

PLANNING PROPOSAL

ITEM NUMBER	6.1
SUBJECT	Pre-Gateway Planning Proposal for land at 45 Macquarie Street, Parramatta
REFERENCE	RZ/7/2022 -
APPLICANT/S	Strata Plus Pty Ltd
OWNERS	Multiple Strata Title Owners of 30-32 Hunter Street, 140 Marsden Street and 45 Macquarie Street
REPORT OF	Project Officer

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil**PURPOSE**

To seek Local Planning Panel (LPP) advice on a Planning Proposal for land at 45 Macquarie Street, Parramatta for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE).

RECOMMENDATION

That the Local Planning Panel consider the following Council officer recommendation in its advice to Council:

- (a) **That** Council approve the Planning Proposal for land at 45 Macquarie Street, Parramatta, which seeks to reduce the curtilage of the archaeological site identified on Schedule 5 of the PLEP 2023 (SP94346, SP94348 & SP94349) to be consistent with the State Heritage Register (SHR) listing of the item, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE).
- (b) **That** the Planning Proposal be forwarded to the DPE for a Gateway Determination.
- (c) **That** Council requests the DPE that Council be authorised to exercise its plan-making delegations for this Planning Proposal.
- (d) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks the advice of the LPP on a Planning Proposal for land at 45 Macquarie Street, Parramatta for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE).
2. The Planning Proposal seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) to reduce the curtilage of the archaeological site identified on Schedule 5 of the PLEP 2023 (SP94346, SP94348 & SP94349) to be consistent with the State Heritage Register (SHR) listing of the item.

SITE DESCRIPTION

3. The site has a primary street address of 45 Macquarie Street, Parramatta and is also identified as 30–32 Hunter Street and 140 Marsden Street, Parramatta (see **Figure 1**) (subject site).



Figure 1 – Item 02027 at 45 Macquarie Street, Parramatta, listed on the NSW State Heritage Register (SHR) as “Archaeological Site and associated artefacts” (highlighted in blue).

Note: Local Heritage listing outlined in yellow.

4. The site is a corner lot bounded by Marsden Street to the east, Hunter Street to the south and Macquarie Street to the north and has an area of approximately 4,900m². The site contains an existing high density mixed-use retail and commercial building, ground level retail with public piazza, six level commercial podium building, 16 level commercial tower, as well as an archaeological interpretation zone (consisting of the Phillip Ruddock Heritage Centre, exposed archaeological site and museum) and through site link.
5. The building located on the site has been strata subdivided to create the following strata lots (see maps at **Attachment 1**):
 - SP 94346 known as 45 Macquarie Street, Parramatta
 - SP 94347 known as 32 Hunter Street, Parramatta
 - SP 94348 known as 30 Hunter Street, Parramatta
 - SP 94349 known as 140 Marsden Street, Parramatta.
6. Parramatta Local Environmental Plan (PLEP) 2023 has identified the site as containing an archaeological item of local significance (A16). The PLEP listing of the archaeological item is limited to three of the strata titles: 45 Macquarie Street, Parramatta (SP 94346), 30 Hunter Street, Parramatta (SP 94348) and 140 Marsden Street, Parramatta (SP 94349).
7. The archaeological item is listed on the State Heritage Register as item 02027 “Archaeological Site and associated artefacts”.

BACKGROUND

8. On 1 March 2005 Council approved DA/1918/2003 for the demolition of an existing structure on site and construction of a nine storey mixed use building containing 137 residential units, 5,370sqm of commercial office space and 1,295sqm of retail space above three levels of basement car parking and strata subdivision.
9. An excavation permit (2004/S140/068) and modification of the original permit (2005/S144/014) were approved by Heritage NSW on 2 February 2005 and 5 August 2005 respectively. Archaeological investigations were carried out on the site between May and August 2005, which led to several discoveries on the site:
 - evidence of the footings of a convict hut;
 - evidence of occupation by a wheelwright;
 - evidence of the cellar of the Wheatsheaf Hotel, one of the earliest remnants of a hotel building; and
 - the footings of a larger colonial period cottage with a deep well.
10. After this discovery, Heritage NSW requested that the owners consider an opportunity for in situ conservation of the significant finds. Further investigations were undertaken to consider development options for the site that could accommodate an in-situ conservation.
11. Interim Heritage Order (IHO) No 101 under Section 24 of the Heritage Act 1977 (the Heritage Act) was applied to the site and was gazetted on 22 March 2006.
12. On 11 September 2006 Council approved DA/470/2006 for the construction of a mixed-use retail and commercial building, ground level retail with public piazza, six level commercial podium building, 16 level commercial tower, heritage interpretation space and strata subdivision, and an archaeological interpretation zone and through site link.
13. In 2009 Crown International Holdings Pty Ltd purchased the site. A State Significant Development application was submitted in 2010 to the then Department of Planning, Industry and Environment. It sought the redevelopment of the site for a 26 storey mixed use scheme consisting of 367 residential units, commercial and retail floor space, 6 levels of basement car parking, an archaeological display area and public plaza. This project was subject to a review by an independent Design Review Panel.
14. The proposed State Significant Development application was considered by the Independent Planning Commission and approved by the then Minister for Planning and Infrastructure on 28 October 2011.
15. On 21 March 2014 the subject site, then known as 134–140 Marsden Street, was listed as a local item of significance in the Parramatta City Centre Local Environmental Plan 2007 as Item 135 “Archaeological site” (see **Figure 2**), to replace the Interim Heritage Order.



Figure 2 - Subject site identified as Item 135 at 134-140 Marsden Street, Parramatta, listed on Schedule 5 of the Parramatta City Centre Local Environmental Plan 2007

16. The subject site was developed per the approved State Significant Development application. As part of this development, the Philip Ruddock Heritage Centre (see **Figures 3 and 4**) was opened on the site in December 2017 and is accessible to the public to walk through and view the exposed archaeological site and museum.



Figures 3 and 4 – Phillip Ruddock Heritage Centre interior (atparramatta.com)

17. On 5 July 2019, 45 Macquarie Street, Parramatta was listed on the NSW State Heritage Register (SHR) as item 02027, “Archaeological Site and associated artefacts” (see **Figure 1**). This State Heritage Listing was of a smaller footprint than the Local Heritage Listing.

18. The statement of significance for the State Heritage Listing highlights that two in situ archaeological displays at 45 Macquarie Street, Parramatta that form part of the Heritage Centre are of State heritage significance for their historical values demonstrating the development of Parramatta. The archaeological site contains a rare, well-preserved example of a 'convict hut', as well as later layers of the site's occupation as a bakery, wheel wrights workshop, masonry residence and evidence of the origins and expansion of the Shepherd and Flock Hotel.

CURRENT PLANNING CONTROLS

19. The Planning Proposal seeks to amend the curtilage of the archaeological site identified in the LEP to be consistent with the gazetted State Heritage Register listing. It does not seek to change the current zoning, height of building, floor space ratio or any other controls for the site. Under the provisions of the *Parramatta Local Environmental Plan 2023*, the following planning controls apply to the subject site:

- Heritage: Local (**Figure 5**)
- MU1 - Mixed Use zone (**Figure 6**)
- Maximum Height of Building (HOB) control of 54m (**Figure 7**)
- Floor Space Ratio (FSR) 6:1 (**Figure 8**).

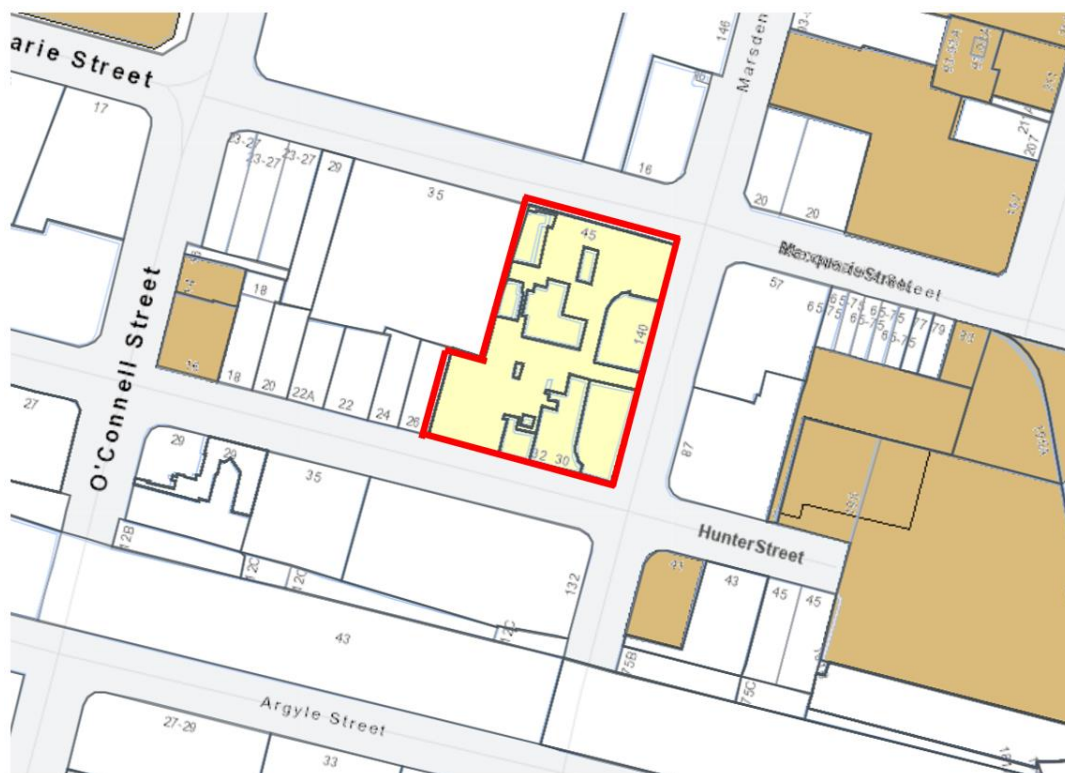


Figure 5 – Heritage (Local), Parramatta Local Environmental Plan 2023

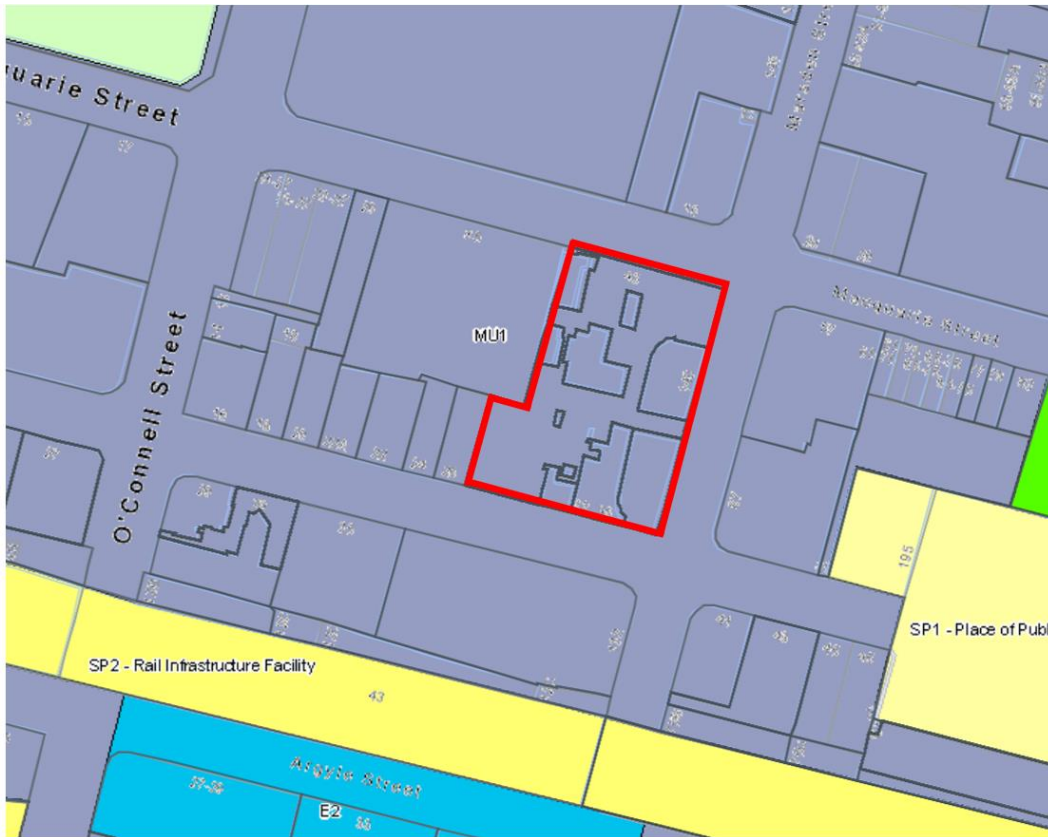


Figure 6 – Land Zoning Map, Parramatta Local Environmental Plan 2023



Figure 7 – Maximum Height of Building, Parramatta Local Environmental Plan 2023



Figure 8 – Floor Space Ratio, Parramatta Local Environmental Plan 2023

PLANNING PROPOSAL

20. On 2 August 2022 Council received a Planning Proposal (**Attachment 2**) for land at 45 Macquarie St, Parramatta seeking to amend the provisions of the Parramatta Local Environmental Plan 2011 (PLEP 2011) (now Parramatta Local Environmental Plan 2023) to modify the extent of the mapped archaeological site at the subject site.
21. Specifically, the proposal seeks to reduce the extent of the archaeological site A11 at 45 Macquarie Street, Parramatta listed on Schedule 5 of the PLEP 2011 which is now identified as A16 on Schedule 5 of the PLEP 2023 (see **Figure 9**). The Proposal seeks to align with the extent of the gazetted listing on the NSW State Heritage Register (SHR) of item 02027 (see **Figure 10**), “Archaeological Site and associated artefacts”.

