
REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.2
SUBJECT	Planning Proposal for land at 38-50 South Street, Rydalmere (Proceed to Gateway Determination)
REFERENCE	F2024/00282 - D09519536
APPLICANT/S	Urbis
OWNERS	Dexus
REPORT OF	Project Officer

CSP THEME: Innovative

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL: Nil

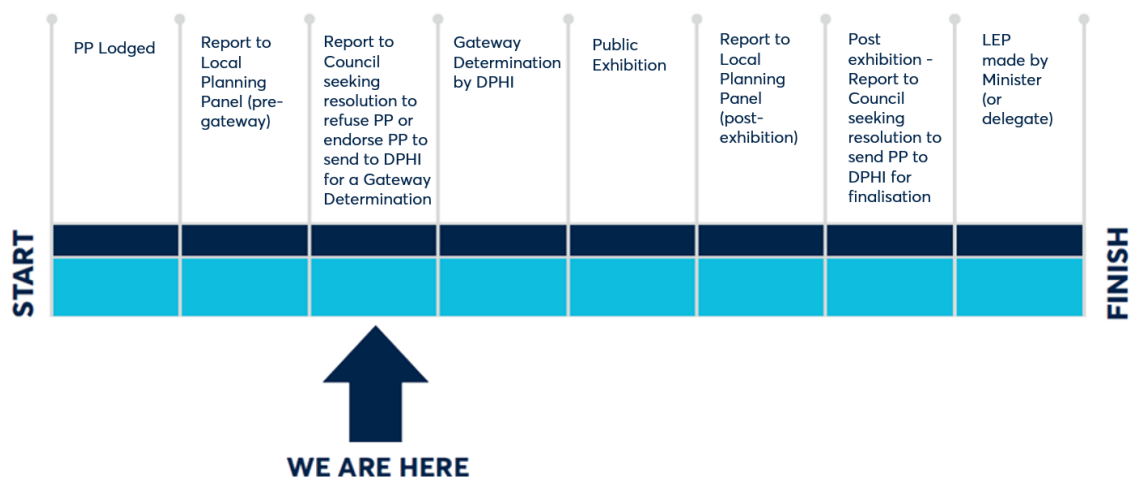
PURPOSE

To forward the Planning Proposal for land at 38-50 South Street, Rydalmere, to the Department of Planning, Housing and Infrastructure (DPHI) for the purpose of seeking a Gateway Determination.

RECOMMENDATION

- (a) That Council endorse the Planning Proposal at **Attachment 1** for the purpose of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI) for land at 38-50 South Street, Rydalmere, which seeks to amend the *Parramatta Local Environmental Plan 2023* (PLEP 2023) as follows:
 - i. Reduce the heritage curtilage that applies to the site;
 - ii. Change the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'; and
 - iii. Change the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.
- (b) That Council request the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.
- (c) That Council note the Local Planning Panel's advice to Council (refer to Attachment 2) in support of the Planning Proposal, which is generally consistent with Council officers' recommendation in the report.
- (d) That Council delegate authority to the Chief Executive Officer (CEO) to correct any minor anomalies of a non-policy and administrative nature that may arise during the preparation and processing of the Planning Proposal.
- (e) That Council approve the proposed changes (as detailed in this report) to the associated Heritage Inventory Sheet and it be placed on public exhibition with the Planning Proposal (should a Gateway Determination be received).

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks Council endorsement of a Planning Proposal for land at 38-50 South Street, Rydalmere (the site), for the purpose of seeking a Gateway Determination from the Department of Planning Housing and Infrastructure (DPHI).
2. The Planning Proposal seeks to amend the *Parramatta Local Environmental Plan 2023* (PLEP 2023) to reduce the heritage curtilage of a heritage item identified as 'Truganini House and grounds', amend the item name to 'Truganini House and riverfront setting' and amend the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'. The applicant is seeking to reduce the heritage curtilage so that exempt and complying development can occur across most of the site pursuant to the *Exempt and Complying Development Codes SEPP 2008* (Codes SEPP).
3. Council officers support a reduction to the heritage curtilage that retains the heritage item and its setting down to the Parramatta River to the south (signifying the past relationship of Truganini House to the river) given the site has been developed with industrial buildings since the introduction of the industrial land zoning in 1946.

SITE DESCRIPTION

4. The site is known as 38-50 South Street, Rydalmere (Lot 10 DP 774181) and is bound by South Street to the north, Park Road to the east, and the Parramatta River to the south. It has a total site area of approximately 4.5 hectares (**Figure 1**).
5. The site is zoned E4 General Industrial pursuant to PLEP 2023 and is completely developed, comprising offices and industrial warehouses (the last warehouse constructed between 1991 and 1994). The established industrial uses are consistent with Council's updated [Employment Lands Strategy \(2020\)](#), which identifies Rydalmere as "employment-generating land", with a strategic objective that employment uses in Rydalmere shall be retained and intensified.

6. Schedule 5 of PLEP 2023 lists the entire site as a locally significant heritage item (#694 'Truganini House and grounds'). Truganini House (**Figure 2**) is a mid-19th Century dwelling located toward the centre of the site and is currently used as a childcare centre. Currently, the only unobstructed view to Truganini House that is publicly accessible is from the Parramatta Valley Cycleway, located outside of the site to the south (**Figure 3**).

7. Truganini House and grounds was first listed as a local heritage item in December 2003 under Schedule 6 of the Sydney Regional Environmental Plan No 28—Parramatta (1999 EPI 444), almost a decade after the site was developed with industrial land uses. Refer to **Attachment 2** for a detailed history of the heritage item and the site.



Figure 1: The site (red) showing location of Truganini House and Parramatta Valley Cycleway (yellow)



Figure 2: Truganini House (western frontage)



Figure 3: Truganini House viewed from the Parramatta Valley Cycleway

PLANNING PROPOSAL

8. In July 2023, the applicant submitted a pre-lodgement application seeking Council officers' advice on a proposed reduction of the heritage curtilage to retain just Truganini House and its immediate garden setting. The Council officer advice recommended that the proposed reduced heritage curtilage be amended to retain land to the south of Truganini House to the river and the adjoining café building to the east.
9. On 25 June 2024, the applicant lodged the Planning Proposal for the site that was generally consistent with Council officers' pre-lodgement advice including retaining the curtilage down to the river, but that did not include the immediately adjoining café building to the east (**Figure 4**).
10. Council officers recommended that the café building should remain as part of the heritage curtilage given that it immediately adjoins, and is visually connected to, the heritage item (separated by a small outdoor seating area), thereby supporting the interpretation of the heritage significance of the item. In addition, the design of the café building has been highly influenced by Truganini House, almost presenting itself as an outbuilding as noted by Council's Senior Heritage Specialist. It is therefore important to retain the ability to properly assess any future changes to this building via future Development Applications.
11. On 18 September 2024, following additional justification from Council officers, the applicant agreed to retain the café building as part of the curtilage (**Figure 5**) and submitted an amended Planning Proposal and amended Heritage Impact Statement (HIS) (**Attachment 2**). Given the minor nature of the Planning Proposal that will not generate additional infrastructure demand, a Development Control Plan and/or a Planning Agreement are not required.
12. The Planning Proposal will enable exempt and complying development under the Codes SEPP to occur outside of the heritage curtilage (and on parts of the site not identified as 'waterfront land' under the *Water Management Act 2000*) without affecting the heritage significance of the item. This will enable minor types

of development to take place without a requirement for a Development Application pursuant to Part 5.10 Heritage Conservation of PLEP 2023.

13. Council's Senior Heritage Specialist and Parramatta's Heritage Advisory Committee (HAC) support the Planning Proposal, which will help preserve the historical connection of Truganini House to the river. The amended curtilage will also help to maintain existing sightlines from the Parramatta Valley Cycleway and will assist in potentially re-establishing past sightlines should the existing warehouse to the south (part of the heritage curtilage) be redeveloped.
14. The full Council officer assessment is provided at **Attachment 2**.



