



09389  
30 October 2012

Referral Business Entry Point  
Environment Assessment Branch  
Department of Sustainability, Environment, Water, Population and Communities  
GPO Box 787  
CANBERRA ACT 2601

Attention: Ilsa Wurst

Dear Ms Wurst

**REFERRAL OF PROPOSED ACTION  
MODIFICATION TO APPROVED MIXED USE DEVELOPMENT AT 45 MACQUARIE STREET,  
PARRAMATTA (MP09\_0167)**

Attached to this letter is a referral to the Department of Sustainability, Environmental, Water, Population and Communities (SEWPAC) under the provisions of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The referral relates to the proposed modification to an approved mixed use development at 45 Macquarie Street, Parramatta (the site). As there is an existing approval in place for a 28-storey mixed use development on the site which was granted by the Planning and Assessment Commission on 28 October 2011 (MP09\_0167), the proposed action relates only to the part of the approved development to be modified.

This modification seeks to modify the approved development to include additional levels of residential accommodation which will result in a minor increase in floor space on the site. Other key changes include:

- Modification of the archaeological display area to locate one of the archaeological relics in an accessible display area below the public plaza;
- Reduction in the building depth;
- Reduction in the height of the podium; and
- Replacement of commercial floor space with serviced apartments and conference centre.

The modifications result in an overall improvement to the design of the project and its relationship to the public domain. The modified archaeological display area will not only provide a more diverse experience of the important archaeological heritage items on the site, but will provide improved arrangements for securing and maintaining the relics on the site.

**Figures 1 and 2** below show the building envelope of the approved development in relation to the proposed modification. It is only the portions of the building outside of the approved building envelope which are the subject of this referral.

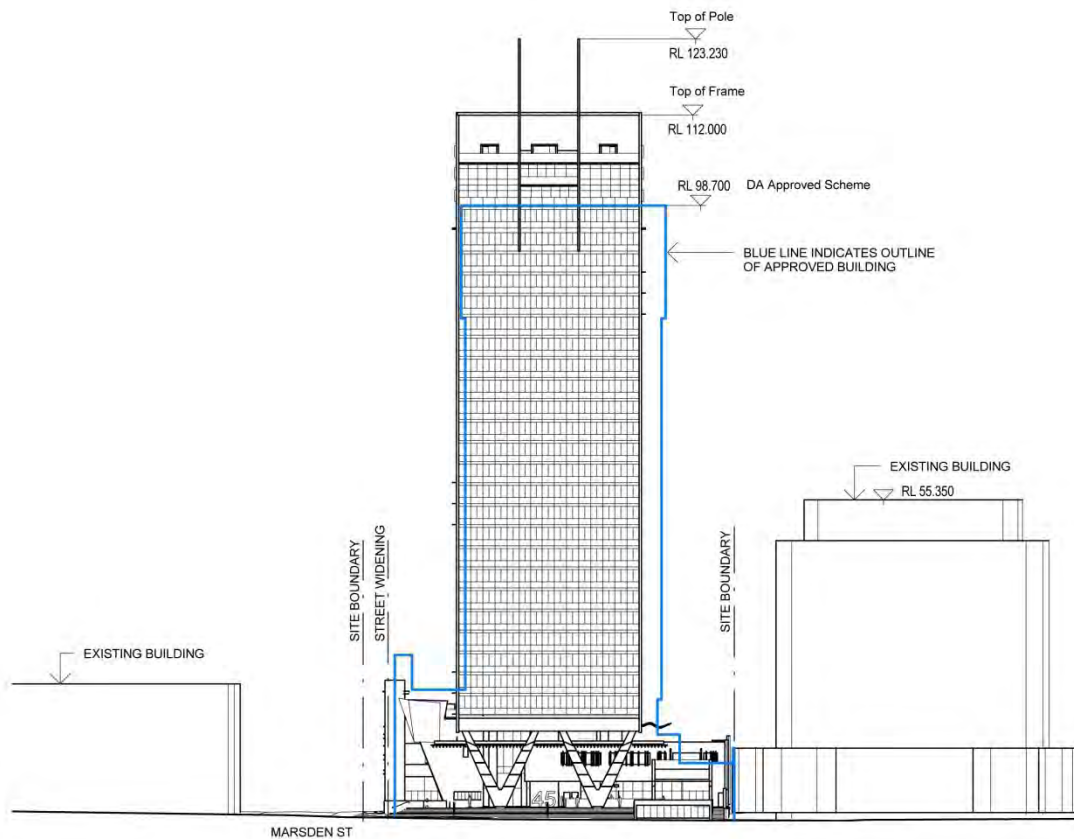


Figure 1 – Northern Elevation

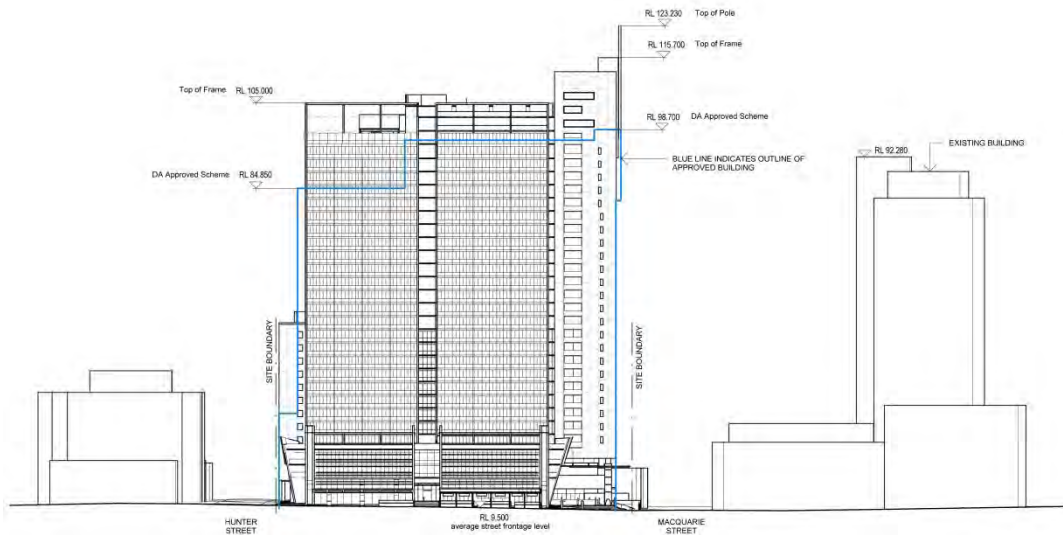


Figure 2 – Eastern Elevation

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4943 or [kshmuel@jbaplanning.com.au](mailto:kshmuel@jbaplanning.com.au).