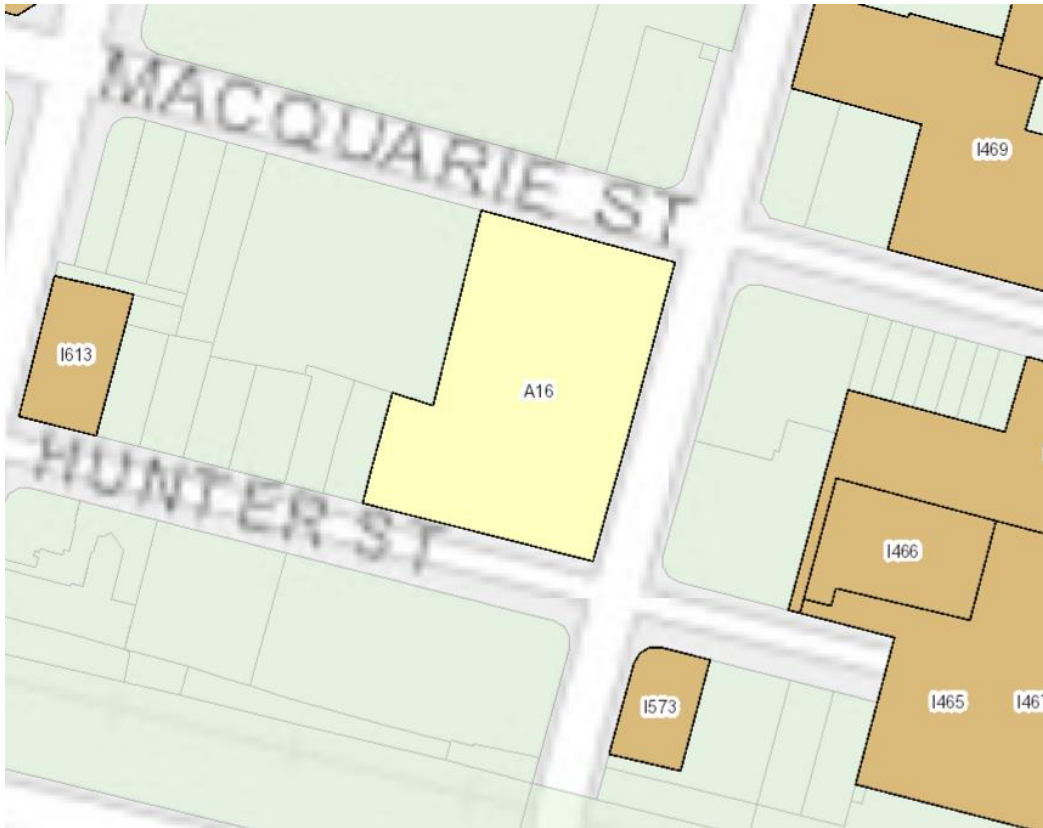


Figure 9 – Subject site identified as A16 at 45 Macquarie Street, Parramatta, listed on Schedule 5 of the PLEP 2023

22. The Proposal specifies that the extent of the archaeological site is to be limited to only the common area located on Basement Level 1, which is consistent with the NSW State Heritage Register plan (refer to **Figure 10** below).

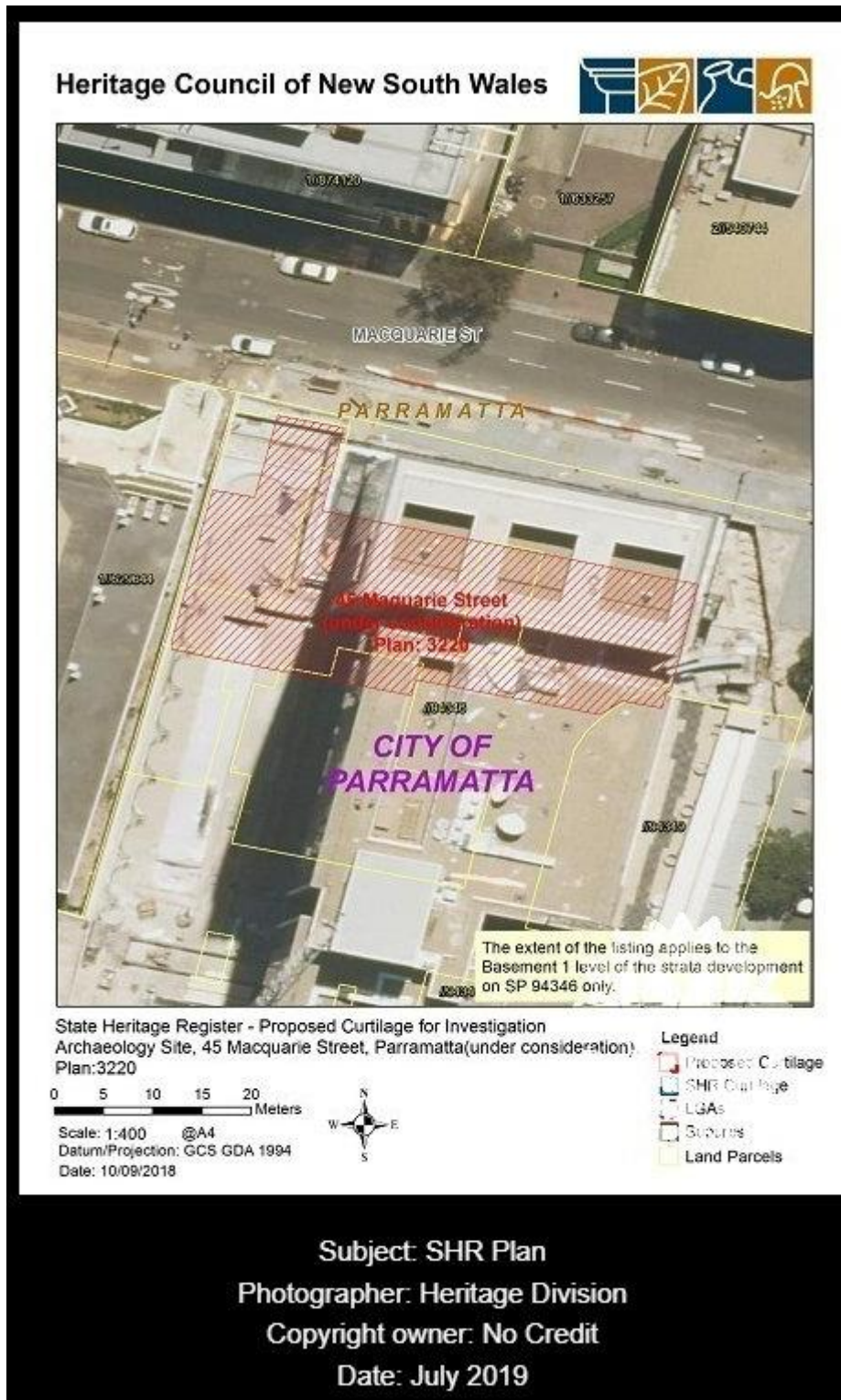


Figure 10 – NSW State Heritage Register Plan of item 02027 “Archaeological Site and associated artefacts”. Extent of the listing is shown hatched in red.

23. The Planning Proposal will enable exempt and complying development to take place under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the parts of the existing building that will be excluded from the listing without affecting the heritage significance of the archaeological remains, thus enabling minor types of development to take place without a requirement for a development application.
24. A copy of the Planning Proposal is provided at **Attachment 2**.

LOCAL & STRATEGIC CONTEXT

State Planning Policies

25. The Planning Proposal is generally consistent with the relevant state policies and planning strategies including the Greater Sydney Region Plan, Central City District Plan, and Ministerial Directions under Clause 9.1 of the Environmental Planning and Assessment Act 1979.
26. The Greater Sydney Region Plan: A Metropolis of Three Cities aims to create and renew great places and local centres, with respect to each District's heritage. Under Direction 4 - Liveability: A City of Great Places, Objective 13 states "*Environmental heritage is identified, conserved and enhanced*". This objective acknowledges that respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity. It highlights that this is particularly important for transitional areas, places experiencing significant urban renewal and where it is necessary to take account of the cumulative impacts of development on heritage values.
27. The Planning Proposal is in keeping with this objective as the buildings on site were carefully designed to respectfully combine them with the history and heritage of the site, evident in the archaeological interpretation zone and permanent exhibition area that is accessible to the public.
28. The Central City District Plan (CCDP) identifies Direction 3 - Liveability, Objective 13, Action 2c as the need to manage and monitor the cumulative impact of development on the heritage values and character of places. This Planning Proposal is consistent with this action, as it will align the local heritage listing of the site with the gazetted SHR listing whilst protecting the heritage values and character of the subject site if any future development is proposed.

Local Strategies

29. Councils are required to prepare a Local Strategic Planning Statement (LSPS) to set out the long-term vision for land use planning and respond to broader priorities identified in the District Plans and integrate with Council's Community Strategic Plan. The LSPS provides the local strategic planning framework, and any new planning proposal must justify any inconsistency with this framework, and the supporting Local Housing Strategy (LHS) and Employment Lands Strategy (ELS). Council's LSPS was published on 31 March 2020.
30. The proposal is consistent with the LSPS as it is consistent with Planning Priority 9: *Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs*. The proposal will not affect the heritage and cultural assets on the site, as there are no proposed physical changes to the site, with no archaeological remains existing beyond the SHR curtilage. The archaeological heritage will continue to be managed and protected under the existing arrangements.

ASSESSMENT OF KEY ISSUES

Heritage Considerations

31. A Heritage Assessment Report has been prepared by the applicant's heritage consultant GBA Heritage in support of the Planning Proposal. A copy of the heritage report is provided at **Attachment 3**.
32. The Heritage Assessment Report concludes that the Planning Proposal should be supported given that the current LEP boundaries and listing information of the surviving archaeological relics at the subject site should match those gazetted for the State Heritage Register listing. It notes that the reduced archaeological area is defined and enclosed by the concrete basement walls that surround the Philip Ruddock Heritage Centre.
33. On 1 November 2022 Parramatta's Heritage Advisory Committee (HAC) met to review the Planning Proposal. The Committee requested additional information to justify the need for the planning proposal, confirm what heritage value exists outside the area of the proposed reduced listing, and confirm any impacts of existing stratification on the proposed reduced listing. The HAC requested the additional information be reported back to the HAC for consideration.
34. On 15 March 2023 the applicant provided a written response to the request for additional information. The applicant's response detailed the need for the reduced listing as follows:
 - There is no surviving archaeology on the site beyond that now delineated in the SHR curtilage, therefore the additional area of LEP listing is incorrect to the extent that it is now redundant.
 - Sound heritage management processes need to be based on correct and up to date information.
 - The archaeological management implications arising from the relevant provisions of the LEP and the NSW Heritage Act must rely on accurate information.
 - The long term management of the building above the listed area, with its various common and privately owned strata lots, should be facilitated in a manner that is unencumbered by specific, but potentially redundant and unnecessary development control restrictions that would be generated if the LEP archaeology was not accurately defined.
35. The response stated that there was no archaeological significance associated with the remainder of the site outside of the proposed reduced listing. The reduced listing will contain the items of heritage value within one existing strata title and will not impact on their protection.

36. On 2 May 2023 the HAC met to review the additional information provided by the applicant and Council's internal heritage review.
37. The HAC resolved that the reduction of the LEP listing to align with the SHR curtilage is appropriate, as all remaining extant State significant historical archaeology within the site is limited to the SHR listing curtilage, and no changes are proposed to the existing SHR listed item including its mapped curtilage.
38. An examination of the State Heritage Listing has established that the location of the item within the building is described as being within the common property area of basement level 1 of SP 94346.
39. Council's Heritage Officer has reviewed the applicant's Heritage Assessment Report prepared by GBA Heritage along with additional information provided by the applicant. The Heritage Officer assessment concludes that the changes under the Planning Proposal are supported, noting that with regards to the presence and value of any physical archaeological relics outside the SHR listed area, there is no such archaeology surviving, with any other archaeology having been removed during the approved excavation for the now existing basements.
40. The Planning Proposal was referred to Heritage NSW for comment. Heritage NSW did not raise any objections, stating that amendments to LEPs for greater accuracy and better protection of local heritage are encouraged. Heritage NSW acknowledged that all remaining extant State significant historical archaeology within the site is limited to the SHR listing curtilage, and no changes are proposed to the existing SHR listed item including its mapped curtilage.
41. The Planning Proposal was also referred to the Dharug Ngurra Aboriginal Corporation and Deerubbin Local Aboriginal Land Council for comment, however no comments were received.
42. It is considered that the Planning Proposal has appropriately considered any heritage impacts.

Application of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

43. The applicant states in the Planning Proposal that it seeks to "permit ease of development modification to the contemporary building on the subject site".
44. The Planning Proposal will have the effect of enabling consideration of the application of the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for works proposed to parts of the building outside of the curtilage of the State Heritage Listed area.

PLAN MAKING DELEGATIONS

45. Revised delegations were announced in October 2012 by the then Minister for Planning and Infrastructure, allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan-making functions. Council has resolved that these functions be delegated to the CEO.
46. Should Council resolve to endorse the Planning Proposal to proceed, it is recommended that Council request that it exercise its plan-making delegations. This means that once the Planning Proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website.

CONSULTATION & TIMING

47. The Planning Proposal and supporting documents were referred internally to Council's Heritage Officer, Legal Services Unit and Council's Heritage Advisory Committee (HAC).
48. As noted earlier the Planning Proposal was referred to Heritage NSW for comment. Heritage NSW did not raise any objections, stating that amendments to LEPs for greater accuracy and better protection of local heritage are encouraged.
49. The Planning Proposal and supporting documents were also referred to Dharug Ngurra Aboriginal Corporation and Deerubbin Local Aboriginal Land Council, however no comments were received.
50. No public consultation has yet been undertaken relating to this Planning Proposal. Should Council resolve to proceed with the Planning Proposal, it (and all related information) will be submitted to the DPE for Gateway Determination. Community consultation will be undertaken in accordance with the Gateway Determination.

FINANCIAL IMPLICATIONS FOR COUNCIL

51. Should Council resolve to proceed with the Planning Proposal, the costs incurred in conducting the public exhibition will be covered by the Planning Proposal fees.

CONCLUSION AND NEXT STEPS

52. This report seeks the advice of the LPP to Council on the consideration of the Planning Proposal for 45 Macquarie Street, Parramatta to DPE for Gateway assessment. The Council officer recommendation is that the Planning Proposal be forwarded to the DPE for a Gateway Determination.
53. Following the Local Planning Panel's consideration of the proposal, the Planning Proposal will be considered by Council. Should the proposal be supported by

Council it will be forwarded to DPE for consideration for a Gateway Determination.




