

6 October 2011

Ms Kate MacDonald
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Ms MacDonald

**MP 10_0171 Mixed Use Residential, Retail and Commercial Development at 330
Church Street, Parramatta**

I refer to the proposed development at the above address and submit the following comments on behalf of Parramatta Park Trust.

The proposal is for a non-complying twin-tower development, being one tower of 117.6m in height and second tower of 84.5m. The Parramatta City Centre LEP 2007 permits a maximum building height limit of 80 metres on this site.

The development has a significant impact on Parramatta Park. The park is Australia's pre-eminent colonial landscape possessing heritage values which have been assessed as significant by authoritative bodies at local, state, national and international jurisdictions (see attachment A).

Significantly, an area of 37ha of Parramatta Park containing Old Government House and referred to as Old Government House & Domain, was inscribed on the World Heritage List (together with a buffer zone of 29.39 ha) in 2010 as one of eleven sites forming the Australian Convict Sites World Heritage property (see attachment B).

The Statement of Heritage Impact and the Visual Impact Assessment Report have not assessed the significant impact to heritage values on Old Government House and Domain (OGHD) arising from the development on these values. Furthermore these reports have not assessed the impact of a non-complying development on the authenticity and integrity of OGHD, including views, setting and the significance of that setting. In addition, the reports have not assessed the development against the management plans adopted for the site by State and Commonwealth Governments under the Australian Convict Sites Strategic Framework.

The impact of the proposed development on OGHD is extensive as can be seen from the attached views (see attachment C). The authenticity and integrity of OGHD arises from its historical/functional role as the seat of government authority - the earliest remaining public building in Australia and its landscape setting - overlooking Parramatta, with views across the city and historic Parramatta River to the hills beyond. The heritage significance of these views is well documented. The proposed building is not consistent with these values.

In concluding that the property met the criteria for inscription on the World Heritage List, the World Heritage Committee recommended that the State Party [Commonwealth of Australia]]:

"Pay attention to managing the landscape values of the sites in or close to urban areas by studying the visual impact of their current environment and any projects liable to affect those values" (World Heritage Committee Meeting Decision 34COM 8B.16)

There is no evidence in the proposal that the applicant has considered the height impact on OGHD.

Issues relating to threats from development in terms of the landscape impact of growing urban environments were raised as matters requiring management of the integrity of the property, impact on peripheral areas and buffer zones by the nomination assessment undertaken by ICOMOS for the World Heritage Committee (Advisory Body Evaluation, Australian Convict sites No. 1306).

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) regulates actions that will, or are likely to, have a significant impact on the World Heritage values of a declared World Heritage property. This includes relevant actions that occur outside the boundaries of a World Heritage property.

The Trust submits that it is not appropriate to give consent to non-complying development in circumstances where this causes or exacerbates impact. This is all the more serious in this case where the impact affects a World Heritage Listed site. Impacts on National and World Heritage values require referral to the Australian Government Minister for assessment under the EPBC Act.

Accordingly, Parramatta Park Trust recommends that the Director-General:

1. Instructs the proponent to revise the Statement of Heritage Impact and the Visual Impact Assessment Report for the development to assess the impact on the heritage values of Old Government House and Domain site arising from the proposal.
2. Invites Parramatta Park Trust and the National Trust of Australia (NSW) to make a further submission once the Statement of Heritage Impact and the Visual Impact Assessment Report have been revised.
3. Instructs the proponent to refer the proposed development for assessment pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act);

Parramatta Park Trust appreciates the opportunity to provide a submission on the proposal and to express our views on these important matters relating to one of Australia's most significant places and a World Heritage Listed site.

Yours sincerely



Tom Uren AO

Chair