Yours faithfully

Kim Shmuel

*Principal Planner*



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

# Referral of proposed action

## What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the **Minister's delegate**. (Further references to 'the Minister' in this form include references to the Minister's delegate.) To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided that sufficient information is provided in the referral.

## Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

## When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
  - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
  - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from:

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.
- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.

- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

### **Can I refer part of a larger action?**

In certain circumstances, the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act). If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referral Business Entry Point (1800 803 772).

### **Do I need a permit?**

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the **Department's web site**.

### **Is your action in the Great Barrier Reef Marine Park?**

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43, EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from <http://www.gbrmpa.gov.au/> or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379  
Townsville QLD 4810  
AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

[www.gbrmpa.gov.au](http://www.gbrmpa.gov.au)

### **Do I have to pay for my referral or assessment / what are the fees?**

Currently the department does not impose fees for environmental impact assessments referred and assessed under the EPBC Act. However, new fees are proposed as part of cost recovery reforms to the EPBC Act from 1 December 2012. Final cost recovery arrangements will be subject to an amending Bill being passed by Parliament and the making of regulations. Fees for environmental impact assessments are proposed to apply to:

- all proposed actions referred after 8 May 2012 that are still undergoing assessment, decision on approval or that may be subject to post approval management plans after 1 December 2012 (fees will only apply to the work undertaken by the department after 1 December 2012); and
- all referrals on or after 1 December 2012.

For projects that are referred after 8 May 2012, that may be subject to fees, the department will inform proponents of their liability for potential fees prior to the introduction of cost recovery arrangements on 1 December 2012. Further details on the proposed cost recovery arrangements can be found here <http://www.environment.gov.au/epbc/publications/consultation-draft-cost-recovery.html>.

## What information do I need to provide?

**Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.**

You can complete your referral by entering your information into this Word file.

### Instructions

Instructions are provided in green text throughout the form.

### Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

**Please ensure any attachments are below two megabytes (2mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referral Business Entry Point for advice. Attachments larger than two megabytes (2mb) may delay processing of your referral.**

**Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.**

## How do I submit a referral?

Referrals may be submitted by mail, fax or email.

### Mail to:

Referral Business Entry Point  
Environment Assessment Branch  
Department of Sustainability, Environment, Water, Population and Communities  
GPO Box 787  
CANBERRA ACT 2601

- If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are appreciated.

### Fax to: 02 6274 1789

- Faxed documents must be of sufficiently clear quality to be scanned into electronic format.
- Address the fax to the mailing address, and clearly mark it as a 'Referral under the EPBC Act'.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

### Email to: [epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

## What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

**The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval**

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

**The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner**

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

**The proposed action is LIKELY to have a significant impact and does NEED approval**

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

**The proposed action would have UNACCEPTABLE impacts and CANNOT proceed**

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

**Compliance audits**

If a decision is made to approve a project, the Department may audit it at any time to ensure that it is completed in accordance with the approval decision or the information provided in the referral. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes. If your project is in the Great Barrier Reef Marine Park and a decision is made to approve it, the Authority may also audit it. (See "*Is your action in the Great Barrier Reef Marine Park*," p.2, for more details).

**For more information**

- call the Department of Sustainability, Environment, Water, Populations and Communities Community Information Unit on 1800 803 772 or
- visit the web site [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc)

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

# Referral of proposed action

## Project title:

## 1 Summary of proposed action

**NOTE:** You must also attach a map/plan(s) showing the location and approximate boundaries of the area in which the project is to occur. Maps in A4 size are preferred. You must also attach a map(s)/plan(s) showing the location and boundaries of the project area in respect to any features identified in 3.1 & 3.2, as well as the extent of any freehold, leasehold or other tenure identified in 3.3(i).

### 1.1 Short description

Crown International Holdings has submitted to the Department of Planning and Infrastructure a modification to the approved mixed use project (MP09\_0167) at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta. The modification is submitted under the now-repealed Section 75W of the *Environmental Planning and Assessment Act 1979* in accordance with the transitional arrangements for approved Part 3A projects. On 28 October 2011, the Planning Assessment Commission approved MP09\_0167 for the construction of a 28-storey mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta.

This modification seeks to modify the approved development to amend the floor space use within the mixed use development and amend the design including adding additional levels of residential accommodation which will result in a minor increase in floor space on the site.

Other key changes include:

- Modification of the archaeological display area to locate one of the archaeological relics in an accessible display area below the public plaza;
- Reduction in the building depth;
- Reduction in the height of the podium; and
- Replacement of commercial floor space with serviced apartments and conference centre.

The modifications result in an overall improvement to the design of the project and its relationship to the public domain. The modified archaeological display area will not only provide a more diverse experience of the important archaeological heritage items on the site, but will provide improved arrangements for securing and maintaining the relics on the site.

### 1.2 Latitude and longitude

Latitude and longitude details are used to accurately map the boundary of the proposed action. If these coordinates are inaccurate or insufficient it may delay the processing of your referral.

location point	Latitude			Longitude		
	degrees	minutes	seconds	degrees	minutes	seconds

The Interactive Mapping Tool may provide assistance in determining the coordinates for your project area.

If area less than 5 hectares, provide the location as a single pair of latitude and longitude references. If area greater than 5 hectares, provide bounding location points.

There should be no more than 50 sets of bounding location coordinate points per proposal area.

Bounding location coordinate points should be provided sequentially in either a clockwise or anticlockwise direction.