Figure 4: Original proposed heritage curtilage outlined in blue with café building outlined in yellow (source: Urbis)



Figure 5: Amended proposed heritage curtilage outlined in blue (source: Urbis)

LOCAL PLANNING PANEL ADVICE

15. The Local Planning Panel considered this matter at its meeting on 15 October 2024 and advise Council that:
- (a) Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 38-50 South Street, Rydalmere (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan (PLEP 2023) by:
 - i. reducing the heritage curtilage that applies to the site;
 - ii. changing the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'; and
 - iii. changing the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.
 - (b) Council requests from the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.
 - (c) Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
 - (d) Council consider whether any further changes to Planning Controls or other mechanisms are required to maintain the Heritage significance of the item and its curtilage connection to Parramatta River.
 - (e) The panel notes the purpose of the Planning Proposal is to enable exempt and complying developments to be undertaken in the Industrial Precinct which will enable the precinct to facilitate efficient development, while maintaining the heritage significance of Truganini House and riverfront setting.

16. It is noted that the Local Planning Panel has provided additional recommendations to Council regarding the Proposal in recommendations (d) and (e) above. In response to recommendation (d), the purpose of the Planning Proposal is to reduce the extent of the existing heritage curtilage to enable exempt and complying development across the remaining part of the site whilst maintaining the heritage significance of the item (as noted by the Panel).
17. Changes to other planning controls beyond the proposed reduced heritage curtilage, such as changes to height, floor space ratio (FSR) or zoning are not necessary. These controls are appropriate to maintain the heritage significance of the heritage item and the proposed heritage curtilage is sufficient to ensure that the significance of the heritage item and its connection to Parramatta River are recognised. Any development proposed within the curtilage will require a Development Application to be submitted to Council for detailed assessment against the heritage planning controls contained within the PLEP 2023 and the Parramatta Development Control Plan 2023.
18. Notwithstanding, per recommendation (d) Council officers have considered “other mechanisms” that may provide additional protection to the heritage item, and in this regard propose to amend the heritage inventory to include additional measures as outlined below.
19. A heritage inventory is the record of information that supports and justifies the listing of a heritage item or a heritage conservation area. All inventory sheets in NSW are required to be uploaded onto the database managed by Heritage NSW for public access. A heritage inventory describes the item and identifies heritage significance. This includes the item name, address, physical description, statement of significance, historical notes and an assessment in line with the NSW Heritage significance criteria. The heritage inventory is considered by Council officers undertaking a Development Application assessment to understand what aspects of a particular heritage item (or curtilage) are important from a heritage perspective.
20. Should the Planning Proposal proceed, the heritage inventory on the Heritage NSW website is proposed to be amended as follows:

Proposed amended statement of significance (additions in **bold**):

*Truganini House **and its heritage curtilage (which includes Truganini House, its surrounds and riverfront setting)** at 38-50 South Street is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses **(and house settings)** of the Victorian period in the area. The house retains a great degree of integrity when viewed from the publicly accessible areas, **particularly when viewed from the publicly accessible shared path to the south that provides an interpretation of the original waterfront setting of the house** and makes an important contribution to the area character.*

Proposed amended physical description (additions in **bold**):

Truganini House is a single storey brick and stucco Victorian residence with a hipped roof and a verandah on three sides, sited to face Parramatta River. The

*facade features ashlar courses. Roof has exposed decorative brackets supporting narrow eaves and four tall, rendered brick chimneys with stepped cornice. The verandah has Ogee corrugated iron roof with hip corners, Corinthian cast iron posts with ivy decoration winding around posts, cast iron brackets, with cast iron valance and frieze, and concrete floor. From the verandah, French doors with transom lights are leading into the house. The French doors have upper glazed panels, a lock rail and bolection moulded panels below. Four rendered pedestals are flanking the stairs leading to the main entrance. Front door has a segmented arch in transom, with side lights and dentils in transom flanking a four-panel door with coloured glazed upper panels above lock rail. Windows are four paned, timber double-hung sash across front with paired double-hung alongside east side; rendered section of the house has double-hung with curved rendered brick arches. Additions to the property include a sandstone building attached at the rear. Other features include sandstone paving under house. The house was renovated in period style in 1980s by then owners, ICAL Industries, and subsequently used for board meetings and entertaining. **The heritage curtilage preserves the physical setting of the house, and its important historical connection to the river to the south.***

21. It is recommended that the proposed changes to the inventory sheet be included in the suite of information that will be publicly exhibited should Council endorse the Planning Proposal, and it receive a Gateway Determination to proceed from DPHI.
22. The Local Planning Panel report and minutes are provided at **Attachment 2**.

PLAN MAKING DELEGATIONS

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

CONSULTATION & TIMING

25. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
July – October 2023	Applicant	Pre-lodgement application seeking Council officer feedback	Formal pre-lodgement advice issued recommending larger curtilage	Group Manager Major Projects and Precincts

25 June to 9 October 2024	Applicant	Various comments in relation to finalising proposed amended heritage curtilage	Consultation with the applicant to progress the Planning Proposal	Group Manager Major Projects and Precincts
25 July 2024	Heritage Advisory Committee (HAC)	HAC supported the Council officer recommendation at the meeting held 25 July 2024	Consultation with HAC at the meeting	Group Manager Major Projects and Precincts

LEGAL IMPLICATIONS FOR COUNCIL

26. There are no legal implications for Council in approving the Planning Proposal to proceed to DPHI seeking a Gateway Determination.

FINANCIAL IMPLICATIONS FOR COUNCIL

27. 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

28. Should the Planning Proposal for 38-50 South Street, Rydalmore be endorsed by Council, it will be forwarded to DPHI to request a Gateway Determination.
29. If approved by DPHI, the Planning Proposal will be publicly exhibited in accordance with the Gateway Determination. A further report will be prepared for Council on the outcome of the public exhibition.

Chloe Ho
Project Officer





Michael Rogers
Acting Group Manager Major Projects and Precincts

Jennifer Concato
Executive Director City Planning and Design

John Angilley
Executive Director Finance & Information

Gail Connolly
Chief Executive Officer

ATTACHMENTS:

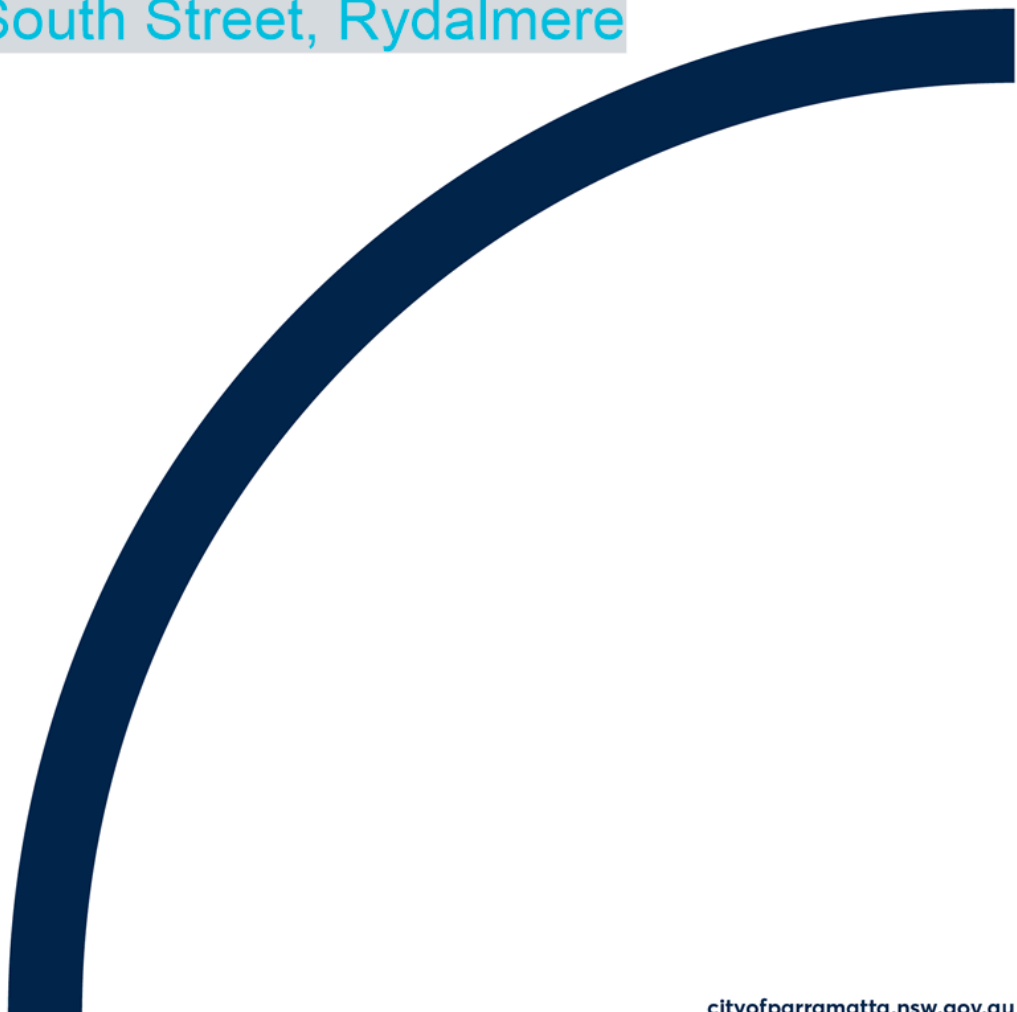
-  1 Planning Proposal Report 25 Pages
-   2 Local Planning Panel Report/attachments and Meeting Minutes 105 Pages
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REFERENCE MATERIAL



