



**Heritage Council**  
  
of New South Wales

3 Marist Place  
Parramatta NSW 2150

Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599

[heritage@heritage.nsw.gov.au](mailto:heritage@heritage.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

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Contact: Marc Allas  
Telephone: 9873 8558  
Email: [marc.allas@environment.nsw.gov.au](mailto:marc.allas@environment.nsw.gov.au)

Mr Roy Laria  
Team Leader Strategy – City Strategy Unit  
Parramatta City Council  
PO Box 32  
PARRAMATTA NSW 2124

Dear Mr Laria,

**Planning Proposal Cumberland Newspaper Site No. 142 – 154 Macquarie Street  
Parramatta**

Thank you for seeking the advice of the Heritage Council of NSW (the Heritage Council) about the overshadowing impacts of the Planning Proposal for the Cumberland Press Site (142 -154 Macquarie Street Parramatta).

As the delegate of the Heritage Council, I have reviewed the material forwarded by Council the Planning Proposal Report prepared by City Plan Services Pty Ltd dated September 2014 and the Urban Design Study prepared by GMU Urban Design and Architecture with Tony Caro Architecture Pty Ltd dated September 2014. The following comments primarily relate to the archaeology and overshadowing impacts of the Planning Proposal.

The site that the Planning Proposal will apply to comprises Lot 11 DP 790287. Whilst the site is not listed on the State Heritage Register it includes State significant archaeology identified during test excavation.

The Heritage Council has previously issued two Section 140 approvals for testing at the site. As a result the archaeological resource and its State significance particularly at historic Lots 46 and 47 in the north west of the site is therefore well understood.

In May 2009 the Heritage Council resolved that historic Lots 46, 47 and possibly historic Lots 48 and 49 appear to be of European and Aboriginal archaeological significance at a State level thus warranting in situ conservation. The Heritage Council also resolved that as a minimum it would expect in situ conservation of historic Lots 46 and 47 with minimal disturbance from structural columns for development above these lots and that, depending on the outcome of further testing, some additional in situ conservation within historic Lots 48 and 49 may be warranted.

In December 2009 the Heritage Council resolved to support the 2009 development strategy for the site in principle subject to the following being addressed in any application for approval:

- further archaeological testing being undertaken to determine more accurately the location of significant remains
- the final design of the building, including the grid layout of the piers is to avoid impact on the significant archaeological remains

- care should be taken with the location of the lifts shafts, stormwater pipes or other services so as to minimise impacts on significant archaeological remains

On the basis of the Heritage Council's 2009 resolutions, test excavation is strongly recommended across the site to determine the location, extent and intactness of the archaeological resource in those areas of the site not previously investigated to inform final development plans for the site. This will help clarify outstanding questions about the extent of the State significant archaeology on the site. Test excavation should be undertaken together with Aboriginal archaeological testing to provide a complete picture of the site's archaeology. The outcomes of test excavation should be used by Council to inform the setting of appropriate planning controls for the site including building heights and floor space ratios and new development. Whilst test excavation may be undertaken under a Section 139 Exception, approval will however need to be sought under Section 140 of the *Heritage Act 1977* if archaeology needs to be salvaged as part of the testing process.

Notwithstanding the above, the State significant archaeology at historic Lots 46 and 47 must be protected and conserved in accordance with the Heritage Council's 2009 resolutions for development at the site. Detailed design will need to be undertaken to establish how this can best occur.

The removal of an intact State significant archaeological resource from the site due to the inability to design around it is not an appropriate or good heritage outcome for the City of Parramatta. The Heritage Council is consequently unlikely to approve the removal of intact State significant archaeology at the site.

A number of items listed on the State Heritage Register are located in the vicinity of the site including Robin Thomas Reserve - the Ancient Aboriginal and Early Colonial Landscape listed on the State Heritage Register (SHR No 01863), Experiment Farm Cottage (SHR No 00768), Hambledon Cottage (SHR No 01888), Harrisford (SHR No 00248) and Elizabeth Farm (SHR No 00001). The Lancer Barracks listed on the National Heritage List and Old Government House and Government Domain listed both on the National Heritage List and the UNESCO World Heritage List are located further afield from the site.

I understand that the Urban Design Study gives preference to Option 1 for development on the site that is a 60 storey tower located at the corner of Angus Lane and Macquarie Street and two towers of 35 and 25 storeys. Option 1 is not however supported due to the impact the proposed towers will have on the archaeology of the site and World and State heritage values in the vicinity of the site. Due to their height and massing the proposed towers, Option 1 will overshadow Experiment Farm and Hambledon Cottage affecting the heritage significance of these items. The towers will also be visible from Old Government House and Government Domain.

The report by Planisphere in 2012, *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values* identifies that the site lies immediately adjacent to the boundary of the area of potential sensitivity for the World and National heritage values of Old Government House and Government Domain. Development of the site in accordance with the building height and floor space ratio controls proposed in the Planning Proposal therefore has potential to impact on the World, National and State heritage values of Old Government House and Government Domain.

All World and National Heritage places are protected under the *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. Any action that has, or will have or is likely to have a significant impact on a National and/or World heritage property, such as the Old Government House and the Domain, requires a determination by the Federal Minister of the Environment as to whether the action should proceed.

The *Matters of National Environmental Significance Significant Impact Guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* published by the Australian Government in 2013 (pp.17-18) further states that:

*An Action is likely to have a significant impact on cultural heritage values of a World Heritage Property if there is a real chance or possibility that the action will:*

- *involve construction of buildings or other structures within, adjacent to, or within important sightlines of, a World Heritage property which are inconsistent with relevant values....*
- *alter the setting of a World Heritage property in a manner which is inconsistent with relevant values.*

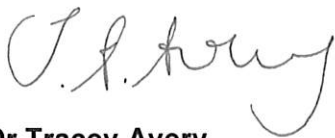
In light of the above, Council is encouraged to assess the potential impacts of the proposed changes to building height controls and floor space ratios for the site on the World, National and State Heritage Register listed items in the vicinity of the site particularly Old Government House and the Domain. Council is also encouraged not to increase floor space ratios on the site to minimise the potential for significant impacts on the archaeology of the site.

In conclusion, further work is required to fully assess the impacts of the Planning Proposal on the State significant archaeology on the site and State Heritage Register and World Heritage listed items in the vicinity of the site to ensure that the proposed amendments to planning controls for the site are not inconsistent with the provisions of the *Heritage Act 1977*. Council should also refer the proposal to the Federal Minister for the Environment to seek a determination on whether the proposed changes to the planning controls has, will have or likely to have an impact on the World and National heritage values of the Old Government House and the Domain.

The Heritage Division of the Office of Environment is happy to meet with Council to discuss the concerns raised in this letter about the Planning Proposal.

Should you have any queries, please contact Marc Allas at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8558 or [marc.allas@environment.nsw.gov.au](mailto:marc.allas@environment.nsw.gov.au).

Yours sincerely



**Dr Tracey Avery**  
Director  
Heritage Division  
Office of Environment & Heritage

**AS DELEGATE OF THE NSW HERITAGE COUNCIL**

6 January 2014