If the proposed action is linear (eg. a road or pipeline), provide coordinates for each turning point.

**Do not use AMG coordinates.**

1.3	<b>Locality and property description</b> The subject site is located within the Central Business District of Parramatta, NSW. It is located to the south east of the World and National Heritage Listed Old Government House and Domain site.  It is bounded on the north by Macquarie Street, on the east by Marsden Street and on the south by Hunter Street.				
1.4	<b>Size of the development footprint or work area (hectares)</b> The site has a total site area of 4,879sqm. It has three frontages - 54 metres to Macquarie Street to the north; 64 metres to Hunter Street to the south; and 84 metres to Marsden Street to the east. The site has staggered western boundary of 75 metres in total adjoining commercial buildings to the west.				
1.5	<b>Street address of the site</b> The subject site is located at 45-47 Macquarie Street and is also known as 134-140 Marsden Street, Parramatta NSW.				
1.6	<b>Lot description</b> The site is legally described as Lot 1 in DP 61073, Lots A, B and C in DP 82967, Lots 1 and 2 in DP 213184, Lot 1 in DP 539968, and Lots 101, 102 and 103 in DP785428.				
1.7	<b>Local Government Area and Council contact (if known)</b> On 28 October 2011, the Planning Assessment Commission approved MP09_0167 for the construction of a 28-storey mixed use development at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta.  Planning authority is the NSW Department of Planning and Infrastructure. Contact: Kate MacDonald - 92286435				
1.8	<b>Time frame</b> The 75W application for modifications to the current approval are expected to be submitted to the NSW Department of Planning and Infrastructure on or about the first week of November 2012..				
1.9	<b>Alternatives to proposed action</b> Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed? <table border="1"> <tr> <td>X</td><td>No</td></tr> <tr> <td></td><td>Yes, you must also complete section 2.2</td></tr> </table>	X	No		Yes, you must also complete section 2.2
X	No				
	Yes, you must also complete section 2.2				
1.10	<b>Alternative time frames etc</b> Does the proposed action include alternative time frames, locations or activities? <table border="1"> <tr> <td>X</td><td>No</td></tr> <tr> <td></td><td>Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).</td></tr> </table>	X	No		Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).
X	No				
	Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant).				
1.11	<b>State assessment</b> Is the action subject to a state or territory environmental impact assessment? <table border="1"> <tr> <td></td><td>No</td></tr> <tr> <td>X</td><td>Yes, you must also complete Section 2.5</td></tr> </table>		No	X	Yes, you must also complete Section 2.5
	No				
X	Yes, you must also complete Section 2.5				
1.12	<b>Component of larger action</b> Is the proposed action a component of a larger action? <table border="1"> <tr> <td>X</td><td>No</td></tr> <tr> <td></td><td>Yes, you must also complete Section 2.7</td></tr> </table>	X	No		Yes, you must also complete Section 2.7
X	No				
	Yes, you must also complete Section 2.7				
1.13	<b>Related actions/proposals</b> Is the proposed action related to other actions or proposals in the region (if known)? <table border="1"> <tr> <td>X</td><td>No</td></tr> <tr> <td></td><td>Yes, provide details:</td></tr> </table>	X	No		Yes, provide details:
X	No				
	Yes, provide details:				
1.14	<b>Australian Government funding</b> Has the person proposing to take the action received any Australian Government grant funding to undertake this <table border="1"> <tr> <td>X</td><td>No</td></tr> <tr> <td></td><td>Yes, provide details:</td></tr> </table>	X	No		Yes, provide details:
X	No				
	Yes, provide details:				

project?		
1.15 <b>Great Barrier Reef Marine Park</b> Is the proposed action inside the Great Barrier Reef Marine Park?	X	No Yes, you must also complete Section 3.1 (h), 3.2 (e)



The Site

Aerial photo 45 Macquarie Street, Parramatta NSW

## 2 Detailed description of proposed action

**NOTE:** It is important that the description is complete and includes all components and activities associated with the action. If certain related components are not intended to be included within the scope of the referral, this should be clearly explained in section 2.7.

### 2.1 Description of proposed action

The Section 75W application seeks approval for a number of changes to the building which will facilitate the delivery of a superior design and development outcome for the site. In summary, the key modifications proposed include:

- Minor increase in the gross floor area (GFA) and corresponding floor space ratio
- (FSR) on the site;
- Increase in the overall building height from RL94.5 to RL112.4;
- Inclusion of additional levels of residential accommodation (and corresponding changes to level at which the rooftop gardens are located in Sections C and D) as follows:
  - Section A: three additional level of residential at levels 26 to 28 with private rooftop courtyards provided above topmost units.
  - Section B: four additional levels of residential at levels 25 to 28 (residential units limited to eastern portion of floor plate at level 28 to accommodate plant on western side)
  - Section C: four additional levels of residential at levels 22 to 25
  - Section D: one additional level of residential at level 11
- Changes to the apartment mix and overall number of apartments contained within the development;
- Reduction in the building depth to improve solar access to residential apartments;
- Reduction in the height of the podium from four to three storeys to reduce scale at street level;
- Replacement of previously approved C-grade commercial floor space with a serviced apartments operation located in the southern half of levels 3 to 11 of the building;
- Introduction of a new commercial conference and function facility fronting Hunter Street at Level 1 which includes an outdoor garden and replaces part of the approved commercial floor space;
- Changes to the archaeological display area to include a subterranean viewing area and pedestrian access to the former Wheatsheaf Hotel relics and the old convict hut;
- Reconfiguration of the ground floor level to include a through site pedestrian link to improve connection to Hunter Street and provide enhance pedestrian route to Parramatta train station, and provision of a broader footpath to Hunter Street;
- Changes to the proposed retail premises at ground floor to provide more activation of the Marsden and Macquarie Street frontages and potential for alfresco dining on Marsden Street and the northern plaza;
- Changes to the public plaza to provide improved connections to Macquarie and Marsden Street;
- Inclusion of a new void to the lobby below at level 1 to provide improved daylight access
- Introduction of a mezzanine level accommodating a gym and courtyard;
- Inclusion of new internal amenities for the residential apartments and serviced apartments at mezzanine level, adjoining the pool at level 1 and at level 2 (including a corporate business centre) ;
- Alterations to the materials, finishes and design of the building to provide a more modern, high quality appearance and more commercial expression suited to the Parramatta CBD;
- Minor alterations to the internal layout of residential apartments;
- Replacement of open balconies with wintergardens; and
- Increased basement car parking provision, mainly through the use of stacked parking spaces (there will be not increase in the size of the basement car park or the extent of excavation already approved).