PLANNING PROPOSAL

38-50 South Street, Rydalmere



cityofparramatta.nsw.gov.au



PLANNING PROPOSAL

38-50 South Street, Rydalmere

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Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Urbis	March 2024 (submitted with formal Planning Proposal lodgement)
2.	Urbis	September 2024 (submitted for LPP meeting with amended heritage curtilage as per Council officers' request)

Council versions:

No.	Author	Version
1.	City of Parramatta Council	November 2024 (report to Council seeking endorsement for Gateway)

(RZ/2/2024)

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PLANNING PROPOSAL – 38-50 South Street, Rydalmere

INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2023* (PLEP 2023). It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Housing and Infrastructure (DPHI) guide, 'A Guide to Preparing Local Environment Plans' (December 2021).

Background and context

On 25 June 2024, Council received a Planning Proposal from Urbis on behalf of Dexus in relation to the site at 38-50 South Street, Rydalmere (Lot 10, DP 774181). The site is shown in **Figure 1**, below.



Figure 1 – Site at 38-50 South Street, Rydalmere, subject to the Planning Proposal

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

The site is bound by South Street to the north, Park Road to the east, and the Parramatta River to the south. It has a total site area of approximately 4.5 hectares. The site is zoned E4 General Industrial pursuant to PLEP 2023 and comprises offices and industrial warehouses (**Figure 2**). The site is completely developed, with the last warehouse constructed between 1991 and 1994.

The entire site is listed as a locally significant heritage item, 'Truganini House and grounds' (Item #694) pursuant to Schedule 5 of PLEP 2023. Truganini House (**Figure 3**) is a mid-19th Century dwelling located towards the centre of the site, currently used as a childcare centre.



Figure 2 – Examples of existing uses on subject site (Source: Urbis)



Figure 3 – Truganini House, western frontage (Source: Urbis)

(RZ/2/2024)

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Existing planning controls

Under *Parramatta Local Environmental Plan 2023* the site:

- is zoned E4 General Industrial (refer to **Figure 4**);
- has a maximum building height of 9 metres on the southern portion of the site and 12 metres on the northern portion of the site in accordance with clause 4.3 of PLEP 2023 (refer to **Figure 5**);
- has a maximum floor space ratio (FSR) of 1:1 in accordance with clause 4.4 of PLEP 2023 (refer to **Figure 6**);
- is listed as local heritage item #694, 'Truganini House and grounds', pursuant to Schedule 5 of PLEP 2023 (refer to **Figure 7**);
- is identified as containing Class 5 acid sulphate soils in accordance with clause 6.1 of PLEP 2023 (refer to **Figure 8**).



Figure 4 – Land zoning of subject site

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Figure 5 – Height of Buildings of subject site



Figure 6 – Floor Space Ratio (FSR) of subject site

(RZ/2/2024)

PLANNING PROPOSAL – 38-50 South Street, Rydalmere



Figure 7 – Heritage mapping of subject site

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the *Parramatta Local Environmental Plan 2023* (PLEP 2023) to amend the item name and property description of the heritage item 'Truganini House and grounds' to better reflect and define the heritage curtilage.

The intended outcomes are:

- To foster a better understanding of the heritage significance of Truganini House and the elements that provide a meaningful contribution to the heritage significance, which will allow those specific elements to be better protected and appreciated in future.
- To enable exempt and complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) on parts of the site that will be excluded from the heritage listing, and without affecting the significance of the heritage item.
- To improve opportunities for industrial land within Parramatta Local Government Area (LGA) to remain productive and competitive.
- To retain employment lands in the Central City District and the Greater Parramatta to Olympic Peninsula Economic Corridor.

The Planning Proposal seeks to achieve these intended outcomes through amendment to PLEP 2023 to reduce the curtilage of the heritage item identified as I694 in Schedule 5 of PLEP 2023. Additionally, the Planning Proposal seeks to amend the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting' and amend the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.

The Planning Proposal is accompanied by a Heritage Impact Statement (HIS) prepared by Urbis (final version dated 4 September 2024) to support the proposed change.

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PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend *Parramatta Local Environmental Plan 2023* (PLEP 2023) in relation to Schedule 5 Environmental heritage, Part 1 Heritage items, and Heritage Map.

To achieve the desired objectives, the following amendments to the *PLEP 2023* are required:

1. Amend the item name to 'Truganini House and riverfront setting'
2. Amend the property description to reflect the location of Truganini House as 'Part of Lot 10, DP 774181'.
3. Amend the **Heritage Map** to reduce the heritage curtilage applying to the site (refer to **Part 4 – Mapping** of this Planning Proposal for proposed heritage mapping).

All other planning controls applying to the site will remain unchanged.

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PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

3.1 Section A - Need for the Planning Proposal

This section establishes the need for a Planning Proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the Planning Proposal and whether amending the PLEP 2023 is the best mechanism to achieve the aims of the Planning Proposal.

1.1.1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is not the direct result of any strategic study or report. However, the Planning Proposal is generally consistent with Council's *Local Strategic Planning Statement* (LSPS). The LSPS provides strategic direction on how the City of Parramatta conserves heritage. It contains actions and priorities to help Council achieve the vision of the State Government's Greater Sydney Region Plan and Central City District Plan and highlights its important role as the Central River City.

The Planning Proposal is consistent with the LSPS, specifically Planning Priority 9: *Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs*. The Planning Proposal will better reflect the heritage significance of the item and its setting and will not affect the heritage and cultural assets on the site as there are no proposed physical changes to the site. The heritage item will continue to be managed and protected under the existing arrangements.

1.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the objectives and intended outcomes. An amendment to PLEP 2023 is required to update the item name, heritage curtilage and property description of the heritage listing. The reduced extent will continue to provide ongoing protection and recognition of the heritage significance of the heritage item, while supporting the employment generating uses in the broader site.

1.2. Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

community plans and applicable Ministerial Directions.

1.2.1. 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)?

A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (“the GSRP”) a 20-year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain Potential Indicators and, generally, a suite of objective/s supported by a Strategy or Strategies. The Planning Proposal is consistent with the Greater Sydney Region Plan (GSRP) as the changes are of minor significance.

The amendment responds directly to Direction 5 and Direction 7 of the GSRP as outlined in **Table 1**, below.

