. It is considered that regardless of the curtilage the provisions of SSEs at the time of listing is in keeping with the objectives



of the Heritage Act 1977 and general good heritage practice. The SSEs also ensure that the listing would not render the item incapable of reasonable or economic use noting the site has been identified for use as a cemetery by the Campbelltown Local Environmental Plan. For this reason, it is requested that should the IPC recommend an extension to the curtilage that they include a recommendation that SSEs are concurrently gazetted in line with the Development Application presently proposed by the CMCT. We further note for the benefit of the IPC that the Heritage Council has not opposed the Development Application.

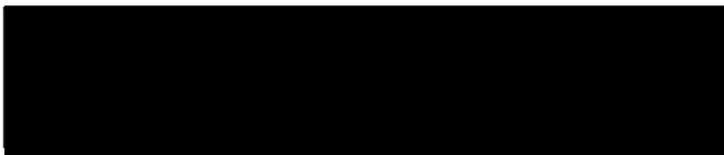
We greatly appreciate the opportunity to address items raised in the panel hearing.

In closing, we would like to reiterate our previous findings and respectfully request the following:

- 1) That the panel recommend to the Minister that the extension of the curtilage and proposed statement of significance recommended by OEH are not supported in their current form and further require that OEH review the historic basis of the curtilage and the statement. Urbis has nominated Curtilage 1 from the CMP as the preferred curtilage however we would welcome the opportunity to liaise with OEH as to an appropriate curtilage.
- 2) In the event that the curtilage extension and statement of significance is recommended to the Minister for listing in its present form, we recommend that the gazettal should not occur without the necessary site specific exemptions which would facilitate the ongoing use and management of the site in accordance with the Campbelltown Local Environmental Plan 2015 and specific provisions for the site as set out in section 7.8.

If you have any questions please don't hesitate to contact me on 02 8233 9939

Yours sincerely,



Stephen Davies  
Director (Heritage)