### 2.2 Alternatives to taking the proposed action

No alternatives have been considered during the development of the modifications to the approved design that might or might not give rise to an Action that may have a significant action on the World Heritage and National Heritage Values of Old Government House and Domain, Parramatta, NSW.

### 2.3 Alternative locations, time frames or activities that form part of the referred action

No alternatives have been considered during the development of the modifications to the approved design that might or might not give rise to an Action that may have a significant action on the World Heritage and National Heritage Values of Old Government House and Domain, Parramatta, NSW.

#### **2.4 Context, planning framework and state/local government requirements**

The modification application will be submitted to the NSW Department of Planning and Infrastructure (Department) in support of an amendment to Project Approval MP09\_0167 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). MP09\_0167 permits the construction of mixed use development on land at 45-47 Macquarie Street and 134-140 Marsden Street, Parramatta (the site). This modification seeks to retain the existing mixed use development on the site but make relatively minor changes to the design and floor space use.

MP09\_0167 was approved under the now-repealed Part 3A of the EP&A Act.

Modification of an approved Part 3A project is permitted under the now-repealed Section 75W of the EP&A Act in accordance with the transitional Part 3A provisions. The submission to the Department of Planning and Infrastructure includes an assessment of the revised proposal in accordance with the Director-General's Environmental Assessment Requirements (DGRs) under Part 3A of the EP&A Act.

#### **2.5 Environmental impact assessments under Commonwealth, state or territory legislation**

A full Environmental Assessment Report has been prepared by JBA Urban Planning consultants Pty Ltd for the proponent, Crown International Holdings Group (Crown). The EAR describes the site, its environs, the approved development under MP09\_0167, the proposed amendments to the design, and includes an assessment of the revised proposal in accordance with the Director-General's Environmental Assessment Requirements (DGRs) under Part 3A of the EP&A Act.

The EAR will be submitted to the NSW Department of Planning and Infrastructure as part of the 75W application. The EAR is based on Architectural Drawings prepared by AJ+C Architects, and supporting technical information

#### **Public Consultation**

Prior to submission of the EAR for the approved project, extensive consultation was undertaken with the following authorities and agencies:

- The Department of Planning and Infrastructure (Department);
- The Heritage Branch of the Department (Heritage Branch);
- Parramatta City Council (Council);
- Sydney Metro Authority ;
- Utility providers; and
- The Road and Maritime Service (RMS).

All of the recommendations made by the relevant agencies and authorities were taken into account in preparation of the EAR documentation for the project. These agencies and authorities were also consulted as part of the notification process for EAR and any further recommendations were taken into account in preparation of the PPR for the approved project.

The modified proposal does not result in substantial changes to an extent which would warrant additional consultation prior to submission of the EAR for the modified proposal. It is expected that all of the above agencies and authorities will be notified as part of the exhibition process for the modified proposal. To ensure the revisions to the archaeological display area satisfied existing conditions placed on the approved project for protection of archaeological relics on site, Edward Higginbotham & Associates sent revised plans and additional information to the Heritage Branch on 5 and 23 April 2012. The response from the Heritage Branch noted its opinion that Conditions A14 and D27 of the determination for MP09\_0167 are satisfied by the proposal. It is also noted that the NSW Heritage Council granted approval to the proposed Archaeological Excavation Methodology on 12 December 2011. This approval was required in relation to Condition of Consent A14 of the consent for MP09\_0167.

#### **2.6 Public consultation (including with Indigenous stakeholders)**

N/A

#### **2.7 A staged development or component of a larger project**

N/A

## **3 Description of environment & likely impacts**

### **3.1 Matters of national environmental significance**

#### **3.1 (a) World Heritage Properties**

See over for continuation of the text

## Description

Old Government House (OGH) and the Government Domain within the nearby Parramatta Park, as included in the World Heritage Inscription of the Australian Convict Sites property.

The Outstanding Universal Value of the Australian Convict Sites World Heritage Property is the official value against which all evaluations under the EPBC Act must be tested.

### *Criterion (iv)*

*The Australian convict sites constitute an outstanding example of the way in which conventional forced labour and national prison systems were transformed, in major European nations in the 18<sup>th</sup> and 19<sup>th</sup> centuries, into a system of deportation and forced labour forming part of the British Empire's vast colonial project. They illustrate the variety of the creation of penal colonies to serve the many material needs created by the development of a new territory. They bear witness to a penitentiary system which had many objectives, ranging from severe punishment used as deterrent to forced labour for men, women and children, and the rehabilitation of the convicts through labour and discipline.*