Table 1 – Consistency of Planning Proposal with relevant GSRP Actions

Direction	Relevant Objective	Comment
Direction 5: A city of great places	O13: <i>Environmental heritage is identified, conserved and enhanced</i>	The Planning Proposal aligns with this objective as it will continue to protect the heritage significance of Truganini House by amending the heritage listing to reflect its immediate setting including its riverfront setting. This approach provides controls which remain sympathetic to the heritage character of the item without impacting the viability of the employment generating uses on the industrial site.
Direction 7: Jobs and skills for the city	O22: <i>Investment and business activity in centres</i>	The GOP is the focus of future economic growth and investment, as well as increased levels of development and amenity. The site is in a key location, which will continue to support economic growth by delivering increased employment and jobs in proximity to strategic centres. Better defining the heritage curtilage of Truganini House will simplify and streamline the planning process to undertake minor works (such as through a Complying Development Certificate (CDC)). This will consequently make it easier to attract tenants and improve ongoing opportunities for

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		investment and business activity on the site.
	O23: Industrial and urban services land is planned, retained and managed	Greater Sydney is greatly supported by manufacturing generated by industrial and urban services land. As such, it is critical to encourage the retention of industrial lands as well as plan for future land uses. The Planning Proposal aligns with this objective by seeking to amend the heritage description of the site to improve opportunities for this significant industrial land to be retained, managed and respond to market conditions.

Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20-year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas (LGAs).

Taking its lead from the GSRP, the *Central City District Plan* (“CCDP”) is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. The Planning Proposal is consistent with the District Plan as the changes are of minor significance.

The amendment responds directly to the Liveability and Collaboration priorities of the District Plan as outlined in **Table 2** below.

Table 2 – Consistency of Planning Proposal with relevant CCDP Actions

Direction	Planning Priority	Comment
Liveability	Planning Priority C6: <i>Creating and renewing great places and local centres, and respecting the District’s heritage</i>	As noted above, the Planning Proposal aims to maintain development standards which reflect the heritage significance of Truganini House in a way that does not impede on the ability to undertake CDCs for existing industrial and office buildings within the site.
Collaboration	Planning Priority C8: <i>Delivering a more connected and competitive GPOP Economic Corridor</i>	An additional 110,000 jobs are forecasted within the GPOP by 2036. The Planning Proposal will result in improved planning pathways available to existing contemporary office and warehouse buildings within the site. This will ensure the site remains market-competitive and

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		consequently retain employment opportunities within the GOP.
	Planning Priority C11: <i>Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</i>	The District Plan aims to safeguard existing industrial lands within the Central District. The Planning Proposal supports this priority by retaining and improving the opportunity to provide a range of manufacturing and other advanced employment services within contemporary industrial buildings in Rydalmere via practical, more time efficient and less costly planning pathways (such as CDCs, which are currently not able to be utilised).

1.2.1. Will the Planning Proposal give effect to a Council-endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the Planning Proposal.

City of Parramatta Local Strategic Planning Statement

The Planning Proposal has been prepared in accordance with the City of Parramatta Local Strategic Planning Statement (LSPS) City Plan 2036. The LSPS provides the strategic framework for Parramatta and builds upon its role as a Metropolitan Centre of Sydney’s Central River City. The vision seeks to create the Central City for Greater Sydney by supporting the transformation of Parramatta into a vibrant metropolis. The LSPS outlines the importance to ensure employment growth is facilitated within the GOP.

The Planning Proposal is consistent with the LSPS Local Planning Priorities as outlined in **Table 3** below.

Table 3 – Consistency of Planning Proposal with relevant LSPS priorities

LSPS Priority	Comment
4. Focus housing and employment growth in the GOP and Strategic Centres; as well as stage housing release consistent with the Parramatta Local Housing Strategy.	The site is identified within the LSPS as a key employment precinct. The Planning Proposal seeks to strengthen the site’s employment opportunities by amending the current heritage mapping to introduce new planning pathways including CDCs for minor works.
9. Enhance Parramatta’s heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs.	The Planning Proposal will revise the heritage listing for the item to ensure the listing includes elements on the site that are considered to have heritage value and reflect the identified significance of the heritage item. The proposed curtilage has regard to an appropriate consideration of a visual setting to enable the appreciation of the heritage item, whilst enabling the recognition of the surrounding elements of the site which have no heritage significance.

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<p>11. Build the capacity of the Parramatta CBD, Strategic Centres, and Employment Lands to be strong, competitive and productive</p> <p>12. Retain and enhance Local Urban Service Hubs for small industries, local services and last-mile freight and logistics</p>	<p>These priorities identify key areas of focus or actions to drive productivity for the LGA. The objective for the productive city is to grow local jobs by positioning Parramatta as a global centre for business and investment. The site is in a prime location to support the growth of the centres and employment lands and as such the Planning Proposal to amend the listing will enable a more streamlined assessment planning pathway for the non-heritage industrial buildings on the site.</p> <p>The current heritage listing restricts the ability of this important industrial site to effectively support these important priorities. The Planning Proposal will ensure the existing industrial site can deliver upon these priorities in an efficient manner.</p>
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Parramatta Employment Lands Strategy

The *Parramatta Employment Lands Strategy* provides a set of land use planning actions and recommendations to guide the future of Parramatta’s Employment Lands Precincts. ‘Employment lands’ includes all land that is zoned for industry and/or warehouse uses include manufacturing, transforming and warehousing; service and repair trades and industries; integrated enterprises with a mix of administration, production, warehousing, research and development; and urban services and utilities.

The Planning Proposal is consistent with the Parramatta Employment Lands Strategy as outlined in **Table 6** below.

Table 4 – Consistency of Planning Proposal with the Parramatta Employment Lands Strategy

Planning Priority	Comment
<p>A1 – Protect Strategically Important Employment Lands Precincts</p>	<p>The Planning Proposal delivers on the actions of this strategy by seeking to retain and protect strategically important employment lands precincts. The Planning Proposal will help facilitate planning pathways to enable uses/works which generate jobs and industrial development.</p>
<p>A8 – Structure Plan precincts will not result in a decrease to employment density</p>	<p>The Planning Proposal aligns with this vision, seeking to amend the existing heritage curtilage so that it more appropriately reflects the historical value of the site and removes the unnecessary burden that the inaccurate heritage curtilage places on this important industrial site.</p>

1.2.2. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no State or regional studies or strategies that related to the subject site for this Planning Proposal.

1.2.3. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

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The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to **Table 5** below).

Table 5 – Consistency of Planning Proposal with relevant SEPPs

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP (Biodiversity and Conservation) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Planning Systems) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Precincts – Regional) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Transport and Infrastructure) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Precincts – Central River City) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Exempt and Complying Development Codes) 2008	✓	<p>The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP.</p> <p>The alteration to the heritage listing will enable use of the CDC pathway for appropriate development within the broader industrial site. As discussed in Section 2, it is noted that the southern boundary of the site is identified as within the proximity area for coastal wetlands under the Resilience and Hazards SEPP, and as flood prone land within Council documents. As such a CDC pathway will remain limited on the southern portion of the site.</p> <p>As the CDC pathway does not apply to heritage listed items, this pathway will not be utilised for any works to the revised listing of Truganini House and riverfront setting, as proposed under this Planning Proposal.</p>
SEPP (Industry and Employment) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (BASIX) 2004	N/A	This SEPP is not relevant to the proposed amendment.

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SEPP (Housing) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Resilience and Hazards) 2021	✓	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP. The southern boundary of the site is identified as within the proximity area for coastal wetlands under the Resilience and Hazards SEPP. This mapping will not be impacted by the Planning Proposal.
SEPP (Precincts – Eastern Harbour City) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP No. 65 Design Quality of Residential Flat Development	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Primary Production) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Resources and Energy) 2021	N/A	This SEPP is not relevant to the proposed amendment.
SEPP (Sustainable Buildings) 2022	N/A	This SEPP is not relevant to the proposed amendment.
Draft Environment SEPPs	N/A	This SEPP is not relevant to the proposed amendment.