Rachel Machkevitch
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Group Manager, Major Projects and Precincts

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Executive Director City Planning and Design

ATTACHMENTS:

- | | | | |
|---|---|-------------------------------------|----------|
| 1 |  | Maps of Strata Lots at Subject Site | 2 Pages |
| 2 |  | Planning Proposal | 33 Pages |
| 3 |  | Heritage Report | 17 Pages |

REFERENCE MATERIAL

ATTACHMENT 1 – MAPS OF STRATA LOTS AT SUBJECT SITE



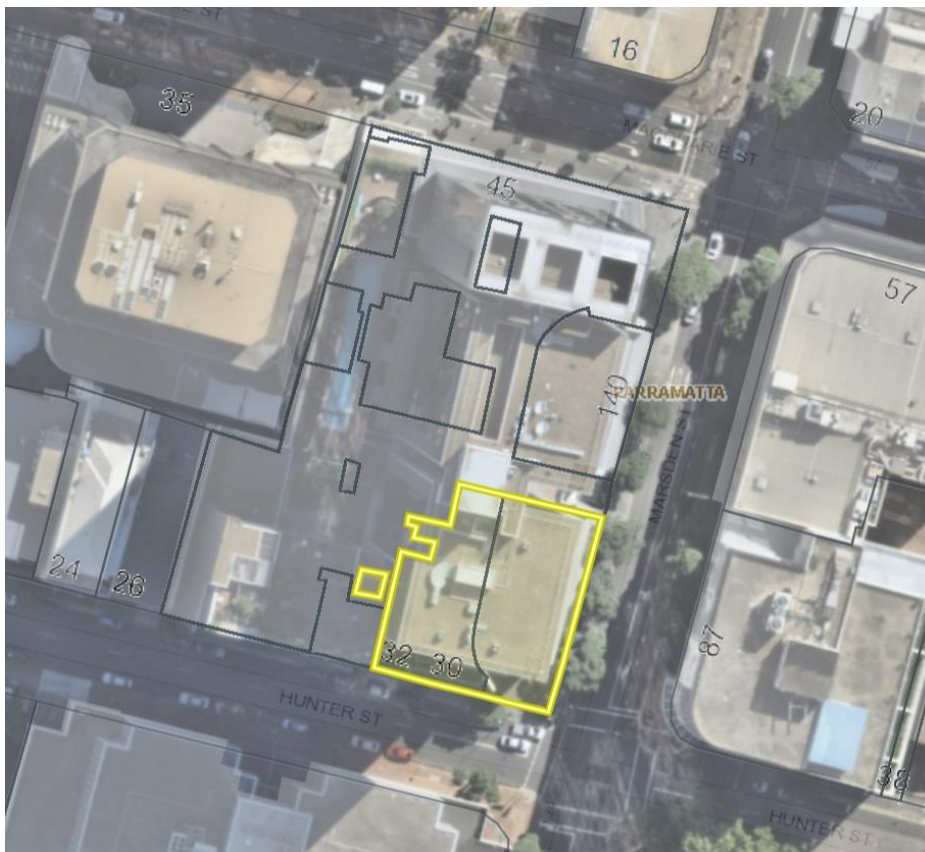
Land at subject site SP 94346 known as 45 Macquarie Street, Parramatta



Land at subject site SP 94348 known as 30 Hunter Street, Parramatta



Land at subject site SP 94349 known as 140 Marsden Street, Parramatta



Land at subject site SP 94347 known as 32 Hunter Street, Parramatta



PLANNING PROPOSAL

To amend the *Parramatta Local Environmental Plan 2011* by reducing the extent of the archaeological site identified as A11 at 45 Macquarie St Parramatta, listed on Schedule 5 of the LEP, (Lot 100, DP 12122216) and identified on the Heritage Map (HER10), to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts"

45 Macquarie Street, Parramatta

Prepared for: Owners of DP 1224002

REF: M210146

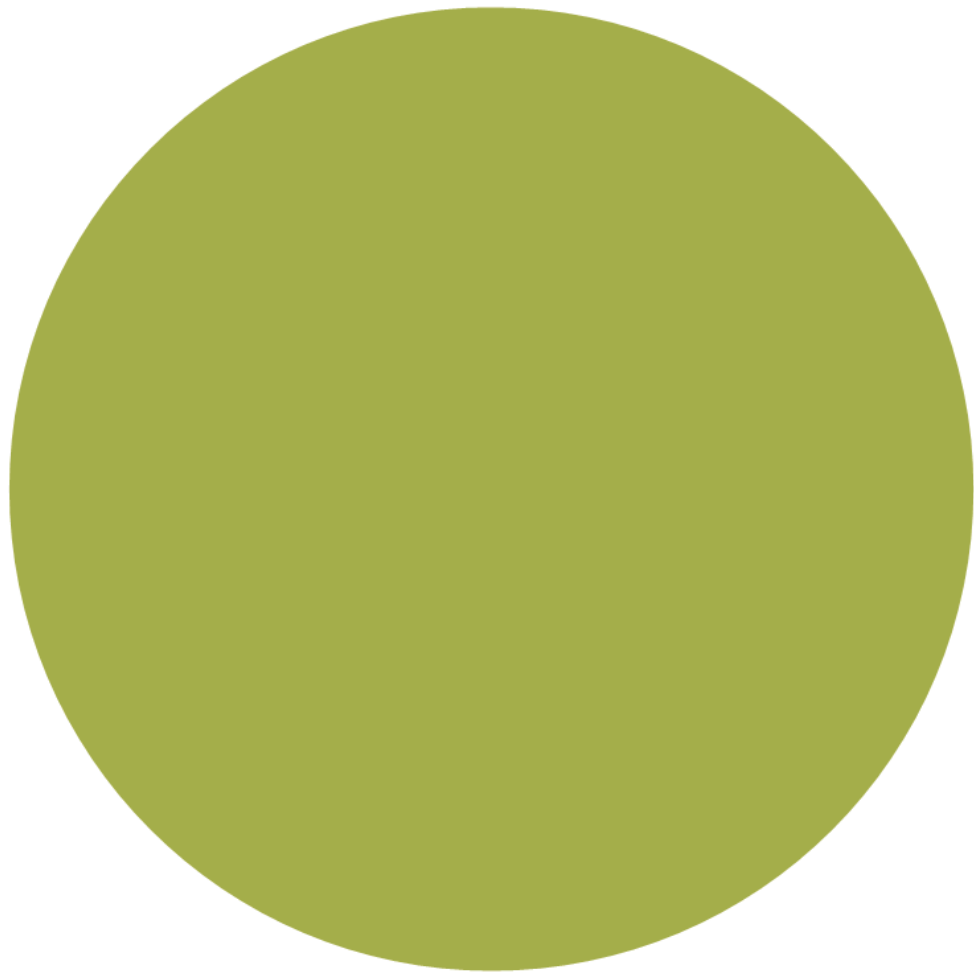
Date: 9 March 2022





PLANNING PROPOSAL

Prepared for: Owners of DP 1224002
REF: M210146
Date: 9 March 2022





Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION	2
2. LOCALITY AND SITE ANALYSIS	3
2.1 The context	3
2.1.1 Metropolitan Context	3
2.1.2 Local Context	3
2.2 The Site	4
2.3 Surrounding Development	7
3. EXISTING PLANNING PROVISIONS	8
3.1 Parramatta Local Environmental Plan 2011 (PLEP 2011)	8
3.2 Parramatta Development Control Plan 2011	11
4. DRAFT PLANNING PROVISIONS	12
4.1 Proposed Amendments	12
5. PLANNING PROPOSAL	13
5.1 Objectives or Intended Outcomes – Part 1 of The Guide	13
5.1.1 Objectives	13
5.1.2 Intended Outcomes	13
5.2 Explanation of Provisions – Part 2 of The Guide	13
5.3 Justification – Part 3 of The Guide	13
5.3.1 Section A - The Need for the Planning Proposal	14
5.3.2 Section B - Relationship to the Strategic Planning Framework	14
5.3.3 Section C - Environmental, Social and Economic Impacts	24
5.3.4 Section D - State and Commonwealth Interests	25
5.4 Strategic Merit Test	26
5.5 Mapping – Part 4 of The Guide	26
5.6 Community Consultation – Part 5 of The Guide	27
5.6.1 Project Timeline	27
6. CONCLUSION	29

FIGURES

Figure 1 Context Map from Metropolis of 3 Cities	3
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Figure 2 Context within the wider Parramatta locality (Source: NSW Planning Portal)	4
Figure 3 Aerial image (Source: NSW Government SIX Maps)	4
Figure 4 Contemporary mixed use development on site	5
Figure 5 Wheelwrights Workshop and Convicts Hut	6
Figure 6 Hotel Cellar	7
Figure 7 Key features in proximity to the subject site	7
Figure 8 Extract from PLEP Land Zoning Map (LZN_010) with the subject site edged in red	8
Figure 9 Extract from PLEP Heritage Map (HER_010) with the subject site edged in red	9
Figure 10 Extract from PLEP Height of Building (HOB_010) with the subject site edged in red	10
Figure 11 Extract from PLEP Floor Space Ratio Map (FSR_010) with the subject site in red	10
Figure 12 Extract from PLEP Acid Sulfate Soils Map (ASS_010) with the subject site in red	10
Figure 13 Extract from PLEP Land Reservation Acquisition Map (LRA_010) with the subject site in red	10
Figure 14 Extract from PLEP Additional Local Provisions Map (ALP_010) with the subject site in red	11
Figure 15 Extract from PLEP Heritage Map (HER_010) with the subject site in red	12
Figure 16 The Central River City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)	15
Figure 17 The Central City District Plan locality (Source: Central City District Plan)	17
Figure 18: Extract from PLEP Heritage Map (HER_010) with the subject site in red	27

TABLES

Table 2 Supporting Documents with this Planning Proposal	2
Table 3 Summary of Current Development Standards	9
Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions	16
Table 5 Central City District Plan	17
Table 6 Parramatta Community Strategic Plan 2018-2038	17
Table 7 Parramatta Local Strategic Planning Statement	18
Table 8 Relevant State Environmental Planning Policies	18
Table 9 Relevant Deemed State Environmental Planning Policies	21
Table 10 Section 9.1 Ministerial Directions	22





Executive Summary

This Planning Proposal seeks to amend the provisions of the *Parramatta Local Environmental Plan 2011* (PLEP 2011) for land at No. 45 Macquarie Street, Parramatta. Specifically, the Planning Proposal seeks to reduce the extent of the archaeological site identified as A11 at 45 Macquarie St Parramatta, listed on Schedule 5 of the LEP, (Lot 100, DP 12122216) and identified on the Heritage Map (HER10), to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* (SHR) as item 2027, "Archaeological Site and associated artefacts".

The Planning Proposal will seek to apply the heritage listing to the SP 94346 common area located at Basement level 1. This is currently identified as occupying the entirety of the site at Nos. 134-140 Marsden Street (including 45 Macquarie Street), Parramatta under Schedule 5 and the PLEP 2011 Heritage Map (Sheet HER_010). This Planning Proposal is to only apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn.

This Planning Proposal applies to the land which contains the archaeological site at No. 45 Macquarie Street, Parramatta. The Planning Proposal seeks to preserve the heritage significance of the archaeological site, however reduce its extent to apply only to the common area located on Basement level 1. This is supported by a Heritage Assessment Report and Heritage Inventory Sheet which has evaluated the heritage significance of the archaeological site and the proposed reduction of extents.

The Heritage Assessment Report prepared by *GBA Heritage* outlines the historical importance of the archaeological site and provides a description of its physical condition and an assessment of its heritage significance. The assessment has been undertaken following the guidelines in the NSW Heritage Manual which have provided guidance on the substance, structure and methodology for determining the existing heritage significance of the archaeological site. The heritage assessment has identified that the archaeological site, which is already identified as prominent and significant, will not be altered and will be conserved despite the proposed changes. The heritage assessment has considered the cultural significance of the site in accordance with *The Australia ICOMOS Burra Charter* and Heritage NSW criteria to ensure the reduced extent of the archaeological site will protect significance as is existing.

The Planning Proposal has been prepared in accordance with the NSW Department of Planning & Environment's *Guide to Preparing Planning Proposals* and has adequately addressed the relevant strategic and statutory planning considerations.

The proposed modification to reduce the extent of the archaeological site identified in the PLEP is considered to satisfy the requirements to enable the amendment of the PLEP and is submitted to Parramatta City Council for endorsement and submission to the Department of Planning, Industry and Environment for Gateway determination.



1. Introduction

This Planning Proposal has been prepared for the Owners of DP 1224002, at No. 45 Macquarie Street, Parramatta. It is submitted in support of an application to request that Council seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The Planning Proposal submitted with this report has been prepared in accordance with Section 3.33 of the EP&A Act as well as the NSW Department of Planning & Environment's publications "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

The primary intent of this submission is to initiate the Planning Proposal process to amend the *Parramatta Local Environmental Plan 2011* (PLEP) by seeking to reduce the extent of the archaeological site identified in Schedule 5 (A11) to only apply to the SP 94346 common area located at Basement level 1 at No. 45 Macquarie Street, Parramatta. This is to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

This Planning Proposal will subsequently modify the extent of the archaeological site as shown on the PLEP Heritage Map. The proposal will seek to only apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn. Currently, Schedule 5 identifies A11 as occupying the entirety of the site at Nos. 134-140 Marsden Street, Parramatta. As detailed, this Planning Proposal seeks to align the extent of the PLEP listed site (A11) with the SHR listing footprint. Of relevance, the formal listing of the site on the NSW SHR was gazetted on 5 July 2019 as is illustrated on SHR Plan 3220.

Submitted in support of this Planning Proposal application is a Heritage Assessment Report prepared by *GBA Heritage* that has evaluated the heritage characteristics of the archaeological site. The proposal will not seek to alter the heritage significance of the archaeological site and is consistent with local and state government planning strategies and will protect the heritage of the existing site within the Parramatta LGA.

This application for a Planning Proposal has been informed by the following documents:

Document	Author
Heritage Assessment Report	GBA Heritage
Heritage Inventory Sheet	GBA Heritage

This report is divided into six sections including a locality and site analysis, existing planning provisions, draft planning provisions, the Planning Proposal and a conclusion.



2. Locality and Site Analysis

2.1 THE CONTEXT

2.1.1 Metropolitan Context

The subject site is located in Parramatta. The site is within the urbanised area under the Central River City Plan.

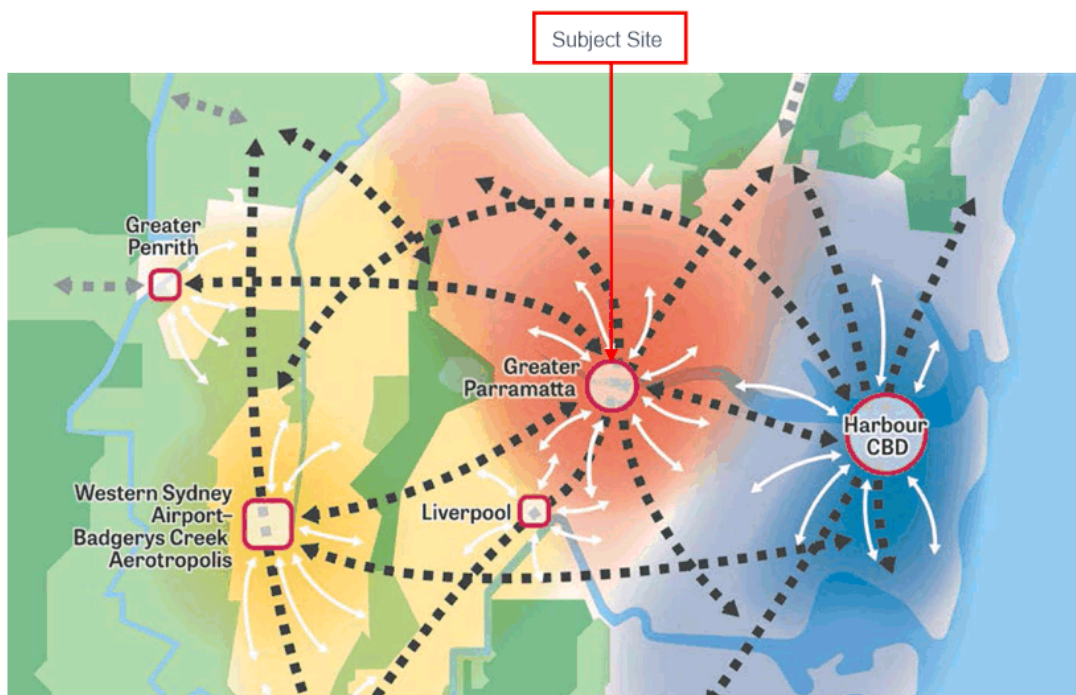


Figure 1 Context Map from Metropolis of 3 Cities

2.1.2 Local Context

The subject site is located within the dense urbanised area of the Parramatta CBD. The subject site contains frontages to Hunter, Marsden and Macquarie Street. The site contains an existing high density mixed use development and is characteristic of the dominant built form in the locality, being medium to high rise structures. The local character is characterised by a range of development and architectural styles. The site and its context within the Parramatta CBD locality is illustrated on the zoning map extract in Figure 2.