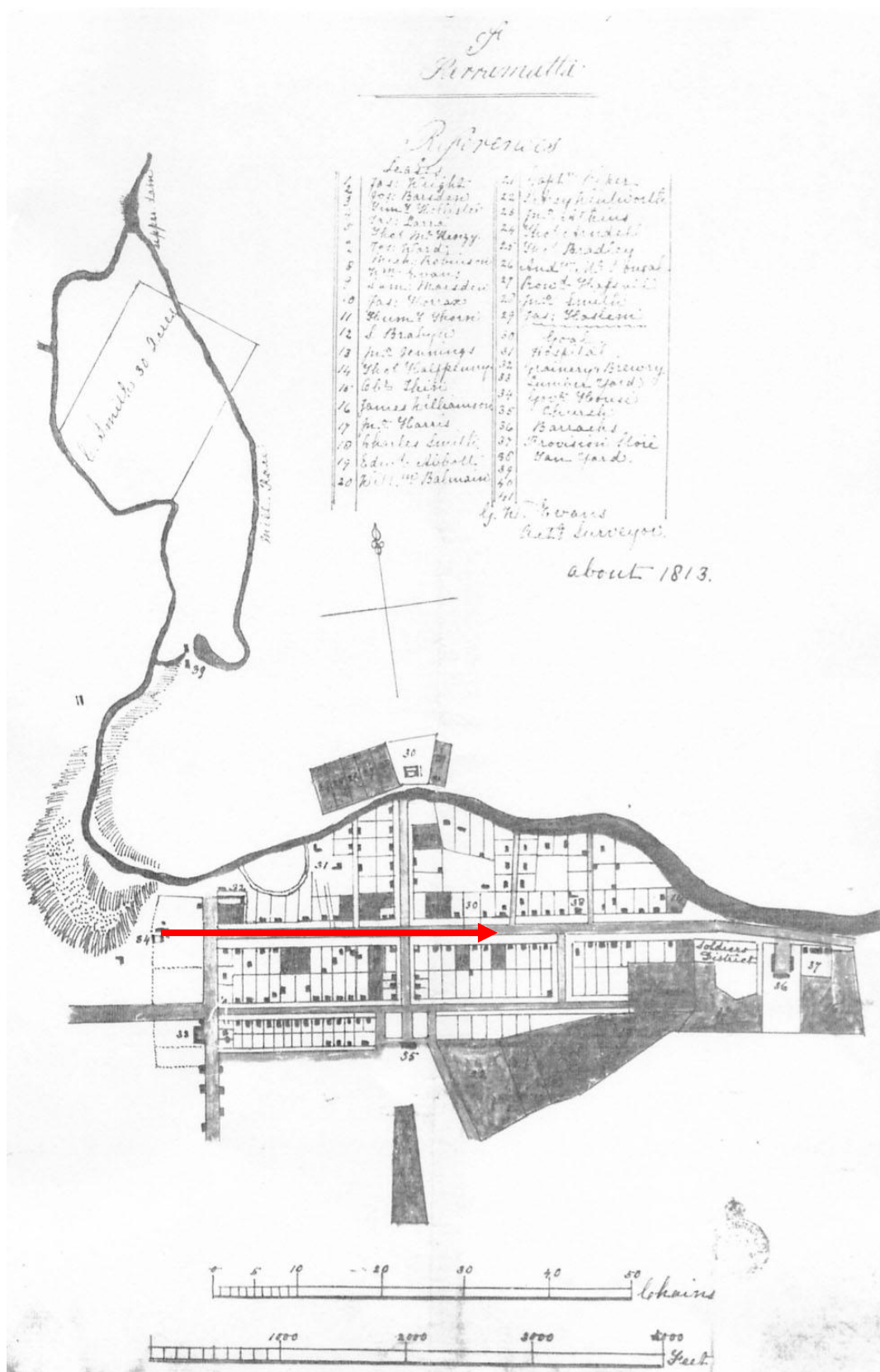
### *Criterion (vi)*

*The transportation of criminals, delinquents, and political prisoners to colonial lands by the great nation states between the 18<sup>th</sup> and 20<sup>th</sup> centuries is an important aspect of human history, especially with regard to its penal, political and colonial dimensions. The Australian convict settlements provide a particularly complete example of this history and the associated symbolic values derived from discussions in modern and contemporary European society. They illustrate an active phase in the occupation of colonial lands to the detriment of the Aboriginal peoples, and the process of creating a colonial population of European origin through the dialectic of punishment and transportation followed by forced labour and social rehabilitation to the eventual social integration of convicts as settlers.*

The Nomination Dossier prepared for the Convict Sites property by the Australian Government included specific descriptions of each of the 11 sites that form the World Heritage Property. While these are not the official OUV, they provide additional insight into the values which need to be considered when evaluating potential impacts arising from a "controlled action".

It is apparent that the values associated directly with Old Government House were primarily related to the management of the Convict system and the exercise of civil and military power through the Colonial Administration. These decisions were apparently made within the house. The description of the landscaped setting of the house focuses on the cultural landscape within the Governors Domain. No mention is made of the more distant landscape of the colonial township of Parramatta, to the immediate east of the property, where the medium distance outlook was down the rows of convict huts and allotments that flanked the axial alignment of "High Street" now George Street, which was aligned with the main façade of the house.