1.2.4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979*, the Minister issues directions for the relevant planning authorities to follow when preparing Planning Proposals for new LEPs. The directions are listed under nine focus areas:

1. Planning Systems and Planning Systems – Place Based
2. Design and Place (This Focus Area was blank when the Directions were made)
3. Biodiversity and Conservation
4. Resilience and Hazards
5. Transport and Infrastructure
6. Housing
7. Industry and Employment
8. Resources and Energy
9. Primary production

The following directions are considered relevant to the subject Planning Proposal, as summarised in **Table 6** below.

Table 6 – Consistency of Planning Proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Planning Systems and Planning Systems – Place Based		

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

<p>Direction 1.1 – Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>The Planning Proposal is consistent with this Direction as the changes are of minor significance. The consistency of the Planning Proposal with the strategy, goals, directions and actions contained within the Greater Sydney Region Plan is outlined in Table 2.</p>	Yes
<p>Direction 1.3 – Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal and proposed LEP amendment.</p>	Yes
<p>Direction 1.4 – Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>This Planning Proposal seeks to amend the site-specific heritage listing to ensure it accurately identifies the elements of heritage significance. This is consistent with the objective of the direction, which is to discourage unnecessarily restrictive planning controls.</p>	Yes
3. Biodiversity and Conservation		
<p>Direction 3.1 – Conservation Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>The Planning Proposal does not seek to reduce the conservation standards that apply to the land under the Resilience and Hazards SEPP, and the Parramatta LEP 2023.</p>	Yes
4. Resilience and Hazards		
<p>Direction 4.1 – Flooding</p> <p>The objectives of this direction are to:</p> <p>(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on</p>	<p>This Planning Proposal does not seek to create, remove or alter a zone or a provision that affects the site, which is identified as flood prone land.</p>	Yes

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and off the subject land.		
<p>Direction 4.2 – Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>This Planning Proposal does not seek to rezone the site to enable increased development or a more intensive land use on the site, which is identified as within a coastal use area. There are no changes proposed to the coastal use area map, coastal environment area map or coastal wetlands map of the Resilience and Hazards SEPP.</p>	Yes
7. Industry and Employment		
<p>Direction 7.1 – Business and Industrial Zones</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones; and (c) Support the viability of identified centres. 	<p>The site is zoned E4 General Industrial. This Planning Proposal will not reduce the total potential floor space area for industrial uses in the E4 zone. The amendment will enable future development of the site where appropriate to support the ongoing use of the site for industrial purposes.</p>	Yes

1.3. Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

1.3.1. 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?

The Planning Proposal is related to heritage only, with the subject site already fully developed with industrial uses. As the nature of the Planning Proposal relates to clarifying the description and mapping of a heritage listing to precisely relate to items of heritage significance, it is unlikely that any critical habitats, threatened species or their habitats will be adversely affected as a result.

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

Based upon research carried out by Council officers and historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately. The original landscape and setting of Truganini House has been irrevocably altered since the use of the site as industrial was commenced during the 1930s. Since this time, the site of Truganini House has been continually developed for industrial uses, the latest iteration being constructed between 1991 and 1994. No remains of the original late nineteenth century landscape are left at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

consolidated over the course of the twentieth century. It is thus considered that the existing heritage curtilage of Truganini House does not reflect the historical subdivision patterns of Truganini House.

As such, there is not anticipated to be adverse environmental effects including on the heritage significance of Truganini House as a result of the Planning Proposal.

1.3.3. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will continue to manage, protect and promote the heritage character of the heritage item. Furthermore, a revision to the PLEP 2023 will reduce potential delays and obstacles for future development on the industrial site through use of the CDC pathway. This will result in positive social and economic effects for the Parramatta LGA by enabling future development of the site where appropriate and supporting the ongoing use of the site for industrial purposes.

The ability to utilise more streamlined pathways will make the site a more attractive investment option for prospective tenants, thereby increasing the economic productivity, employment growth and viability of the site as an industrial land parcel. It is considered that the proposal has sufficiently addressed social and economic impacts.

1.4. Section D – State and Commonwealth Interests

1.4.1. Is there adequate public infrastructure for the Planning Proposal?

There are no potential impacts on public infrastructure as a result of this Planning Proposal given that no increased density is proposed.

1.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities will be undertaken once the Gateway Determination has been issued.

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PART 4 – MAPPING

The PLEP 2023 Heritage Map is to be amended as part of the Planning Proposal. The proposed Heritage map for the site is shown below.

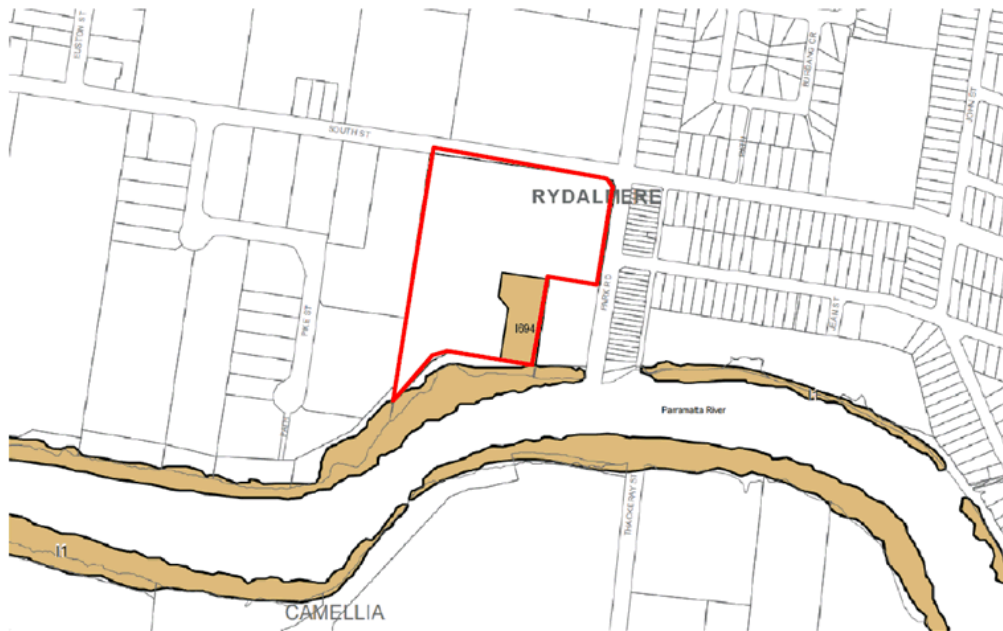


Figure 8 – Proposed Heritage mapping for 38-50 South Street, Rydalmere (Source: Urbis)

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal (as revised to comply with the Gateway Determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- a display at Council's Customer Service Centre
- a display at Council's branch libraries across the LGA
- a project page on Council's community engagement website (Participate Parramatta);
- a notice on the Council's corporate website; and
- written notification to adjoining landowners.

The Gateway Determination will specify the level of public consultation that must be undertaken in relation to the Planning Proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

PLANNING PROPOSAL – 38-50 South Street, Rydalmere

PART 6 – PROJECT TIMELINE

Once the Planning Proposal has been referred to the Minister for review of the Gateway Determination and a Gateway Determination is received, the anticipated project timeline will be further refined, including at each major milestone throughout the Planning Proposal's process.

Table 7 below outlines the anticipated timeframe for the completion of the Planning Proposal.