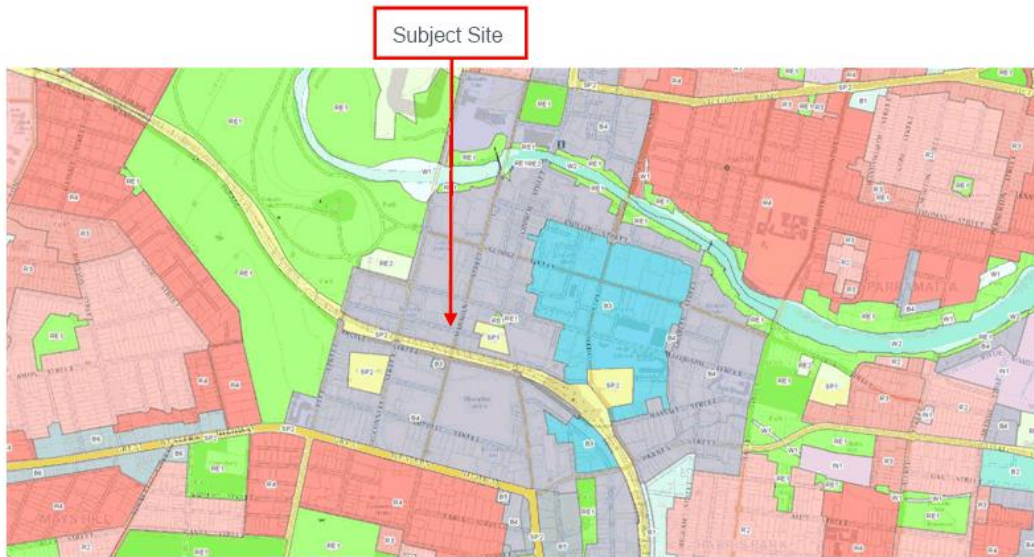


Figure 2 Context within the wider Parramatta locality (Source: NSW Planning Portal)

2.2 THE SITE

The subject site comprises a corner lot with an area of approximately 4,900m² having a legal description of Lot 100 in DP 1212216. The site is identified as No. 45 Macquarie Street, Parramatta. The location of the subject site is shown edged red in the aerial image provided at Figure 3.



Figure 3 Aerial image (Source: NSW Government SIX Maps)

Pedestrian access to the site is from the corner of Macquarie and Marsden Street with vehicular access provided from Hunter Street. The site is occupied by a high density, contemporary mixed use development with the archaeological site located within the common property on basement level 1. The archaeological items include the 'Site of Convict Hut', 'Wheelwrights Workshop' and 'Hotel Cellar and Associated Archaeological Remains'. As detailed, the formal listing of the archaeological items on the NSW SHR was gazetted on 5 July 2019 per SHR Plan 3220.

Photographs of the subject site depicting existing conditions and archaeological site are provided in the following figures. Further photographic imagery of the site and its heritage and local context are included in the Heritage Assessment Report provided with the submission.



Figure 4 Contemporary mixed use development on site



Figure 5 Wheelwrights Workshop and Convicts Hut

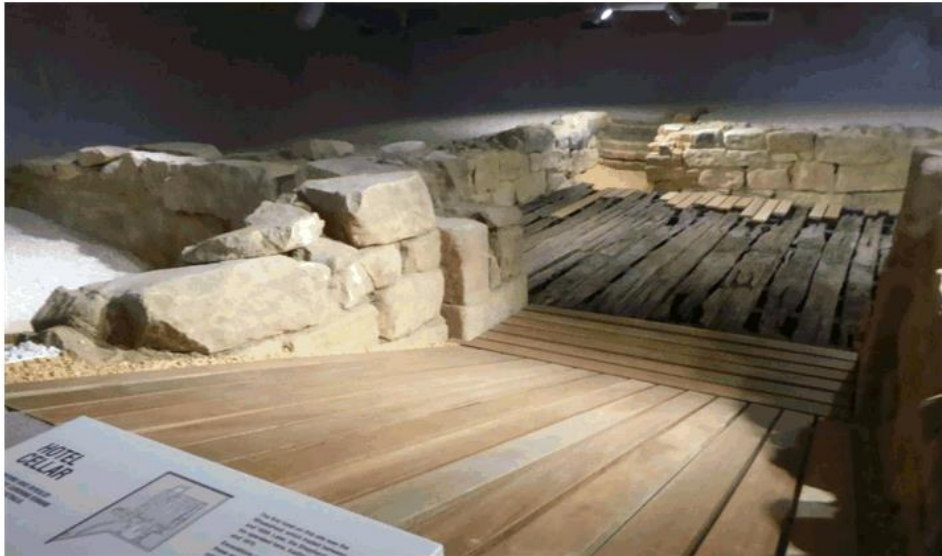


Figure 6 Hotel Cellar

2.3 SURROUNDING DEVELOPMENT

The site is located within the Parramatta CBD that comprises of medium to high density developments with differing architectural characters reflecting various eras of development. The subject site is directly adjoined by the B4 Mixed Use zone which contains a variety of commercial, community, religious and residential uses.

The aerial image provided at **Figure 7** indicates key features of the immediate area.



Figure 7 Key features in proximity to the subject site

3. Existing Planning Provisions

3.1 Parramatta Local Environmental Plan 2011 (PLEP 2011)

The land is zoned B4 Mixed Use under the PLEP 2011. The objectives of the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

No changes to the zoning of the land are proposed in this application for a Planning Proposal. An extract of the PLEP Land Zoning Map is provided in **Figure 8** below.



Figure 8 Extract from PLEP Land Zoning Map (LZN_010) with the subject site edged in red

The entirety of the site is identified as a heritage item, A11 ('*Archaeological Site*') being Nos. 134-140 Marsden Street (Lot 1, DP 953138; Lot 1, DP 1079113; Lots 1 and 2, DP 213184; Lot 1, DP 61073; Lot 1, DP 539968; Lots 101, 102 and 103, DP 785428; Lots A, B and C, DP 82967). As discussed in this Planning Proposal, it is sought to reduce the extent of this *Archaeological Site* to only apply to the common areas in basement level 1 per Strata Plan 94346 in accordance with the NSW SHR Plan 3320. An extract of the PLEP Heritage Map is provided in **Figure 9** below.

Figure 10 Extract from PLEP Height of Building (HOB_010) with the subject site edged in red



Figure 11 Extract from PLEP Floor Space Ratio Map (FSR_010) with the subject site in red

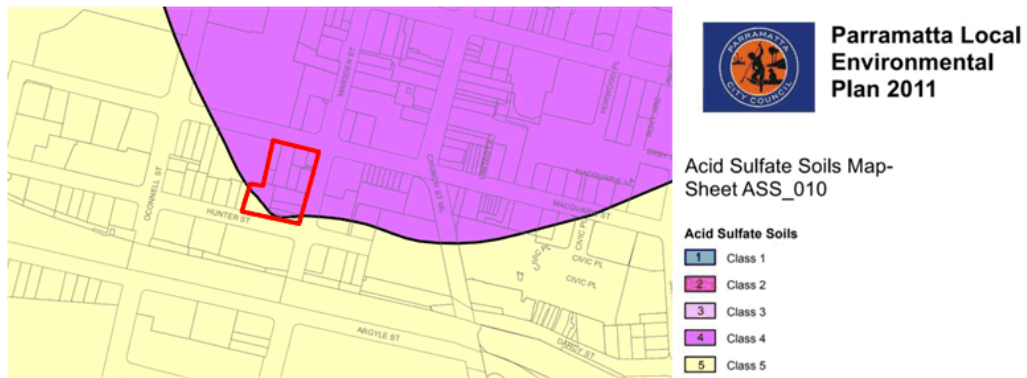


Figure 12 Extract from PLEP Acid Sulfate Soils Map (ASS_010) with the subject site in red

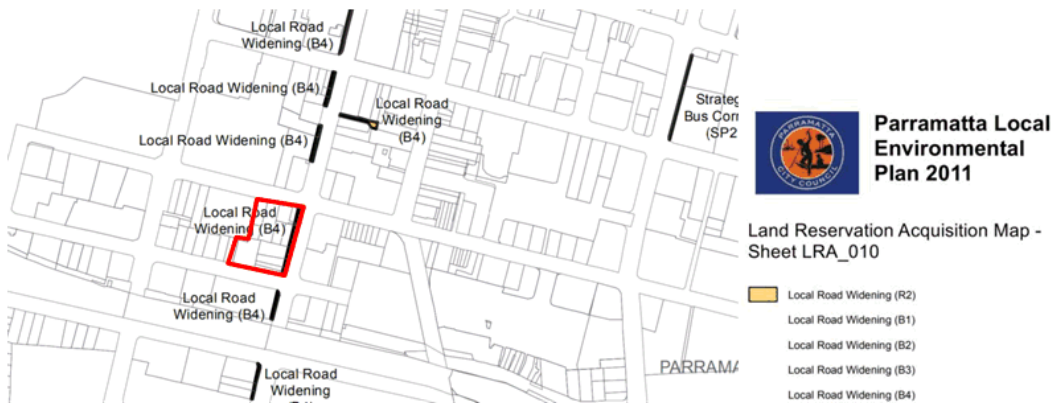


Figure 13 Extract from PLEP Land Reservation Acquisition Map (LRA_010) with the subject site in red

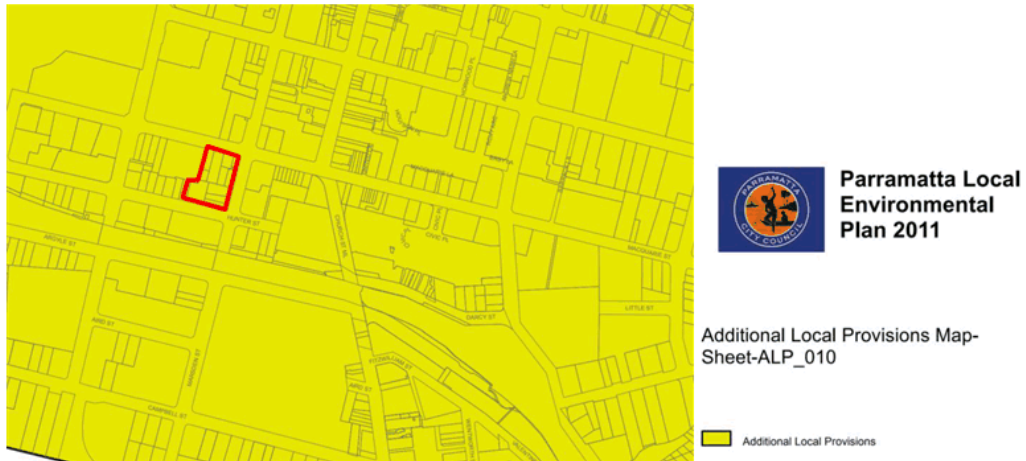


Figure 14 Extract from PLEP Additional Local Provisions Map (ALP_010) with the subject site in red
 The land is not known to be subject to any other environmental constraints.

3.2 Parramatta Development Control Plan 2011

The Parramatta Development Control Plan (PDCP) 2011 applies to the subject site and its surrounds. Any development proposals either on the site or on adjoining sites are required to address any relevant PDCP controls.

The site is within the Parramatta City Centre as identified in Part 4, Section 4.3.3 of the PDCP which specifies objectives for the precinct and outlines the various controls that any new development proposals are required to address. The proposed reduction to the extent of area identified as part of the archaeological site is consistent with the objectives and controls of the Parramatta City Centre and will not impact on its continued application.

4. Draft Planning Provisions

4.1 Proposed Amendments

This Planning Proposal request seeks to reduce the extent of the land included in Schedule 5 of the PLEP as an archaeological site and as a result, it will require an amendment to the Heritage Map to identify the land. This will only include select portions of the land identified within the common area of Basement level 1 under SP 94356 at No. 45 Macquarie Street, Parramatta. This is to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

An extract of the current Heritage Map is provided in **Figure 15**.

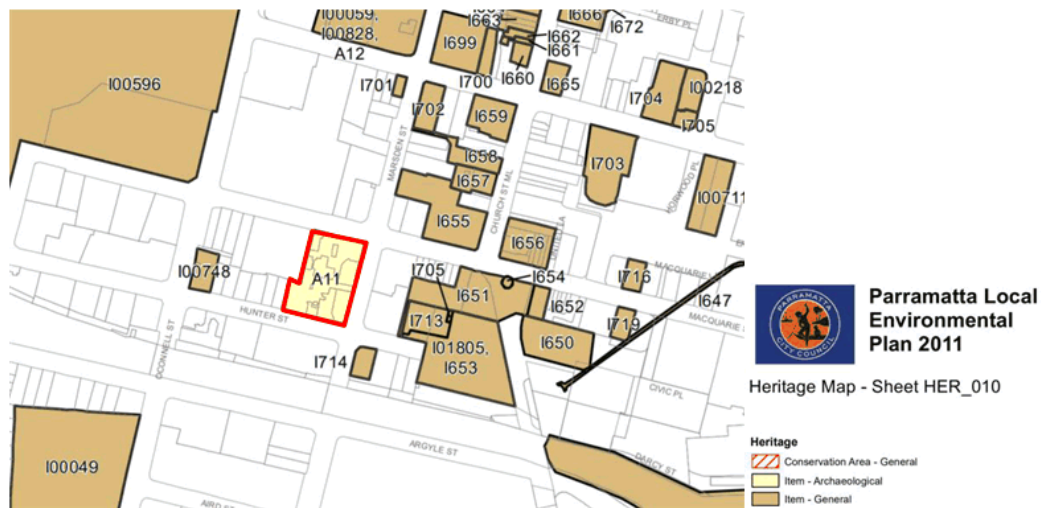


Figure 15 Extract from PLEP Heritage Map (HER_010) with the subject site in red
The revised Heritage Map will be prepared by Parramatta City Council.



5. Planning Proposal

5.1 Objectives or Intended Outcomes – Part 1 of The Guide

5.1.1 Objectives

The objective of this Planning Proposal is to reduce the extent of the archaeological area to only apply to the common area of SP 94346 located in Basement Level 1 at No. 45 Macquarie Street, Parramatta. This is to only apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn. This will align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

5.1.2 Intended Outcomes

The Planning Proposal will amend Schedule 5 and the Heritage Map of the PLEP 2011 to modify the area and reference of the archaeological area currently identified as A11 at Nos. 134-140 Marsden Street, specifically, Lot 1, DP 953138; Lot 1, DP 1079113; Lots 1 and 2, DP 213184; Lot 1, DP 61073; Lot 1, DP 539968; Lots 101, 102 and 103, DP 785428; Lots A, B and C, DP 82967. The proposal will seek to reduce the extent of this area to the common area under SP 94346 within Basement Level 1 and apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn in accordance with the NSW SHR.