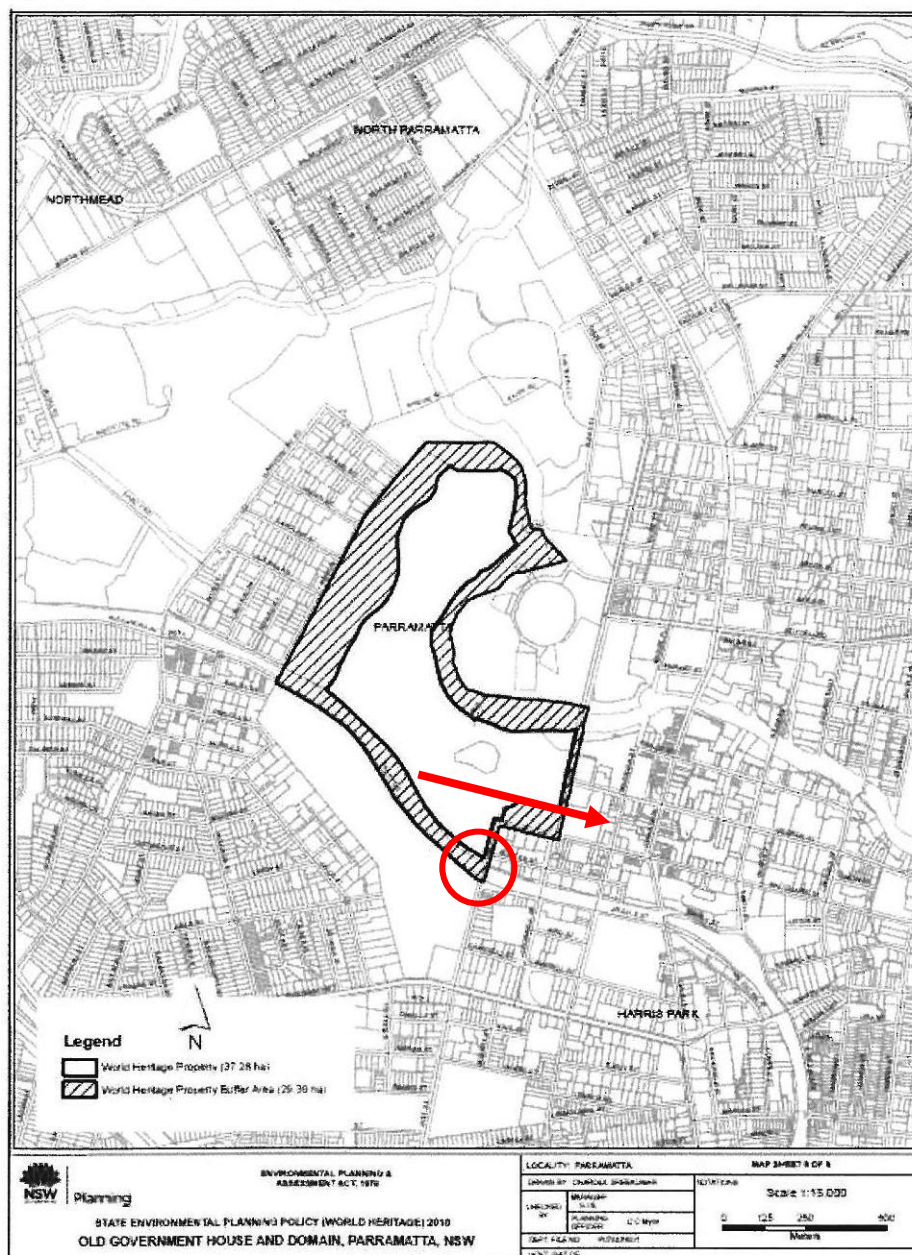
In terms of the cultural heritage characteristics of any external views, the High Street visual axis is perhaps the primary external viewing corridor looking outwards from the site. (See plan on following page)



The 1804 Plan of the Township of Parramatta shows the extent of town development and is assumed to accurately represent the number of allotments with buildings in the town at this time. Note the strong visual axis down High (later George Street) Source: Mitchell Library. (Derived from E Higginbotham CMP 2004)

The following plan indicates the listed World Heritage core and buffer zone that relates to the Old Government House site.

### Old Government House and Domain, Parramatta



The subject site at 45 Macquarie Street, Parramatta is shown in red, and compared with the primary historical view down the George Street axis from Old Government House.

## Examination of the Visual Curtilage of Old Government House



*Aerial photo of Old Government House with locations of view point photos*



*View Point 1 – Directly in front of OGH looking down historical axis of George Street (AJC Architects)*



*View Point 2 – Standing to one side of OGH looking east (AJC Architects)*

The thin red line towards the top of the grey building in the photomontages illustrates the added height between the approved and the modified scheme proposed by the 75W amendment.

### **Nature and extent of likely impact**

It will be readily apparent that the subject site at 45 Macquarie Street, Parramatta, is not located within the inscribed World Heritage buffer zone for OGH. It is located away from the primary historical visual axis down the current George Street. Nevertheless, a building of the scale currently approved and subject to the proposed modification, will be visible within the larger scale visual setting of the WHS.

It is reasonable to conclude that the current historically significant visual setting of Old Government House is almost totally contained within Parramatta Park, certainly in terms of the significant historical views directly looking east from the main frontage of the House. There is a dense row of trees along the area of the Park that forms a visual connection with the modern Central Business District.

In terms of the viewshed from OGH, the approved building at 45 Macquarie Street is set among a number of existing and approved high rise commercial and residential towers within the Parramatta CBD. Most importantly, all of the towers which are visible above the tree line, are located well to the south east of the main axis.

The modifications proposed as part of the current s75W application will result in the approved building being higher, however, the added height represents only a relatively marginal increase in terms of the medium distance visibility of the development.

It is also reasonable to conclude that the modifications in height to the approved scheme will not have a sufficiently large visual impact on the setting of Old Government House and Domain as to cause any adverse impact on its World Heritage Values.

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**3.1 (b) National Heritage Places**

## Description

To a large extent, the issues regarding the potential visual impact of the modifications on National Heritage Values associated with the Old Government House and Domain are similar to the issues related to World Heritage values. The view lines outlined in the Parramatta Park Management Plan do include views from the southern reaches of the Park out over the CBD.

### *Important views.*

Important views from Old Government House over the broader Domain (now forming Parramatta Park) are contained within the buffer zone emphasising the command and control function of Old Government House and Domain and consistent with historical records such as maps and plans, illustrations and paintings. Longer and more extensive views extend from the Domain and beyond the Buffer Area eastwards along the Parramatta River to Lennox Bridge, westwards and southwards to Mays Hill, the highest point in Parramatta Park. There are reciprocal views back from these positions to the Domain and Government House within the buffer zone. There is also an occasional vista from the eastern edges of the property along several key streets of the Parramatta CBD, which are also contained within the buffer zone.



Figure 2: Current plan showing general layout of Parramatta Park, with significant views(pink arrows) and former colonial roads (red lines) and carriageways (brown and yellow lines) (source: Parramatta Park Trust)

### Nature and extent of likely impact

The modifications proposed as part of the current s75W application will result in the approved building being higher, however, the added height represents only a relatively marginal increase in terms of the medium distance visibility of the development.

It is also reasonable to conclude that the modifications in height to the approved scheme will not have a sufficiently large visual impact on the setting of Old Government House and Domain as to cause any adverse impact on its National Heritage Values.

### **3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)**

**Description**

N/A

**Nature and extent of likely impact**

Address any impacts on the ecological character of any Ramsar wetlands.