Table 7 – Anticipated timeframe to Planning Proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	October 2024
Report to Council on the assessment of the PP	November 2024
Referral to Minister for review of Gateway determination	December 2024
Date of issue of the Gateway determination	March 2025
Date of issue or revised Gateway determination (if relevant)	N/A
Commencement and completion dates for public exhibition period	June 2025
Commencement and completion dates for government agency notification	July 2025
Consideration of submissions	August 2025
Post exhibition reporting to Local Planning Panel (if submissions received)	September 2025
Post exhibition reporting to Council for finalisation	October 2025
Submission to the Department to finalise the LEP	November 2025
Notification of instrument	December 2025

Local Planning Panel 15 October 2024

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PLANNING PROPOSAL

ITEM NUMBER	6.1
SUBJECT	Planning Proposal at 38-50 South Street, Rydalmere
REFERENCE	RZ/2/2024 -
APPLICANT/S	Urbis
OWNERS	Dexus
REPORT OF	Project Officer

PURPOSE

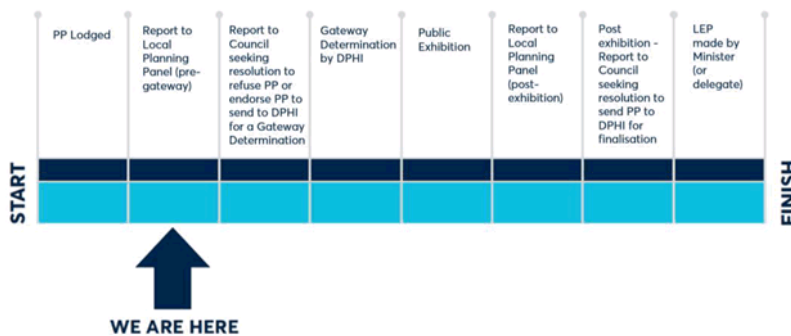
To seek the Parramatta Local Planning Panel advice on a Planning Proposal for land at 38-50 South Street, Rydalmere, for the purpose of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).

RECOMMENDATION

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

- a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 38-50 South Street, Rydalmere (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) by:
 - i. reducing the heritage curtilage that applies to the site;
 - ii. changing the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'; and
 - iii. changing the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.
- b) **That** Council requests the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.
- c) **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



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SUMMARY

1. This report seeks the advice of the LPP on a Planning Proposal (**Attachment 1**) for land at 38-50 South Street, Rydalmere (the site), to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) to reduce the heritage curtilage associated with a heritage item identified as 'Truganini House and grounds', amend the item name to 'Truganini House and riverfront setting' and amend the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'. The applicant is seeking to reduce the heritage curtilage so that exempt or complying development can occur across most of the site pursuant to the *Exempt and Complying Development Codes SEPP 2008* (Codes SEPP).
2. Council Officers support a reduction to the heritage curtilage given the site has been developed with industrial buildings since the introduction of the industrial zoning in 1946. A reduced heritage curtilage is supported that encapsulates the heritage item, its immediate surrounds and setting down to the river frontage to the south (signifying the past relationship of Truganini House to the Parramatta River).

SITE DESCRIPTION

3. The subject site is known as 38-50 South Street, Rydalmere (Lot 10 DP 774181) and is bound by South Street to the north, Park Road to the east, and the Parramatta River to the south. It has a total site area of approximately 4.5 hectares (**Figure 1**).



Figure 1: Subject site showing location of Truganini House and Parramatta Valley Cycleway (in yellow)

4. Council's updated [Employment Lands Strategy \(2020\)](#) identifies Rydalmere as "employment-generating land", with a strategic objective that employment uses in Rydalmere shall be retained and intensified. The site is zoned E4 General Industrial pursuant to PLEP 2023 and comprises offices and industrial

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warehouses. The site is completely developed, with the last warehouse constructed between 1991 and 1994.

5. The entire site is listed as a locally significant heritage item (#591) pursuant to Schedule 5 of PLEP 2023, which describes the item as 'Truganini House and grounds'. Truganini House (**Figure 2**) is a mid-19th Century dwelling located towards the centre of the site, currently used as a child care centre. Currently, the only unobstructed view to Truganini House that is publicly accessible is from the Parramatta Valley Cycleway, located outside of the site to the south (**Figure 3**).



Figure 2: Truganini House (western frontage)



Figure 3: Truganini House viewed from the Parramatta Valley Cycleway

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6. Truganini House and grounds were first listed as a local heritage item in December 2003 under Schedule 6 of the Sydney Regional Environmental Plan No 28—Parramatta (1999 EPI 444), almost a decade after the site was fully developed with industrial land uses. Refer to **Attachment 2** (Site History) for a detailed history of the heritage item and the site.

PLANNING PROPOSAL

7. In July 2023, the applicant submitted a pre-lodgement application seeking Council Officers' advice on a proposed reduction of the heritage curtilage to encapsulate Truganini House and its immediate garden setting. A pre-lodgement meeting was held on 27 September 2023 and formal advice was issued to the applicant on 27 October 2023, recommending that the heritage curtilage be revised to include land to the south down to the river and the adjoining café building to the east.
8. On 25 June 2024, the applicant lodged the Planning Proposal for the site, which was partially consistent with Council Officers' pre-lodgement advice. While the Planning Proposal did seek to include the curtilage down to the river as requested, it did not include the immediately adjoining café building to the east of Truganini House. Council Officers subsequently requested that the applicant include the café building based upon additional justification (refer to Planning Proposal assessment section below), to which the applicant agreed.
9. On 18 September 2024, the applicant submitted an amended Planning Proposal (**Attachment 1**) and amended Heritage Impact Statement (HIS) (**Attachment 3**) to retain inclusion of the café building in the heritage curtilage, consistent with Council Officers' pre-lodgement advice (refer to **Figure 4**).
10. The Planning Proposal will enable exempt and complying development under the Codes SEPP to occur outside of the heritage curtilage (and on parts of the site not identified as 'waterfront land' under the Water Management Act 2000) without affecting the heritage significance of the item. This will enable minor types of development to take place without a requirement for a Development Application pursuant to Part 5.10 Heritage Conservation of PLEP 2023.
11. A Development Control Plan and/or a Planning Agreement is not required to support the Planning Proposal given the Planning Proposal will not generate additional infrastructure demands.

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Figure 4: Proposed heritage curtilage outlined in blue (source: Urbis)

ASSESSMENT OF KEY ISSUES

12. An intended outcome of the Planning Proposal is to allow the landowner and tenants “to undertake minor works to non-significant elements on the site under practical planning pathways such as Complying Development Certificate (CDC)...where those works will not impact anything of heritage significance”. The Planning Proposal will have the effect of enabling consideration of the application of the provisions permitted under the Codes SEPP for works on parts of the site outside of the heritage curtilage.
13. The applicant’s amended Planning Proposal (**Attachment 1**) is supported by an amended HIS (**Attachment 3**). The HIS included a detailed curtilage assessment and heritage impact assessment of the proposed works and concludes that the Planning Proposal “appropriately assesses, acknowledges and legislates the significance of Truganini House” (HIS, p. 2). Council Officers support the applicant’s Planning Proposal for the reasons provided below.
14. PLEP 2023 provides the following definition for ‘curtilage’: *in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.* The area of land that is proposed to remain as part of the heritage curtilage has the potential to contribute to, or detract from, the heritage significance of Truganini House.
15. Council’s Senior Heritage Specialist has supported the amended curtilage that will help preserve the historical connection of Truganini House to the river noting the significance of the previously operating jetty to the south-east of the site dating to the late 19th Century. This is consistent with Part 7, Objective 12 of the *Parramatta Development Control Plan 2023* (PDCP 2023), which states (paraphrased): *In some cases, there is a reduced curtilage where the significance of the item and its interpretation is not dependent on having a large curtilage extending to the lot boundary. In such cases it is necessary to identify a curtilage that enables the heritage significance of the item to be retained. An*

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expanded curtilage may be required to protect the landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and a river or topographical feature.

16. The amended curtilage will help maintain existing sightlines from the Parramatta Valley Cycleway and will assist in potentially re-establishing past sightlines should the existing warehouse building to the south be redeveloped (which will require a Development Application assessment due to its proposed retention as part of the heritage curtilage). Changing the item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting' will better describe the important relationship of the heritage item to the river.
17. The amended curtilage will retain the immediately adjoining café building to the east of Truganini House, resulting in a continuous curtilage along the east, down to the river. The café building should remain as part of the heritage curtilage given that it immediately adjoins, and is visually connected to, the heritage item (separated by a small outdoor seating area), thereby supporting the interpretation of the heritage significance of the item. In addition, the design of the café building has been highly influenced by Truganini House, almost presenting itself as an outbuilding, as noted by Council's Senior Heritage Specialist. It is therefore important to retain the ability to properly assess any future changes to this building via future Development Applications.
18. Retaining the café building as part of the existing curtilage is consistent with the NSW Heritage Office advice, noting that "the significance of heritage items often involves their wider setting. This may provide evidence of historical, social and cultural associations and uses which is integral to the heritage significance of the items. It is often the interaction of a heritage item with its surroundings through activities, functions and visual links that enables its heritage significance to be fully appreciated" (*Heritage Curtilages*, p. 12, NSW Heritage Office 1996).
19. On 25 July 2024, Council Officers briefed Parramatta's Heritage Advisory Committee (HAC). The HAC were supportive of the amended curtilage including land to the south of the heritage item, down to the river, and the adjoining café building.