The modification to the extent of this archaeological site in Schedule 5 of PLEP 2011 will mean that any future exempt and complying development pertaining to the mixed use development will not be affected by the heritage item. As existing, any future development applications either on the subject site or on any land within its vicinity will need to consider the provisions of Clause 5.10 of PLEP 2011. This will maintain the statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of the archaeological site.

5.2 Explanation of Provisions – Part 2 of The Guide

The proposed outcome will be achieved by amending the PLEP to:

- Modify the heritage listing for the archaeological site to only include the common area under SP 94346 of Basement Level 1 at No. 45 Macquarie Street, Parramatta in Part 3 (Archaeological Sites) of Schedule 5 Environmental Heritage, and
- Amend the Heritage Map (Sheet HER_010) of the PLEP to modify the land containing the archaeological site (SP 94346) to align with the NSW SHR.

5.3 Justification – Part 3 of The Guide

This section details the reasons for the proposed LEP amendments and is based on a series of questions as outlined in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*'. The matters to be addressed include the strategic planning context of the amendments, potential State and Commonwealth agency interests, environmental, social and economic impacts.

The planning proposal has strategic merit. The heritage significance of the archaeological site which has been previously established will not be affected by the proposal. This Planning Proposal will seek to modify the extent to which this heritage item applies and will permit the ease of development (namely, exempt and complying development



under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* at the subject site without affecting heritage significance. This is established by the assessment undertaken by GBA Heritage. As detailed, the proposal will align with the recently gazetted NSW SHR listing.

These matters are further discussed below in Parts 5.3.1 to 5.3.3 of this report.

Questions for consideration in demonstrating justification

5.3.1 Section A - The Need for the Planning Proposal

Q1: Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. There are no strategic studies or reports that directly address the subject site. However, the continued conservation of the archaeological site is consistent with the Local Strategic Planning Statement (City Plan 2036) in relation to conservation of heritage.

The planning proposal is the result of requirements of the owners of DP 1224002 and the recommendations of the Heritage Assessment Report prepared by *GBA Heritage*. The report concludes that the reduction of extent pertaining to the archaeological site pertaining to the Basement Level 1 under SP 94346 will continue meet criteria for listing as a heritage item. The report concludes the following:

- *The retained archaeological relics have already been reduced in extent by the construction of the high-rise residential building, as approved by HNSW and PCC.*
- *The reduced archaeological area is now defined and enclosed by the concrete basement walls that surround the Archaeological Display Centre.*
- *The retained archaeological relics are protected and conserved under the relevant provisions of the Heritage Act NSW, 1977.*
- *The ownership of the archaeological relics and the Display Centre fall within the strata title framework of the remainder of the building and site.*
- *The clarification of the confined extent of the heritage listed archaeological relics will enable changes and upgrades to the remainder of the high-rise building at 45 Macquarie Street to be approved by the relevant consent authority without any need to consider potential heritage impacts on the archaeology.*

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. The objective of this planning proposal is to amend the extent of the archaeological site in Schedule 5 of the PLEP and Heritage Map (HER_010). The best, and only, means of achieving this objective is through the planning proposal process.

The reduced extent will continue to provide ongoing protection and recognition of the heritage significance of the archaeological site. There are no other options, such as adding site-specific objectives and controls to the Parramatta DCP, which will reduce the extent to which the PLEP applies which providing a high level of heritage protection and recognition.

5.3.2 Section B - Relationship to the Strategic Planning Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives and actions of the Greater Sydney Region Plan: A Metropolis of Three Cities and the Central River City Plan, as discussed below.





A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan*. The new Regional Plan contains a revised ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy identifies the site as being located within the "Central River City" as detailed in **Figure 16**.

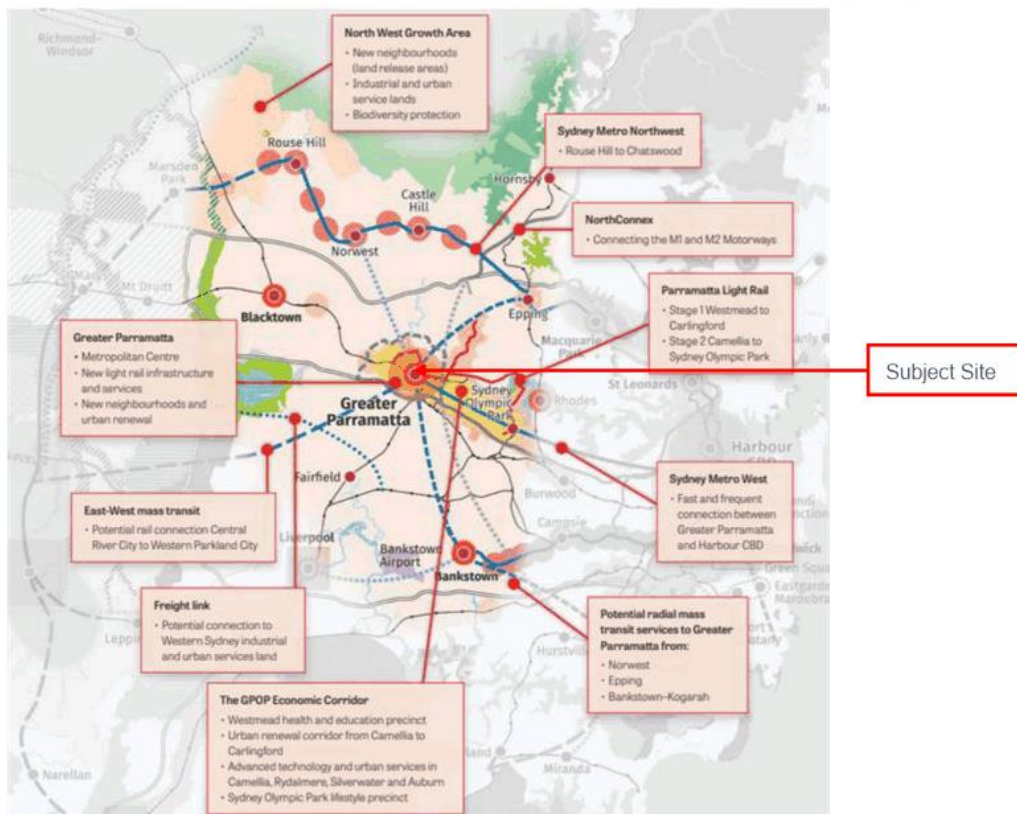


Figure 16 The Central River City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.



Table 3 Greater Sydney Region Plan: A Metropolis of Three Cities Directions	
Direction 4 – Liveability	
Objective 13: Environmental heritage is identified, conserved and enhanced	
<p>This planning proposal seeks to reduce the extent of the archaeological site in Schedule 5 (A11) to only apply to the SP 94346 common area located at Basement level 1. This Planning Proposal will not alter the heritage protection and recognition of the archaeological site and is therefore consistent with Objective 13.</p>	

Central City District Plan

In March 2018, the Greater Sydney Commission released the Central City District Plan. The Central City District Plan is a guide to implementing the Greater Sydney Region Plan at a District level. It provides a 20-year plan to manage growth and achieve the 40 year vision.

The Central City District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

The District Plan outlines actions for how the Central City District will work towards meeting the priorities and objectives of the Regional Plan. **Figure 17** details the land within the Central City District Plan.

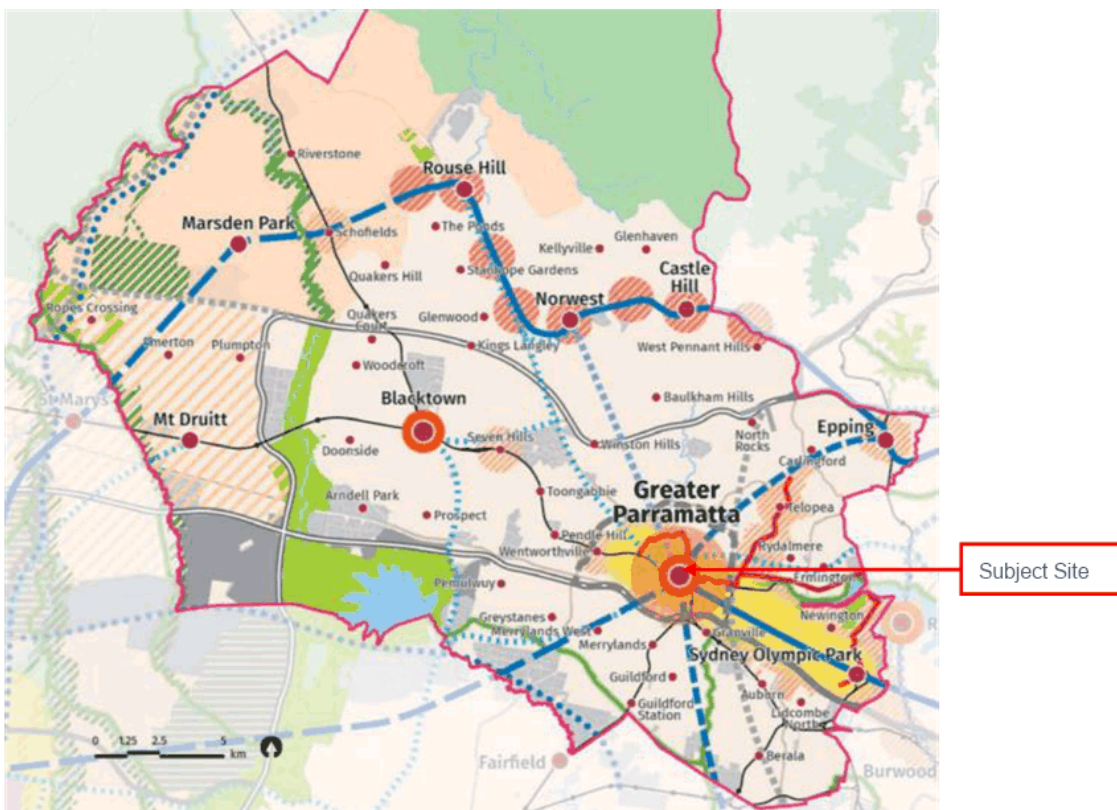




Figure 17 The Central City District Plan locality (Source: Central City District Plan)

The Proposal supports a number of the actions outlined in the plan as outlined in the following table:

Table 4 Central City District Plan
Direction 3 – Liveability
Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage
This Planning Proposal seeks to reduce the extent to which the archaeological site applies to only the physical area as identified in this Report. The proposal will continue to conserve the environmental heritage of the archaeological site within the Parramatta LGA. The proposal will continue to identify, conserve, interpret and celebrate Parramatta's heritage values as is currently existing whilst improving the potential of owners of the building on-site.

Q4: Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the Parramatta Local Strategic Planning Statement (City Plan 2036) and Parramatta Community Strategic Plan, 2018-2038.

Parramatta Community Strategic Plan, 2018-2038

The Parramatta Community Strategic Plan, 2018-2038, was adopted by Council after extensive community engagement. The Plan has been prepared by Council through a series of community consultations. This Plan sets out the community's vision to 2038 and sets out six long term community goals to deliver that vision:

- Goal One: Fair - *'We can all benefit from the opportunities our city offers'*.
- Goal Two: Accessible – *'We can all get to where we want to go'*.
- Goal Three: Green – *'We care for and enjoy our environment'*.
- Goal Four: Welcoming – *'We celebrate culture and diversity - past, present and future'*.
- Goal Five: Thriving – *'We benefit from having a thriving CBD and local centres'*.
- Goal Six: Innovative – *'We collaborate and champion new ideas to create a better future'*.

The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Parramatta Community Strategic Plan:

Table 5 Parramatta Community Strategic Plan 2018-2038
Goal 4 – Welcoming
4.3 Respect, protect and celebrate our shared living histories of Parramatta and embrace our heritage
This planning proposal will continue to protect and recognise the heritage significant of the archaeological site within the Parramatta LGA. The proposal will continue respect, conserve and celebrate Parramatta's heritage values and will maintain understanding of history.

Parramatta Local Strategic Planning Statement

The Parramatta Local Strategic Planning Statement commenced in March 2020.

Local Strategic Planning Statements (LSPS) are a new legislative requirement for Councils, requiring a 20-year vision for land use, as well as outlining strategies for managing change and preserving the unique character of their areas. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Parramatta area. The LSPS will align with the Community Strategic Plan and Central City District Plan.



The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Parramatta LSPS:

Table 6 Parramatta Local Strategic Planning Statement

Planning Priority 9: Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs

Actions 52 to 54 of this planning priority seek to ensure that heritage is conserved:

A52 Complete the Integrated Heritage Strategy project for community consultation and implementation to better manage and promote the City of Parramatta's Indigenous and European heritage.

A53 Investigate potential development controls to guide the adaptive re-use of heritage items in the Parramatta North Precinct, noting its National heritage significance.

A54 Investigate ways to enhance, embellish and revitalise our Heritage Conservation Areas.

This planning proposal will only seek to reduce the area to which the archaeological site applies and will continue to conserve the environmental heritage of Parramatta LGA. The proposal will continue to manage, protect and promote the heritage character of the archaeological site. The proposal will satisfy the above actions.

Q5: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies (refer to Tables 8 & 9 below).

Table 7 Relevant State Environmental Planning Policies

SEPP	Application and Consistency
SEPP No. 19- Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 21- Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 33- Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 36- Manufactured Home Estates	Not Applicable.
SEPP No. 47-Moore Park Showground	Not Applicable.
SEPP No. 50- Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 55- Remediation of Land	Applicable

Table 7 Relevant State Environmental Planning Policies	
SEPP	Application and Consistency
	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 65 Design Quality of Residential Apartment Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70- Affordable Housing (Revised Scheme)	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable. There is no land in the Parramatta LGA currently identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
SEPP (Activation Precincts) 2020	Not applicable. There are no activation precincts identified in the Parramatta LGA.
SEPP (Affordable Rental Housing) 2009	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable. Consistent, however, the site is not identified within any of the coastal areas. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Education Establishments and Child Care Facilities) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable.

Table 7 Relevant State Environmental Planning Policies	
SEPP	Application and Consistency
	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. Modification to the land as an archaeological site will have the effect on certain works being carried out as either exempt or complying development.
SEPP (Gosford City Centre) 2018	Not Applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not Applicable.
SEPP (Koala Habitat Protection) 2021	Not Applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable.
SEPP (Kurnell Peninsula) 1989	Not Applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable.
SEPP (Major Infrastructure Corridors) 2020	Not applicable. The planning proposal does not apply to land within a future infrastructure corridor or the adjacent land.
SEPP (Penrith Lakes Scheme) 1989	Not Applicable.
SEPP (Primary Production and Rural Development) 2019	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable.

SEPP	Application and Consistency
SEPP (Sydney Region Growth Centres) 2006	Not Applicable.
SEPP (Three Ports) 2013	Not Applicable.
SEPP (Urban Renewal) 2010	The site is not identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not Applicable.
SEPP (Western Sydney Employment Area) 2009	Not Applicable.
SEPP (Western Sydney Parklands) 2009	Not Applicable.