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### **3.1 (d) Listed threatened species and ecological communities**

**Description**

N/A

**Nature and extent of likely impact**

Address any impacts on the members of any listed threatened species (except a conservation dependent species) or any threatened ecological community, or their habitat.

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### **3.1 (e) Listed migratory species**

**Description**

N/A

**Nature and extent of likely impact**

Address any impacts on the members of any listed migratory species, or their habitat.

---

### **3.1 (f) Commonwealth marine area**

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

**Description**

N/A

**Nature and extent of likely impact**

Address any impacts on any part of the environment in the Commonwealth marine area.

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### **3.1 (g) Commonwealth land**

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

**Description**

N/A

**Nature and extent of likely impact**

Address any impacts on any part of the environment in the Commonwealth land. Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
  - natural and physical resources;
  - the qualities and characteristics of locations, places and areas;
  - the heritage values of places; and
  - the social, economic and cultural aspects of the above things.
-

**3.1 (h) The Great Barrier Reef Marine Park****Description**

N/A

**Nature and extent of likely impact**

Address any impacts on any part of the environment of the Great Barrier Reef Marine Park.

Note: If your action occurs in the Great Barrier Reef Marine Park you may also require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If so, section 37AB of the GBRMP Act provides that your referral under the EPBC Act is deemed to be an application under the GBRMP Act and Regulations for necessary permissions and a single integrated process will generally apply. Further information is available at [www.gbrmpa.gov.au](http://www.gbrmpa.gov.au)

### **3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park**

You must describe the nature and extent of likely impacts (both direct & indirect) on the whole environment if your project:

- is a nuclear action;
- will be taken by the Commonwealth or a Commonwealth agency;
- will be taken in a Commonwealth marine area;
- will be taken on Commonwealth land; or
- will be taken in the Great Barrier Reef marine Park.

Your assessment of impacts should refer to the *Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies* and specifically address impacts on:

- ecosystems and their constituent parts, including people and communities;
- natural and physical resources;
- the qualities and characteristics of locations, places and areas;
- the heritage values of places; and
- the social, economic and cultural aspects of the above things.

<b>3.2 (a)</b>	<b>Is the proposed action a nuclear action?</b>	X	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment**

<b>3.2 (b)</b>	<b>Is the proposed action to be taken by the Commonwealth or a Commonwealth agency?</b>	X	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment**

<b>3.2 (c)</b>	<b>Is the proposed action to be taken in a Commonwealth marine area?</b>	X	No
			Yes (provide details below)

**If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f))**

<b>3.2 (d)</b>	<b>Is the proposed action to be taken on Commonwealth land?</b>	X	No
			Yes (provide details below)
<b>If yes, nature &amp; extent of likely impact on the whole environment (in addition to 3.1(g))</b>			

<b>3.2 (e)</b>	<b>Is the proposed action to be taken in the Great Barrier Reef Marine Park?</b>	X	No
			Yes (provide details below)
<b>If yes, nature &amp; extent of likely impact on the whole environment (in addition to 3.1(h))</b>			

### 3.3 Other important features of the environment

**3.3 (a) Flora and fauna**

N/A

**3.3 (b) Hydrology, including water flows**

N/A

**3.3 (c) Soil and Vegetation characteristics**

N/A

**3.3 (d) Outstanding natural features**

N/A

**3.3 (e) Remnant native vegetation**

N/A

**3.3 (f) Gradient (or depth range if action is to be taken in a marine area)**

N/A

**3.3 (g) Current state of the environment**

N/A

**3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values**

N/A

**3.3 (i) Indigenous heritage values**

N/A

**3.3 (j) Other important or unique values of the environment**

N/A

**3.3 (k) Tenure of the action area (eg freehold, leasehold)**

N/A

**3.3 (l) Existing land/marine uses of area**

N/A

**3.3 (m) Any proposed land/marine uses of area**

N/A

## 4 Measures to avoid or reduce impacts

**Note:** If you have identified alternatives in relation to location, time frames or activities for the proposed action at Section 2.3 you will need to complete this section in relation to each of the alternatives identified.

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

For any measures intended to avoid or mitigate significant impacts on matters protected under the EPBC Act, specify:

- what the measure is,
- how the measure is expected to be effective, and
- the time frame or workplan for the measure.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

Provide information about the level of commitment by the person proposing to take the action to implement the proposed mitigation measures. For example, if the measures are preliminary suggestions only that have not been fully researched, or **are dependent on a third party's agreement (e.g. council or landowner), you should state that, that is the case.**

Note, the Australian Government Environment Minister may decide that a proposed action is not likely to have significant impacts on a protected matter, as long as the action is taken in a particular manner (section 77A of the EPBC Act). The particular manner of taking the action may avoid or reduce certain impacts, in such a way that those impacts will not be **'significant'**. **More detail is provided on the Department's web site.**

For the Minister to make such a decision (under section 77A), the proposed measures to avoid or reduce impacts must:

- clearly form part of the referred action (eg be identified in the referral and fall within the responsibility of the person proposing to take the action),
- be must be clear, unambiguous, and provide certainty in relation to reducing or avoiding impacts on the matters protected, and
- must be realistic and practical in terms of reporting, auditing and enforcement.

More general commitments (eg preparation of management plans or monitoring) and measures aimed at providing environmental offsets, compensation or off-site benefits CANNOT be taken into account in making the initial decision about whether the proposal is likely to have a significant impact on a matter protected under the EPBC Act. (But those commitments may be relevant at the later assessment and approval stages, including the appropriate level of assessment, if your proposal proceeds to these stages).

## 5 Conclusion on the likelihood of significant impacts

Identify whether or not you believe the action is a controlled action (ie. whether you think that significant impacts on the matters protected under Part 3 of the EPBC Act are likely) and the reasons why.

### 5.1 Do you THINK your proposed action is a controlled action?

<input checked="" type="checkbox"/>	No, complete section 5.2
<input type="checkbox"/>	Yes, complete section 5.3

### 5.2 Proposed action IS NOT a controlled action.

Specify the key reasons why you think the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act.

The marginal effects of the additional storeys on the approved building are such that there is unlikely to be any adverse impacts on the visual setting of OGH and therefore non on the World Heritage or National Heritage values of OGH.