LOCAL AND STRATEGIC CONTEXT

State Planning Policies

20. 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.
21. 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,

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and where it is necessary to take account of the cumulative impacts of development on heritage values.

22. 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.
23. The Planning Proposal is in keeping with the above objectives in that the proposed amended curtilage identifies the relationship between the heritage item and the river and protects existing sightlines towards the river, while allowing for past sightlines to be reestablished in the future should opportunities arise. The Planning Proposal also provides a balance between protecting the heritage significance of the item and allowing reasonable development opportunities within the surrounding industrial area.

Local Strategies

24. Council's Local Strategic Planning Statement (LSPS) (published 31 March 2020) provides the local strategic planning framework for the City of Parramatta. Any Planning Proposal must be consistent with the LSPS and the supporting Local Housing Strategy (LHS) and Employment Lands Strategy (ELS).
25. The Planning Proposal is consistent with the LSPS and associated strategies as it aligns with Planning Priority 9: *Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs*. No development is being proposed as part of this Planning Proposal. The reduced heritage curtilage will continue to protect the local heritage item and its relationship to the river, despite its original setting being altered by the existing surrounding industrial uses.

PLAN MAKING DELEGATIONS

26. 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.
27. Should Council resolve to endorse the Planning Proposal to proceed, it is recommended that Council request to DPHI that it exercise its plan-making delegations. This means that once the Planning Proposal has been granted Gateway, undergone public exhibition and been adopted by Council, Council Officers will liaise directly with the NSW Parliamentary Counsel's Office regarding the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being gazetted by DPHI and notified on the NSW Legislation website.

FINANCIAL IMPLICATIONS FOR COUNCIL

28. 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

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29. It is recommended the Parramatta Local Planning Panel support the Council Officer recommendation for the Planning Proposal (**Attachment 1**) to be approved for the purposes of seeking a Gateway Determination from the DPHI.
30. Following the Panel's consideration of the recommendations of this report, the matter will be reported to an upcoming Council meeting along with the Panel's advice.

Chloe Ho
Project Officer

Belinda Borg
Team Leader Land Use Planning

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

- 1  Planning Proposal, prepared by Urbis
- 2  Site History, prepared by Council Officers
- 3  Heritage Impact Statement, prepared by Urbis

EXTERNAL REFERENCE MATERIAL

1. *Heritage Curtilages* (1996), NSW Heritage Office

Item 6.1 - Attachment 1

Planning Proposal, prepared by Urbis

URBIS

**38-50 SOUTH
STREET,
RYDALMERE**

Planning Proposal

Prepared for
DEXUS
September 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Consultant	Taylah Brito
Project Code	P0039547
Report Number	FINAL

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EXECUTIVE SUMMARY

This Planning Proposal request has been prepared by Urbis Pty Ltd on behalf of Dexus Wholesale Property Limited as Responsible Entity for Dexus Wholesale Property Trust 3 (**Dexus**) in support of a proposed amendment to *Parramatta Local Environment Plan 2023 (Parramatta LEP 2023)* as it relates to the land at 38-50 South Street, Rydalmere (**the site**). The site is also known as the Metro Centre Rydalmere.

The Metro Centre Rydalmere is a modern, mixed-use complex within the Rydalmere industrial precinct that provides high quality office and industrial warehouses for a range of businesses. The Metro Centre offers choice and flexibility for tenants who value the potential for growth and expansion. The site also comprises a mid-19th century dwelling known as Truganini House, which is currently used as a child-care centre.

The site is currently listed as a locally significant heritage item 591 under the Parramatta LEP 2023 described as 'Truganini House and grounds'. The heritage mapping and description of the listing encompasses the entire site. As outlined in the Heritage Impact Statement prepared by Urbis Heritage and accompanying this Planning Proposal, only Truganini House and its immediate front garden are considered to warrant heritage listing.

The current listing is therefore not considered to appropriately recognise and represent the site's heritage significance. The listing also results in time and cost inefficiencies due to the preparation of heritage assessments for minor works on the industrial portion of the site, with no impact on the heritage fabric.

Consultation with Parramatta City Council (**Council**) on the proposed amendment commenced in October 2020 when a submission was made by the applicant on the draft Parramatta Harmonisation Local Environmental Plan (**LEP**). During a subsequent meeting with Council and the previous landholder to discuss the submission, the strategic merits of the proposal was acknowledged but the proposal was considered beyond the scope of the Harmonisation LEP. Council stated they would be willing to accept a spot-rezoning or consider the proposal as part of a future housekeeping amendment. A Scoping Report was subsequently submitted to Council in April 2023.

The draft Parramatta Harmonisation LEP has now been gazetted and as such this Planning Proposal request is for a spot-rezoning consistent with the intent of the previous consultation with Council.

The objective of this Planning Proposal is to amend the Parramatta LEP 2023 to amend the item name and property description of the heritage item 'Truganini House and grounds' to accurately reflect and define the heritage curtilage. This will be achieved through:

1. Amend the item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting' within Schedule 5 of the Parramatta LEP 2023 to define the heritage curtilage.
2. Amend the property description within Schedule 5 of the Parramatta LEP 2023 to reflect the location of Truganini House as 'Part Lot 10 Deposited Plan 774181'.

The intended outcomes are:

- Foster a better understanding of the heritage significance of Truganini House and those elements which provide a meaningful contribution to the heritage significance. We believe that this will enable these specific elements to be better protected and appreciated in the future and provides a clearer understanding of what is important and what is not from a heritage perspective.
- Enable DEXUS and its tenants to undertake minor works to non-significant elements on the site under practical planning pathways such as Complying Development Certificate (CDC – subject to advice from a qualified Certifier), where those works will not impact anything of heritage significance.
- Improve opportunities for industrial land within Parramatta Local Government Area (LGA) to remain productive and competitive.
- Retain employment lands in the Central City District and the Greater Parramatta to Olympic Peninsula Economic Corridor.

The Planning Proposal request has prepared in accordance with the '*Local Environmental Plan Making Guideline*' prepared by the Department of Planning and Environment (**DPE**) in August 2023. The request is considered appropriate given the strategic and site-specific merit of the proposal. Accordingly, it is recommended the Planning Proposal is endorsed by Council to enable a gateway determination by DPE.

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal request has been prepared by Urbis Pty Ltd on behalf of Dexux Wholesale Property Limited as Responsible Entity for Dexux Wholesale Property Trust 3 (**Dexux**) in support of a proposed amendment to Parramatta LEP 2023 as it relates to the land at 38-50 South Street, Rydalmere (refer to **Picture 1**). The site is also known as the Metro Centre Rydalmere and is listed as a local heritage item in Schedule 5 of the Parramatta LEP 2023.

The Planning Proposal seeks to support an amendment to the item name and description of the heritage item to provide a more accurate recognition of the items of heritage significance within the site boundary.

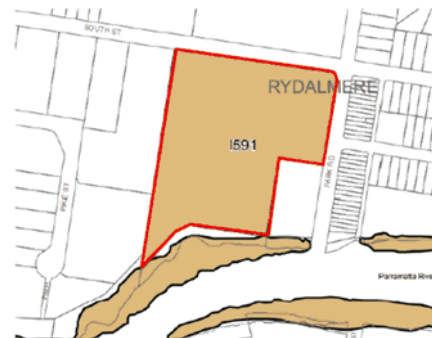
Currently, the Schedule 5 listing and mapping identifies the entire site as a heritage item (refer to **Picture 2**). This does not correctly reflect that the heritage significance of the site relates only to a portion of the site on the eastern boundary being Truganini House and its riverfront setting, and not the surrounding industrial buildings. This inaccuracy results in time and cost implications due to the inability to utilise alternative planning pathways such as CDC for appropriate works within the industrial site.