Sydney Regional Environmental Plans (deemed State Environmental Planning Policies)	Application and Consistency
SREP No. 8 (Central Coast Plateau Areas)	Not applicable.
SREP No. 9 – Extractive Industry (No. 2 – 1995)	Not applicable.
SREP No. 16 – Walsh Bay	Not applicable.
SREP No.20 – Hawkesbury-Nepean River (No. 2 – 1997)	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 – St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
SREP (Sydney Harbour Catchment) 2005	Applicable. Consistent. The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles. The site is not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The consistency of the Planning Proposal with the relevant Ministerial Directions is demonstrated in Table 10 below.

Table 9 Section 9.1 Ministerial Directions	
Ministerial Direction	Applicability and Comments
1. Employment and Resources	
1.1 Business and Industrial Zones	The proposal will not impacted the objectives or operation of the B4 Mixed Use zone.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2 Coastal Management	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3 Heritage Conservation	Applicable. Consistent. The archaeological site will continue to be protected and recognised of its heritage significance and is therefore consistent with this direction.
2.4 Recreation Vehicle Areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
2.6 Remediation of Contaminated Land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Applicable. Consistent. The subject land is zoned for mixed use purposes which permits significant residential development. The planning proposal does not contain any provision which is contrary to the operation of this direction.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.
3.3 Home Occupations (Revoked 9 November 2020)	Not applicable.
3.4 Integrating Land Use and Transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.

Table 9 Section 9.1 Ministerial Directions	
Ministerial Direction	Applicability and Comments
3.5 Development Near Regulated Airports and Defence Airfields	Not applicable.
3.6 Shooting Ranges	Not applicable.
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Applicable. Consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	Applicable. Consistent. Existing flood prone land will not be altered by the planning proposal.
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Not applicable.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail development along the Pacific Highway, North Coast	Not applicable.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)(Revoked 18 June 2010)	Not applicable.
5.6 Sydney to Canberra Rail Corridor (Revoked 10 July 2008)	Not applicable.
5.7 Central Coast (Revoked 10 July 2008)	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the Greater Sydney Regional Plan: A Metropolis of Three Cities, particularly Objective 13 'Environmental heritage is identified, conserved and enhanced.' The proposal will continue to provide ongoing protection and recognition of the heritage significance of the archaeological site.
5.11 Development of Aboriginal Land Council land	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Applicable.

Table 9 Section 9.1 Ministerial Directions	
Ministerial Direction	Applicability and Comments
	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2 Reserving Land for Public Purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Not applicable. The planning proposal does not allow a particular development to be carried out.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney (Revoked 9 November 2020)	Not applicable.
7.2 Implementation of Greater Macarthur Land Release Investigation (Revoked 28 November 2019)	Not applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
7.8 Implementation of the Western Sydney Aerotropolis Plan	Not applicable.
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
7.12 Implementation of Greater Macarthur 2040	Not applicable.
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.

5.3.3 Section C - Environmental, Social and Economic Impacts

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.



Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. There are no other likely environmental effects expected to arise as a result of the planning proposal. The continual conservation of the archaeological site is unlikely to result in environmental harm and will be managed through any future development assessment process.

Q9: Has the planning proposal adequately addressed any social and economic effects?

Yes. The heritage assessment undertaken by GBA Heritage has considered that the significance of the archaeological site will be retained despite the reducing the extent to which this applies. The archeologically site is acceptable against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter*, being the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The planning proposal will continue to ensure the archaeological site meets the historic, aesthetic, research potential, rarity and representativeness criteria at local level.

The proposal to reduce the extent to where the archaeological site applies will still require any future development applications on the site or nearby to be considered against the heritage conservation provisions in Clause 5.10 of PLEP 2011. However, this proposal will improve the ability of the owners on-site to undertake minor exempt and complying works as the area to which the archaeological site applies will only apply to the common area of basement level 1 under SP 94346. With respect of development proposed carried out on any site that is within the vicinity of the item, the council will still have the power to require that an assessment be undertaken of the extent to which the carrying out of that development would affect the heritage significance of the item.

As is existing, to facilitate the assessment process, any future DA on the site will need to be accompanied by a heritage impact statement prepared by a suitably qualified professional. Any future DA on land in the vicinity of the item will also need to address and have regard for potential impacts on the heritage character. Accordingly, this will be unchanged in the preparation of an application on or adjoining a site which is listed as an archaeological site.

As detailed above, alteration to the area which the archaeological site applies will allow certain works to be carried out as either exempt or complying development.

5.3.4 Section D - State and Commonwealth Interests

Q10: Is there adequate public infrastructure for the Planning Proposal?

Yes. The planning proposal does not involve any amendments to the planning controls that will facilitate intensified development.

Currently, the existing mixed use development on the site has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The alteration to area which the archaeological site applies will have no bearing on this. The site has three frontages which provides adequate vehicular and pedestrian access. The locality is also serviced by regular public transport.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

If this planning proposal is supported by Council and a Gateway determination is issued, this will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation. The Gateway



determination may identify additional agencies to be consulted.

5.4 STRATEGIC MERIT TEST

The Department of Planning in Circular PS 18-012 issued 14 December 2018 released updated criteria relating to strategic merit. They include:

The key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. The Department has strengthened the Strategic Merit Test and proposals will now be assessed to determine if they are:

- *consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *consistent with a relevant local strategy that has been endorsed by the Department; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

As outlined at Section 5.3.2 of this Report, the proposal is consistent with the strategic planning documents prepared by the Greater Sydney Commission, including *A Metropolis of 3 Cities: The Greater Sydney Region Plan* and the *Eastern City District Plan*. The proposal is also consistent with the strategic planning documents prepared by Parramatta Council, including the *Parramatta Community Strategic Plan 2018-2038* and the *Parramatta Local Strategic Planning Statement (City Plan 2036)*. The proposal is consistent with these documents since it maintains the conservation of archaeological site of heritage significance.

Once satisfied that sufficient strategic merit exists for the development, the Department will then consider the site specific merit and have regard to the following:

- *the natural environment (including known significant environmental values, resources or hazards);*
- *the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The site is not subject to known significant environmental hazards, values or resources. Furthermore, the proposal is not anticipated to alter the demand for infrastructure, utilities and services to support the day to day demands of future land uses.

Based on the existing and likely future uses of land in the vicinity of the land subject to the proposal, the alteration to the extent of which the archaeological site applies will improve the ability for minor exempt and complying future development, however development applications will still be required to consider Clause 5.10 of the PLEP 2011.

5.5 Mapping – Part 4 of The Guide

The planning proposal will necessitate the amendment of the PLEP Heritage Map (Sheet HER_010) to reduce the extent of the land identified as containing the “archaeological site” within the common area of Basement Level 1 under SP 94346 at No. 45 Macquarie Street, Parramatta. The site is outlined in red on the Heritage Map extract below.





Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition



6. Conclusion

This Planning Proposal has been prepared for the Owners of DP 1224002, at No. 45 Macquarie Street, Parramatta. It has been prepared as part of an application to seek Council's support for the proposal and consequently seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment Act, 1979*. The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning publication "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

The intent of the application is to initiate the Planning Proposal process to amend the provisions of PLEP 2011 seeking to reduce the extent of the archaeological site in Schedule 5 (A11) to only apply to the SP 94346 common area located at Basement level 1 at No. 45 Macquarie Street, Parramatta. This Planning Proposal will subsequently modify the extent of the archaeological site as shown on the PLEP Heritage Map. As detailed, this is to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

The Planning Proposal is consistent with local, regional and state planning strategies for the Parramatta LGA and the Central River City Plan within the Sydney Metropolitan Area. The Planning Proposal continues to protect and conserve the heritage significance and cultural values of the archaeological site and permit ease of development modification to the contemporary building on the subject site. As such, given the minimal impact it is considered worthy of Council's support.



Planning Proposal LEP Archaeological Listing V by Crown

October 2021

The General Manager
City of Parramatta Council
PARRAMATTA NSW

Dear Sir

HERITAGE ASSESSMENT REPORT LEP ARCHAEOLOGICAL LISTING 45 MAQUARIE ST, PARRAMATTA

On behalf of the owners of the V by Crown mixed use development at 45 Macquarie Street, Parramatta we have pleasure in providing this Heritage Assessment Report in support of a Planning Proposal, prepared by Planning Ingenuity in relation to the State Listed Archaeological resources at the above property.

The Planning Proposal, which has been prepared by Planning Ingenuity and is attached to this letter, is described as follows:

To amend the Parramatta *Local Environmental Plan 2011* by reducing the extent of the archaeological site, identified as A11 at 45 Macquarie St Parramatta, listed on Schedule 5 of the LEP, (Lot 100, DP 12122216) and identified on the Heritage Map (HER10), to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register*. as item 2027, "Archaeological Site and associated artefacts".

The subject archaeological site was revealed in c2015 as part of the preliminary excavations for a future multi-story tower to be erected on the western corner of Macquarie, Marsden and Hunter Streets. This whole site was subsequently listed as an archaeological site (Item A11) on Parramatta LEP 2011.

Subsequent discussions with the Director and Senior Archaeologist at Heritage NSW, (then OEH) determined that, while the relics identified along the northern portion of the site were likely to be of State Heritage significance, the process of designing and approving a high rise mixed use residential tower, required a degree of flexibility in the statutory definition of the most important relics prior to a formal listing on the NSW State Heritage Register.

As part of the recognition of the value and significance of the archaeology, the proponent and HNSW agreed that a full-scale Archaeological Display and Interpretation Centre for visiting members of the public and scholars, should be developed around the actual relics. The resultant basement level Archaeological Centre is readily identifiable from the large opening in the ground floor level northern plaza of the V by Crown building at 45 Macquarie Street.

The final physical configuration of the Display Centre was selected as the limit of the State Heritage Register listed site. This Planning Proposal seeks to align the extent of the PLEP listed site (A11) with the that SHR listing footprint. For consistency, it proposes to use identical information from the SHR Heritage Inventory for the site.

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THE STATE HERITAGE LISTING OF THE ARCHAEOLOGY

The formal listing of the site on the NSW State Heritage Register was gazetted on 5 July 2019 and is illustrated on SHR Plan 3220. It is also illustrated on the attached survey plan by Crown Landmark Developments Pty Ltd.

STATEMENT OF SIGNIFICANCE +

The formal **Statement of Significance** for the V by Crown Archaeological Site is:

The two in situ archaeological displays at 45 Macquarie Street, Parramatta are of state heritage significance for their historical values demonstrating the development of Parramatta, the second settlement in NSW, from a Goal Town to a Market Town between the years 1790 and 1823. The in situ remains and wealth of individual artefacts collected from the site, some of which are on permanent display, are compelling evidence of the important role of convicts, native born and free migrants in this transformation.

The archaeological site is of state significance as pollen samples from the site are evidence of the first crops, including cereal crops of barley sown in Parramatta from 1788 to 1790.

The site is of state heritage significance for its aesthetic values as examples of traditional building and construction technology and for the visual appeal or attractiveness of the in-situ retention of the archaeological remains.

The site and its treatment archaeologically as an in-situ museum, is of state significance for the esteem in which it is held in the community, including the community of archaeologists, heritage professionals and those with an interest in our colonial beginnings, not only in Parramatta, but also New South Wales and nationally.

The archaeological site is of state heritage significance for its research significance as the excavation has provided evidence relating to a number of research questions relating to the development of Parramatta, the colony's second settlement, from a Gaol Town to Market Town and the progress of settlement in New South Wales as a whole.

The Archaeological Site at 45 Macquarie Street, Parramatta is of state heritage significance as it contains a rare well-preserved example of a 'convict hut' in the second settlement in the colony of NSW.

It also has state level rarity values as, unlike other sites at Parramatta, it provides clear physical evidence of an early convict hut as well as later layers of the sites occupation as a bakery, wheel wrights workshop, masonry residence and evidence of the origins and expansion of the Shepherd and Flock Hotel. As such it clearly demonstrates the transformation of the settlement at Parramatta from a Gaol Town to a Market Town in the early decades of European occupation.

The site is of state heritage significance as a rare example of the management of an important archaeological site to be retained and conserved in situ rather than excavated and salvaged off site.

The archaeological site at 45 Macquarie St Parramatta is of state heritage significance as a fine example of a remnant 'convict hut' at one of the four original colonial settlements. It also represents the evolution and growth of Parramatta and the colony in its first 50 to 60 years.

DESCRIPTION AND PHYSICAL CONDITION

The formal **Description** on the SHR listing states:

The Main Display Area includes archaeological remains of the convict hut, built c. 1800 on Allotment 16, Section 12, Town of Parramatta. The archaeological excavations in 2005 revealed how the hut was extended and altered until the 1836-1844. The most significant addition was a wheelwright's workshop on the west side of the convict hut, built by John Walker after he leased the allotment from the Crown in 1823. Remains of a sandstone working floor, spattered with molten iron and also two forges were located in this area. Other important changes to the convict hut included the addition of a brick floor and two large fireplaces on the south wall, one of which may have been a bread oven.

The convict hut and its extensions were demolished between 1836 and 1844 to be replaced by a substantial brick cottage with sandstone foundations. There were two large front rooms, a central hallway, front verandah and rear skillion rooms. Above the main rooms were attic bedrooms with dormer windows. The back wall of the skillion had collapsed due to saturation of the soil during a period of heavy rain, coupled with poor drainage. A large timber outbuilding was built over these footings to extend the back of the house in the late nineteenth century. The cottage was finally demolished in the 1950s but the land remained vacant until the 1990s. A failed development resulted in a series of concrete piles being drilled through the archaeological remains, but left most of the site intact.

The second Display Area includes the cellar of the Shepherd and Flock Inn, licensed from 1825 to 1870. The stone-built cellar, with intact timber floor, was backfilled with demolition material and a layer of charcoal, indicating a large fire. The dating of the cellar could only be resolved during the archaeological investigations to open up the site for display in 2016. The cellar is now known to have straddled the boundary between Allotments 17 and 18. Allotment 18 was leased to John Graham on 1 January 1806. It was the site of the Wheatsheaf Hotel from 1801 to 1809, which was housed within a typical convict hut and its extensions. The allotment was leased to Thomas Reynolds in 1823, when he also bought the lease to Allotment 17.

The cellar was built over the site of the east wall of the former convict hut on Allotment 17, thus revealing the encroachment onto Allotment 17. Neither of the convict huts on Allotments 17 and 18 could be conserved in situ, since their remains were so poorly preserved.

The SHR listing provides Further Comments about the **stratigraphy** of the subject archaeology:

The depth of stratigraphy on the Macquarie Street frontage of Allotment 16 preserved intact the remains of the convict hut and its extensions, including the wheelwrights workshop. These were overlain by demolition layers and only partially cut through by the later brick cottage, built between 1836 and 1844. The demolition of the cottage in the 1950s also provided protection for the underlying archaeology. Initially it was thought that the concrete piers from the failed 1990s development had destroyed the archaeological remains, but excavation proved their intactness. Because the site had been in a low lying and poorly drained area, there was a historical tendency to build up the ground around the archaeological sites to the level of Macquarie Street, in order to avoid flooding. The preservation of the archaeological remains on Allotment 16 is therefore largely due to this accumulation of layers and to waterlogging of the lower soil profile.