### 5.3 Proposed action IS a controlled action

Type 'x' in the box for the matter(s) protected under the EPBC Act that you think are likely to be significantly impacted. (The 'sections' identified below are the relevant sections of the EPBC Act.)

#### Matters likely to be impacted

<input type="checkbox"/>	World Heritage values (sections 12 and 15A)
<input type="checkbox"/>	National Heritage places (sections 15B and 15C)
<input type="checkbox"/>	Wetlands of international importance (sections 16 and 17B)
<input type="checkbox"/>	Listed threatened species and communities (sections 18 and 18A)
<input type="checkbox"/>	Listed migratory species (sections 20 and 20A)
<input type="checkbox"/>	Protection of the environment from nuclear actions (sections 21 and 22A)
<input type="checkbox"/>	Commonwealth marine environment (sections 23 and 24A)
<input type="checkbox"/>	Great Barrier Reef Marine Park (sections 24B and 24C)
<input type="checkbox"/>	Protection of the environment from actions involving Commonwealth land (sections 26 and 27A)
<input type="checkbox"/>	Protection of the environment from Commonwealth actions (section 28)
<input type="checkbox"/>	Commonwealth Heritage places overseas (sections 27B and 27C)

Specify the key reasons why you think the proposed action is likely to have a significant adverse impact on the matters identified above.

## 6 Environmental record of the responsible party

**NOTE:** If a decision is made that a proposal needs approval under the EPBC Act, the Environment Minister will also decide the assessment approach. The EPBC Regulations provide for the environmental history of the party proposing to take the action to be taken into account when deciding the assessment approach.

	Yes	No
<b>6.1 Does the party taking the action have a satisfactory record of responsible environmental management?</b>  <b>Provide details</b>	X	
<b>6.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</b>  <b>If yes, provide details</b>		X
<b>6.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</b> <b>N/A</b>  <b>If yes, provide details of environmental policy and planning framework</b>		
<b>6.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</b>  <b>Provide name of proposal and EPBC reference number (if known)</b>		X

## 7 Information sources and attachments

(For the information provided above)

### 7.1 References

- List the references used in preparing the referral.
- Highlight documents that are available to the public, including web references if relevant.

### 7.2 Reliability and date of information

For information in section 3 specify:

- source of the information;
- how recent the information is;
- how the reliability of the information was tested; and
- any uncertainties in the information.

### 7.3 Attachments

Indicate the documents you have attached. All attachments must be less than two megabytes (2mb) so they can be published on the Department's website. Attachments larger than two megabytes (2mb) may delay the processing of your referral.

		✓ attached	Title of attachment(s)
<b>You must attach</b>	figures, maps or aerial photographs showing the project locality (section 1)		
	figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)		
<b>If relevant, attach</b>	copies of any state or local government approvals and consent conditions (section 2.5)		
	copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)		
	copies of any flora and fauna investigations and surveys (section 3)		
	technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)		
	report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)		

## 8 Contacts, signatures and declarations

**NOTE:** Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action<sup>1</sup>.

### Project title:

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#### 8.1 Person proposing to take action

This is the individual, government agency or company that will be principally responsible for, or who will carry out, the proposed action.

If the proposed action will be taken under a contract or other arrangement, this is:

- the person for whose benefit the action will be taken; or
- the person who procured the contract or other arrangement and who will have principal control and responsibility for the taking of the proposed action.

If the proposed action requires a permit under the Great Barrier Reef Marine Park Act<sup>2</sup>, this is the person requiring the grant of a GBRMP permission.

The Minister may also request relevant additional information from this person.

If further assessment and approval for the action is required, any approval which may be granted will be issued to the person proposing to take the action. This person will be responsible for complying with any conditions attached to the approval.

If the Minister decides that further assessment and approval is required, the Minister must designate a person as a proponent of the action. The proponent is responsible for meeting the requirements of the EPBC Act during the assessment process. The proponent will generally be the person proposing to take the action<sup>3</sup>.

Name Shaun Farren

Title Senior Development Manager

Organisation Crown Landmark Development Pty Ltd

ACN / ABN (if applicable) 52 140 255 090

Postal address Level 11/68 Alfred Street, Milsons Point NSW 2061

Telephone 8904 7020

Email shaunfarren@crowngroup.com.au

Declaration

I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

I agree to be the proponent for this action.

I acknowledge that I may be liable for fees related to my proposed action following the introduction of cost recovery under the EPBC Act.

Signature



Date

29/10/12

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<sup>1</sup> If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

<sup>2</sup> If your referred action, or a component of it, is to be taken in the Great Barrier Reef Marine Park the Minister is required to provide a copy of your referral to the Great Barrier Reef Marine Park Authority (GBRMPA) (see section 73A, EPBC Act). For information about how the GBRMPA may use your information, see [http://www.gbrmpa.gov.au/privacy/privacy\\_notice\\_for\\_permits](http://www.gbrmpa.gov.au/privacy/privacy_notice_for_permits).

<sup>3</sup> If a person other than the person proposing to take action is to be nominated as the proponent, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

**8.2 Person preparing the referral information (if different from 8.1)**

Individual or organisation who has prepared the information contained in this referral form.

Name	Graham Brooks
Title	Director
Organisation	Graham Brooks and Associates Pty Ltd, Heritage Consultants
ACN / ABN (if applicable)	56 073 802 730
Postal address	Level 1, 71 York Street, Sydney NSW 2000
Telephone	+612 9299 8600
Email	grahambrooks@gbaheritage.com
Declaration	I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature



Date 26 10 12

## REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

### HAVE YOU:

- ☒ Completed all required sections of the referral form?
- ☒ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ☒ Provided a map showing the location and approximate boundaries of the project area?
- ☒ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ☒ Provided complete contact details and signed the form?
- ☒ Provided copies of any documents referenced in the referral form?
- ☒ Ensured that all attachments are less than two megabytes (2mb)?
- ☒ Sent the referral to the Department (electronic and hard copy preferred)?