The adjacent buildings on Allotment 17 and 18 were located on higher ground and did not therefore have a similar stratigraphic history. These sites tended to be cut down to the level of the adjacent streets. This resulted in the poor preservation of building remains except for the most recent, but did allow the deep cellar of the Shepherd Inn to survive.

The **Physical Condition** of the archaeological features, as described on the SHR listing states:

Of the sites on the Macquarie Street frontage, the remains on former Allotment 16 and the cellar on Allotment 17-18 were preserved in a condition that was suitable for conservation, interpretation and display. Both the cellar and the lower levels of the convict hut presented waterlogged or anaerobic conditions, allowing for the preservation of the timber floor of the cellar and some of the lower timbers of the convict hut. Not all the timbers could be conserved and, in some cases, modern timbers have been used to indicate the positions of original timbers in the displays.

One of the most unusual features was the depth of stratigraphy on Allotment 16, with over a metre from the original topsoil to the current kerb height on Macquarie Street. Pollen samples were taken from the soil profile,

revealing the changing environment over time and the presence of cereal pollen at the beginning of historical settlement, when Rose Hill was a government farm from 1788 to 1790. The depth of stratigraphy also allowed assemblages from each period of occupation to be treated separately, revealing the paucity of material comforts for the early convict occupants



Fig 1 The residential building at 45 Macquarie St, Parramatta, erected over the subject archaeology



Fig 2 The archaeology is now conserved and displayed below the Macquarie St Plaza



Fig 3 Interpretive information located on the plaza level balustrade



Fig 4.. The archaeological relics are now confined within the basement level walls of the Display Centre



Fig 5 The Display Centre is fitted with many interpretive panels and display cases



Fig 6 The basement Display and Interpretive Centre allows visitors to closely inspect the archaeology

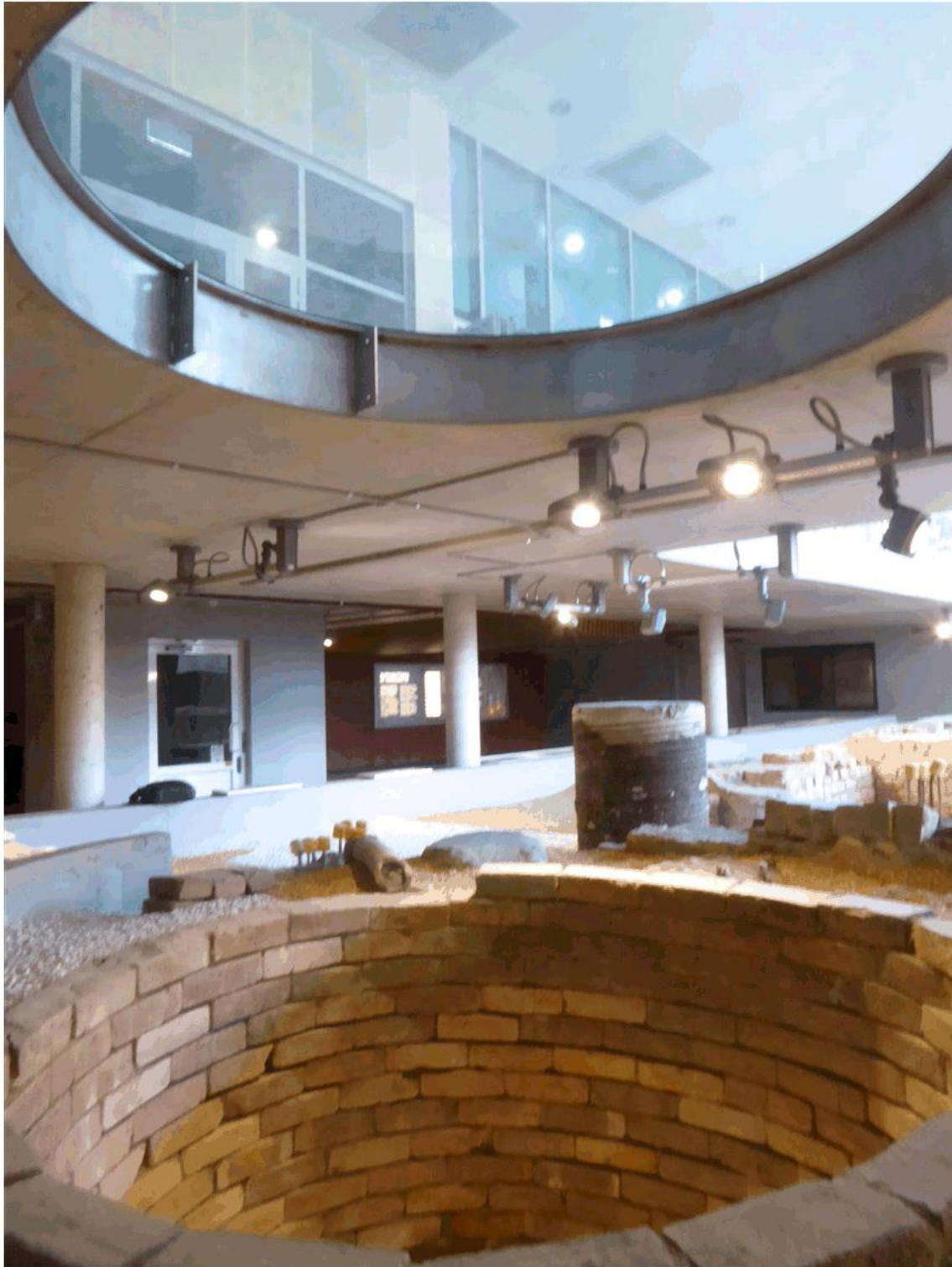


Fig 7. A glazed insert in the plaza floor highlights the Wheelwright's Workshop section of the archaeology

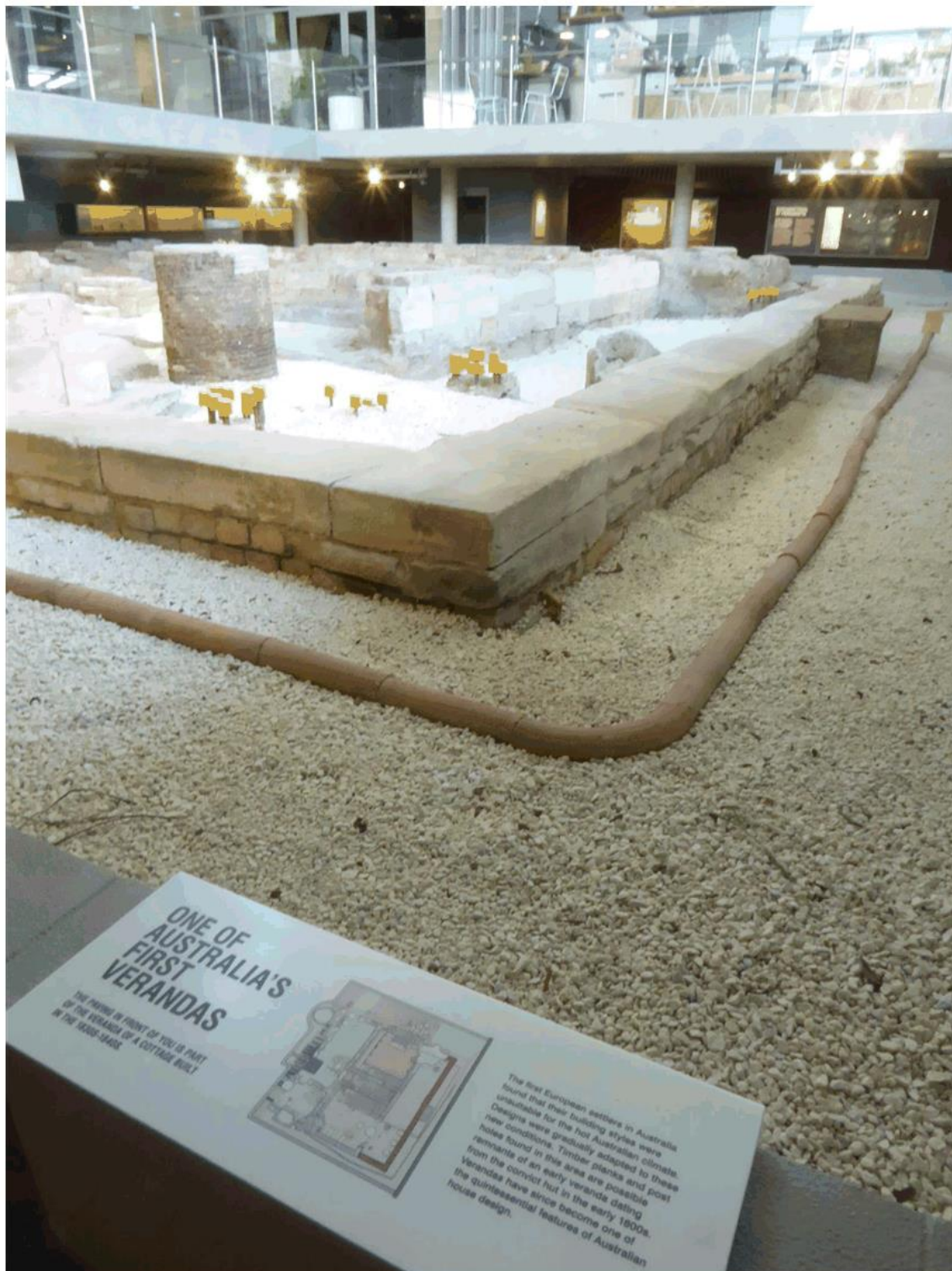


Fig 8 Interpretive panels inform visitors to the Display Centre of the different features



Fig 9 Visitors can get close to the archaeology to gain respect for its cultural heritage values



Fig 10 The eastern part of the archaeology illustrates the cellar of an old hotel

HISTORICAL NOTES

The SHR listing provided the following **Historical Notes**:

Aboriginal and first contact history

The land at Parramatta was the traditional home of the Burramatta people of the Darug language group who had lived there for some 60,000 years before the arrival of the English colonists. The Burramatta people were a coastal or salt-water people, a group bordering the area between the coast and the hinterland. Their traditional lands were a place where the hinterland and coastal groups met to trade and perform ceremonial battles and hold corroborees. (History of the Female Factory Precinct. <https://environment.gov.au/.../parramatta-female-factory-history.pdf>)

The word Burramatta means place of the eel and the eel was the totem symbol for the local people. Each year eels gathered at a particular place where the salt water meets the freshwater to 'lie down' and fatten up for their journey north to the Coral Sea to spawn. (Parramatta. Leanne Tobin and Bonny Djuric. <http://urbantheatre.com.au>) During this time the eels made a significant contribution to the Burramattagal diet. Women fished from boats and men speared fish from the riverbanks or hunted possum in the woodland areas and yam and fruits were gathered from the land. Grass seeds were collected and crushed on stones and later processed into a dough for cooking. Other stones found in the Parramatta area were large and rounded. (History of the Female Factory Precinct. <https://environment.gov.au/.../parramatta-female-factory-history.pdf>)

In April Captain Arthur Phillip sailed up the Parramatta river and declared the land around present day Parramatta to be suitable place for a 'gaol town and farm.'. By September Phillip declared a settlement at what was then called Rose Hill. Initially there was some bartering between the Burramattagal and the colonists but with increased settlement and the alienation of more and more land by the colonists relations soured. The farms destroyed the yam beds and settlement did not allow the local people to freely move through their lands. Facing the diminishing of traditional foods sources, the Burramattagal took to harvesting the new crops of corn which met with retaliation from the farmers. (Parramatta. Leanne Tobin and Bonny Djuric. <http://urbantheatre.com.au>)

In 1789 another blow to the indigenous population occurred when their population was decimated by the outbreak of smallpox. While the population was reduced the many indigenous people of western Sydney including the Burramattagal continued to resist the colonial settlers. From 1790, Pemulwuy was widely seen to be the leader of the conflict and resistance against settlers in outlying settlements including Parramatta, Toongabbie, Georges River and Brickfield Hill. In 1797 was severely wounded during a raid on the government farm at Toongabbie. He was taken to hospital where he subsequently recovered, escaped and continued to fight. Four years later in 1801, Governor King declared that Aboriginals near Parramatta, Georges River and Prospect could be shot on sight and in the following year Pemulwuy was shot by a group of settlers. (Pelmuway Australian Dictionary of Biography adb.anu.edu.au/biography/pemulwuy)

While first contact resulted in the reduction of the Aboriginal population all over NSW, many people of the western Sydney area including Parramatta, survived and their descendants still live in the area today.

History of the township of Parramatta

The following historical overview has been sourced and summarised primarily from the excavation report prepared by Edward Higgenbotham and Associates with historical research by Terry Kass, which provides a comprehensive historical background for the site.

The site is in an area of early European settlement in Parramatta, or Rose Hill as it was originally known, which began in late 1788 as a farm to provide much needed crops for the new colony. The Rose Hill farm was converted into a town in 1790 and renamed Parramatta in June 1791. Initial development in the town centred on what are now George, Macquarie and Church Streets, with the construction of several public and government buildings.

While some early town leases were granted to prominent free persons, such as civil servants or members of the NSW Corps, most of the town allotments were occupied by convict huts. The allotments on which these stood generally measured 100 feet by 200 feet and the convict huts were usually 24 feet by 12 feet, containing two rooms one slightly larger than the other to house between 10 and 14 convicts. The large allotment size was to allow for the convict residents to establish household gardens for fruit and vegetables. In November 1790, Watkin Tench described the town as containing 32 completed convict huts occupied by men on either side of the main street (now George Street), with an additional nine huts for women on what is now Church Street, and several other huts occupied by convict families. By the following year, there were approximately 100 convict huts in Parramatta.

While the town was primarily at this stage a goal town it was not long before town leases were occupied by free persons. In 1796 the first town lease in Parramatta was let to John McArthur for 14 years and was occupied by a former convict who was pardoned in 1794, James Larra. The number of town leases granted to free persons (both emancipists and free settlers) gradually increased between 1800 and 1809.

After his establishment as Governor of NSW, Macquarie escalated this trend. Macquarie took the view that the township of Parramatta and other towns should be the domain of the free settler and that convicts should be housed in a way that the government could keep a tight rein on the supervision and control of the convict population. To this end, by 1821, a new convict barracks was constructed at Parramatta, removing the need for convict huts on the allotments within the town.

Governor Brisbane granted new town leases in Parramatta in 1823, and on 30 June over 300 leases were made, with many of the town's inhabitants gaining secure title. With the increase in the free population and the laying out of several new streets, Parramatta soon grew from a penal, gaol town into a fully-fledged market town.

Site specific history

Allotment 16 - Remains of convict hut, brick cottage and Wheelwrights Workshop

The archaeological site at 45 Macquarie Street contains the remains of a convict hut which was built around 1800. This hut on Allotment 16 was inhabited by a John Paisley until 1823. In 1823 it was occupied by John Walker who was a wheelwright, an Australian born man who married an Australian born woman.

It seems he may have started his working life as a wheelwright working for a Hugh Taylor and later went on to run his own successful business. During the 1820s there is evidence the convict hut was used as a bakery and then in the late 1820s Walker added a wheelwrights workshop to the western side of the hut.

In 1839 the permissive occupancy for allotment 16 was converted to a Town Grant in John Walkers name and between the years of 1836 and 1844 the original convict hut was replaced by a brick cottage comprising two large rooms flanking a central hall way with a skillion at the rear and attic rooms above. Evidence of various extensions over the life of the house are revealed in the excavation.

After John Walker died in 1846 his wife continued to live in the house until 1875. At this time the wife sold the property to John Pratt, a local fruit dealer who soon subdivided the land into two parcels and sold the western parcel on and the western part sold for (Pounds)260, indicating that it already had a house on it. A weatherboard cottage had been erected, but was replaced in 1911 by a 'Federation' style house. The eastern parcel was later sold to a Coach Maker, who retained the cottage. Subsequent owners up to the early 1950s when it became the premises of three Dr Maloufs, retained the cottage.

Allotment 17 and 18 - Basement of the Shepherd and Flock Inn

Originally there were three convict huts in on the site facing Macquarie Street - on Allotments 16, as discussed above; on Allotment 17, where the basement and drain of the shepherd and Flock is located; and Allotment 18 on the corner of Marsden and Macquarie Streets. The hut on Allotment 18 was the site of the Wheatsheaf Hotel between 1801-1809, making it one of the earliest hotels in Parramatta. Unfortunately the evidence of convict huts on Lots 17 and 18 was so poorly preserved that they could not be preserved in situ and so the majority of the area of Allotment 18 is not included in the SHR listing.

Allotment 18 was, from at least 1823, leased to Thomas Reynolds which had become the Shepherd and Flock Inn by 1825. Reynolds was a convict transported to the colony in 1816 on the Ocean. Recommended for emancipation by Rowland Hassel he became a free man in 1820. He married a colonial born woman, Mary Reynolds in 1820 and by 1823 had leased the Allotment 18. Reynolds purchased the neighbouring property (Allotment 17) in 1823 from William Sully and extended the hotel into this area. The cellar is associated with this extension.

The Shepherd and Flock Inn closed in 1870.

Recent history

All buildings on the site had been demolished by the early 1950s, and the area was used as a carpark.

The area was identified as PHALMS AMU 3190. The site is included in the Parramatta Historical Archaeological Landscape Management Study (PHALMS) completed in 2001 as Archaeological Management Unit (AMU) 3190, likely to contain intact archaeological resources of State significance including the sites of convict huts.

The area was excavated in 2005.

In 2012 construction began on the 'V by Crown' development at 45 Macquarie Street, Parramatta. The innovatively designed residential/commercial development was completed in 2015.

In mid 2017 the 'V Heritage' Archaeology Display Centre was opened and celebrates the completion of the conservation and interpretive display of the archaeological relics.

HERITAGE ASSESSMENT**CRITERIA A – HISTORICAL SIGNIFICANCE**

The two *in situ* archaeological displays and associated artefacts are of state heritage significance for their historical values demonstrating the development of Parramatta, the second settlement in NSW, from a Goal Town to a Market Town between the years 1790 and 1823. There is compelling evidence on site of the important role of convicts, native born and free migrants in this transformation.

Allotment 16 was occupied by firstly by a convict named John Paisley and later a colonial born man John Walker who eventually established a wheelwrights workshop on the property. He prospered and replaced the convict hut with a brick cottage. The basement remains are of a hotel established by Thomas Reynolds, a convict who made good in the town of Parramatta in the decades from 1820s to the late 1840s. The Shepherd and Flock was established on the site of one of the earlier hotels in the area. The basement, located on adjacent land bought to extend the hotel premises, demonstrates the growth of the township and colonial society in the early to mid-19th century.

The Archaeological Site and associated artefacts are of state significance as pollen samples from the site have been analysed and shown to contain which contain pollens from cereal from the first crops sown in Parramatta from 1788 to 1790.

John Walker died in 1846, but his widow lived in the house until 1875.

The convict hut on the corner of Marsden Street (Allotment 18) was leased to John Graham on 1 January 1806. This lease is one of only two pre 1823 leases that can be located on the south side of Macquarie Street. It was the site of the Wheatsheaf Hotel from 1801 to 1809, one of the earlier hotels in Parramatta. The allotment was leased to Thomas Reynolds in 1823 and by 1825 had become the Shepherd and Flock Inn. Reynolds had purchased the neighbouring Allotment 17 in 1823, enabling him to extend the Hotel across this boundary. The cellar therefore represents an extension of the Wheatsheaf / later Shepherd Inn building, which closed in 1870. Both allotments are important examples of the trends of development from a gaol town to a market town, a process that had largely been completed by 1823.

CRITERIA C – AESTHETIC / TECHNICAL SIGNIFICANCE

The Archaeological Site and associated artefacts at 45 Macquarie Street are of state heritage significance as it is the first archaeological excavation in Parramatta that revealed remains of a convict hut. Most convict huts reveal only a pattern of post-holes. This convict hut retained waterlogged timber posts, but more importantly a brick floor, associated ovens and the adjacent wheelwrights workshop, showing how the building was extended and used for different purposes over time. The later walls of the overlying 1840s cottage reveal well-built sandstone and brick walls of a large cottage. The remains of buildings and the cellar possess aesthetic significance as examples of traditional building technology and for visual appeal or attractiveness of the *in-situ* retention of the remains.

CRITERIA D – SOCIAL / CULTURAL SIGNIFICANCE

The site and collection are of state significance as the investigation, conservation and management of the heritage values of the subject site is deemed of interest and concern to a broader community, including the community of archaeologists, heritage professionals and those with an interest in our colonial beginnings, not only in Parramatta, but also New South Wales and nationally.

CRITERIA E - RESEARCH POTENTIAL

The Archaeological Site and associated artefacts, 45 Macquarie Street, Parramatta, is of state heritage significance for its research significance as the excavation has provided evidence relating to a number of research questions about the foundation of the colony of NSW. The findings contribute to our understanding of the site, the development of Parramatta, the colony's second settlement, from a Gaol Town to Market Town and the progress of settlement in New South Wales as a whole.

CRITERIA F - RARITY

The Archaeological Site and associated artefacts at 45 Macquarie Street, Parramatta are of state heritage significance as it contains a rare, well preserved example of a convict hut in the second settlement in the colony of NSW. While other huts in Parramatta and the other first four settlements in NSW have evidence of convict huts, this site is unique in that there are significant samples of timber surviving in the post holes for the hut on allotment 16. There is also evidence of convict hut at allotment 18 although this is not so well preserved.

The site also demonstrates the transformation of the settlement at Parramatta from a Gaol Town to a Market Town through evidence of the transformation of the convict hut on allotment 16 is firstly adapted to a residence and then replaced with a timber and masonry house as the occupant, John Walker, established his business as a Wheelwright and prospered. The basement of the Shepherd and Flock Hotel demonstrates the evolution of the site at Allotment 18 from convict hut to hotel and the further expansion of the hotel as the proprietor, Thomas Reynolds improves his business through the early to mid-1800s.

The site had a substantial depth of stratigraphy, enabling separation of the artefact assemblage into several datable phases, from convict occupation, through to the 1880s and later.

The site is also be of state heritage significance as a rare example of the management of an important archaeological site to be retained and conserved in situ rather than excavated and salvaged off site. Of the 48 terrestrial -archaeological sites listed on the SHR this is one of only five sites of excavated archaeology dating from the early colonial years which has been retained, conserved and interpreted in situ.

CRITERIA G – REPRESENTATIVE

The Archaeological Site and associated artefacts at 45 Macquarie Street is of state heritage significance as a fine example of a convict hut at one of the four original colonial settlements. It also represents the evolution and growth of Parramatta and the colony in its first 50 to 60 years.

The information that has been gained from the study of the assemblages from this site provide representative examples of the information that can be gained from artefact analysis.

THE PLANNING PROPOSAL

The final physical configuration of the Display Centre was selected as the limit of the State Heritage Register listed site.

The Planning Proposal seeks to align the extent of the PLEP listed site (A11) with the that SHR listing footprint. For consistency, it proposes to use identical information from the SHR Heritage Inventory for the site.

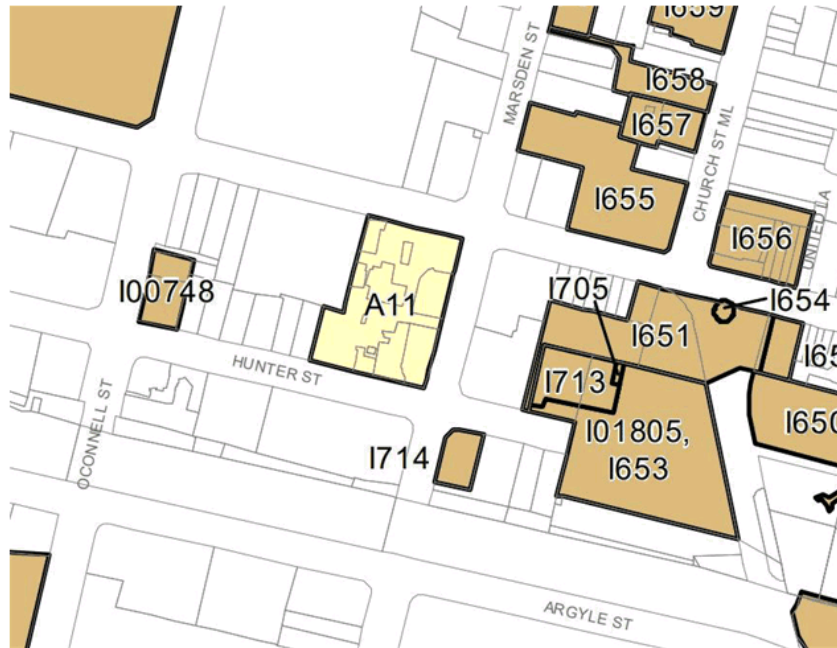


Fig 11 Extract from Parramatta LEP 2011 Heritage Plan showing extent of Item A11

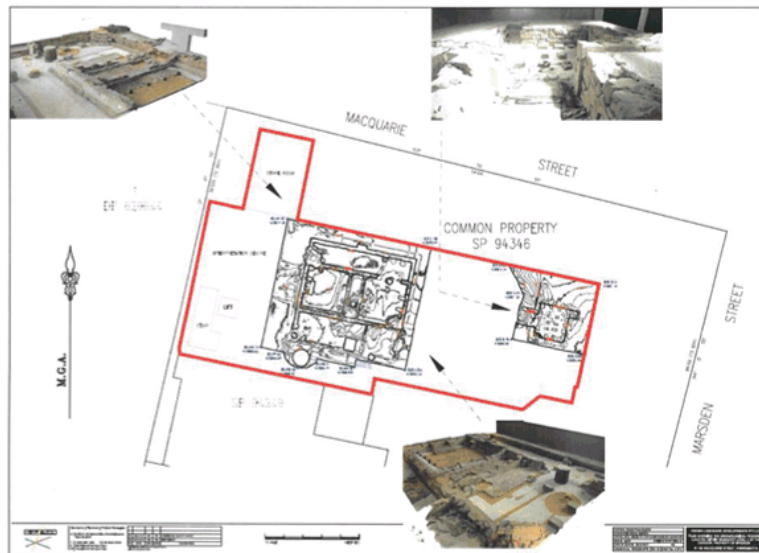


Fig 12 Plan of the existing State Heritage listing, which the Planning Proposal seeks to match for the amended LEP listing to be confined to the northern, Macquarie St frontage of the overall site

RECOMMENDATION

On the basis that the subject Planning Proposal seeks to amend the current LEP boundaries and listing information of the surviving archaeological relics at 45 Macquarie St, Parramatta to match those recently gazetted for the State Heritage Register listing, Parramatta Council and the NSW Department of Environment and Planning should have no hesitation on heritage grounds in approving this change.

- The retained archaeological relics have already been reduced in extent by the construction of the high-rise residential building, as approved by HNSW and PCC.
- The reduced archaeological area is now defined and enclosed by the concrete basement walls that surround the Archaeological Display Centre.
- The retained archaeological relics are protected and conserved under the relevant provisions of the Heritage Act NSW, 1977.
- The ownership of the archaeological relics and the Display Centre fall within the strata title framework of the remainder of the building and site.
- The clarification of the confined extent of the heritage listed archaeological relics will enable changes and upgrades to the remainder of the high-rise building at 45 Macquarie Street to be approved by the relevant consent authority without any need to consider potential heritage impacts on the archaeology.

Yours faithfully
GBA HERITAGE PTY LTD



Graham Brooks
Director
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GRAHAM BROOKS

Managing Director, GBA Heritage Pty Ltd

Positions Held

Managing Director, GBA Heritage Pty Ltd, 2015 -
 Managing Director, Graham Brooks & Associates Pty Ltd, 1996 – 2015
 Director, Schwager Brooks and Associates Pty Ltd, 1984 – 1996
 Associate Director, Travis Partners, 1977 – 1984
 Architect, Pollard Thomas & Edwards, London, 1975 – 1977
 Architect, Commonwealth Department of Works, 1972 – 1975

Professional Qualifications

Bachelor of Architecture (Hons), Sydney University, 1972
 Master of the Built Environment (B Cons) UNSW 1984
 Australian Institute of Architects, 1974
 Associate Royal Institute of British Architects, 1975
 Registered Architect, New South Wales
 Member, Australia ICOMOS

Professional Associations

President ICOMOS International Committee on Cultural Tourism, 2001 – 2011
 Chairman, AusHeritage Ltd, 1999-2001
 Chairman, National Trust (NSW) Historic Buildings Committee, 1996-1999
 Former Heritage Adviser, Liverpool City Council c1995-2005
 Member, Senior Advisory Panel, Global Heritage Fund 2010-
 Member, National Trust of Australia (NSW) 1973-
 Member Australia ICOMOS, 1980-
 UNESCO Monitoring Mission to World Heritage Site of Borobudur, 2003, 2006, 2007
 World Heritage Centre Monitoring Mission to Ajanta & Ellora Caves, India, 2004-2010
 Visiting Professor, Institute of Tourism Studies, Macao, 2006
 Former Executive Committee Member, Australia ICOMOS, 1990-1992
 Former Member Heritage Council Technical Advisory Committee on Materials Conservation, RAI Heritage Committee & RAHS Historic Buildings Committee

CAREER SUMMARY

I have worked in the fields of Architectural Design, Heritage Conservation and Cultural Tourism Management for some 40 years, in Australia, the United Kingdom and more recently for UNESCO in Asia. During that period I have conducted heritage assessments and developed heritage management protocols for hundreds of historic buildings and places. My office has conducted hundreds more under my supervision.

I have lectured widely to business, heritage, professional and student groups on heritage assessments, heritage management, conservation practice, preparing heritage sites for cultural tourism and the methodologies of heritage asset management. I have participated in many appeals before the Land & Environment Court, acting on behalf of both Respondents and Applicants, and have also acted as a Court Appointed Heritage Expert.