Figure 1 Site identification



Picture 1 Aerial image of site

Source: Urbis



Picture 2 Parramatta LEP 2023 heritage mapping

Source: Urbis, Parramatta LEP 2023

The intent of this report is to provide Council with sufficient information to understand and support the merit of the Planning Proposal and to refer the matter to the NSW DPE LEP Gateway Review Panel. The report has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, and the DPE 'Local Environmental Plan Making Guideline' (August 2023).

Section 6 of this report sets out the strategic and site-specific merit of the proposal, supported by an assessment of the environmental, social and economic impacts of the proposed amendment and consideration of relevant strategic plans, environmental planning instruments and ministerial directions. This assessment finds a high level of compliance with relevant policies and a strong justification for the proposed amendment.

As such, we request that Council forward the Planning Proposal to DPE for a 'Gateway determination' in accordance with Section 3.34 of the EP&A Act.

1.2. PROJECT HISTORY

1.2.1. Pre-Lodgement Consultation

Council began preparation of a Planning Proposal for a new LEP for the LGA in 2020. The new LEP, referred to as the 'Harmonisation LEP' proposed to replace existing LEPs that currently applied to land in the LGA.

The Planning Proposal and supporting documents was publicly exhibited from Monday 31 August 2020 until Monday 12 October 2020. A submission was prepared on behalf of the previous landowner for the site which identified the need to update the heritage mapping as part of the Harmonisation LEP. A meeting was held between Council and the previous landowner in October 2020 to discuss the submission and the opportunity to incorporate an updated heritage curtilage as part of the Harmonisation LEP. During this meeting, the strategic merits of the proposal was acknowledged but the proposal was considered beyond the scope of the Harmonisation LEP. Council stated they would be willing to accept a spot-rezoning or consider the proposal as part of a future housekeeping amendment.

On 12 July 2021, Council resolved to approve the Harmonisation LEP Planning Proposal, with minor amendments prior to forwarding the proposal to DPE for finalisation. The Council report provided a response to matters raised during the public exhibition including multiple requests to amend heritage listings on large lot, with specific mention of the site.

Council acknowledged that the heritage listing impacts the ability to undertake exempt and complying development on parts of the site away from the heritage item. The report also acknowledged that there are precedents within the LGA for partial lots to be identified as the listed heritage item. While Officers are supportive of the proposal to review the heritage mapping for Metro Centre Rydalmere and acknowledge the strategic merit of the proposal, the report recommends that the process of determining the proper heritage curtilage and amending the LEP be undertaken as a separate process outside of the Harmonisation LEP.

The Harmonisation LEP, was gazetted on 2 March 2023 and did not incorporate the recommended updates to heritage mapping for the site. It is now considered appropriate to lodge a spot rezoning to amend the heritage listing of the site, in accordance with previous consultation with Council.

1.2.2. Scoping Meeting

A Scoping Report was prepared by Urbis and submitted to Council in April 2023. A meeting was subsequently held with Council, the proponent and representative from the project team held a meeting with Council officers on 27 September 2023 to discuss the proposal. The purpose of the meeting was to discuss the proposed amendments to the heritage item name and property description of Truganini House and grounds within Schedule 5 – Environmental Heritage of the Parramatta LEP 2023 to facilitate a reduction of the heritage curtilage currently applying to the site. A summary of the matters discussed during the meeting are provided in **Table 1** with a copy of the formal minutes enclosed in **Appendix C**.

Table 1 Pre-Lodgement Discussions

Matter	Officer Comments	Planning Proposal Reference
Strategic Planning Comments		
Council's Employment Lands Strategy	This strategy applies to the site, which is therefore recognised as providing a diverse range of important employment opportunities. It is agreed there is strategic merit in reducing some of the extent of the existing heritage curtilage to allow simpler approval pathways for either exempt or complying development to support these businesses. Council's question is not whether the curtilage should be reduced, but how	The strategic merit of the proposal is assessed in Section 4.3 of this report including an assessment against the relevant objectives of the <i>Parramatta Employment Lands Strategy</i> .

Matter	Officer Comments	Planning Proposal Reference
	much of the heritage curtilage should remain.	
Key functions of the heritage curtilage	From a strategic planning perspective, the heritage curtilage plays an important role in protecting the heritage value of the heritage item and help protect interpretation of the original setting of the heritage item. For example, retaining some of the land around the building to the north, east and west allows opportunities for future landscaping that will help to buffer the item from established industrial uses. Whilst some of this land currently comprises car parking and access, maintaining some of this curtilage beyond the immediate heritage item / building will help to safeguard these opportunities to potentially re-establish the setting into the future. In addition, retaining the curtilage (as it currently already exists) to the south will reinforce the heritage item's original connection to the river and original jetty location and will serve to help protect existing view lines and to safeguard opportunities to potentially reestablish past view lines.	The final heritage curtilage has been informed by the Heritage Impact Assessment prepared by Urbis (enclosed in Appendix B).
	DAs are required for any development on land to which the heritage curtilage currently applies. The heritage provisions in the LEP and controls in the DCP therefore need to be considered for development that is subject to the heritage curtilage. This provides an additional level of merit-based assessment that helps to protect the integrity of the heritage item (e.g., materiality interface, building design, articulation, and landscaping).	This is acknowledged and any development within the heritage curtilage will still require development consent and merit-based assessment.
	A degree of risk is associated with the proposed reduction of the heritage curtilage as it could further isolate the house and decontextualise the historical use of the surrounding grounds, which were once dedicated to rural uses, such as farming activities. This connection	This is acknowledged and addressed in the Heritage Impact Assessment prepared by Urbis (enclosed in Appendix B).

Matter	Officer Comments	Planning Proposal Reference
	between the building and its setting has been reduced due to the surrounding industrial development.	
Assessment of the site's long-term vision	Any proposed reduction of the heritage curtilage should be carefully assessed with consideration to the long-term vision and aspirations for the site as discussed in this pre lodgement advice letter. It should be treated with careful consideration as once reduced, it is unlikely to be re-established.	Reasoning for the final heritage curtilage is provided in the Heritage Impact Statement prepared by Urbis (refer to Appendix A).
Waterfront Land	Council officers advise that the site may be considered 'waterfront land' under the Water Management Act 2000, which precludes exempt or Complying Development from being carried out under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> to the south of the site regardless of a reduced heritage curtilage. 'Waterfront land' means the bed of any river, lake or estuary, and the land within 40 metres of the river banks, lake shore or estuary mean high-water mark. The south-eastern corner of the site may be within 40m from the northern side bank of the river. A survey would therefore be required, and you are encouraged to seek further advice from a Certifier in this regard.	Section 2.1.3 confirms that a portion of the site is identified as 'waterfront land'. As such, CDCs are still limited for a portion of the site which is closer to the river.
Future Planning Proposal	Any future Planning Proposal to reduce the heritage curtilage must address the points raised in this pre-lodgement letter. If it only encapsulates the existing building and some of its immediate surrounds then it must be demonstrated how: it is proposed to protect the item and interpretation of its original setting, how existing view lines (refer to photos below) are to be protected, and how future opportunities to re-establish view lines to the water will be achieved.	Reasoning for the final heritage curtilage is provided in the Heritage Impact Statement prepared by Urbis (refer to Appendix B).
Heritage listing	It is agreed that the heritage listing of the PLEP 2023 I591 (Truganini House and grounds) should be revisited and	This is acknowledged and addressed in Section 4.2 of this report and the

Matter	Officer Comments	Planning Proposal Reference
	<p>updated to reflect the current statement of significance and extent of the heritage curtilage given that since the post-war period, the industrial area redevelopment has compromised some of the historical setting. Historically, the farmhouse had important physical and visual connections with the Parramatta River. Industrial development surrounding Truganini House has reduced some of these important connections. Notwithstanding, it is important to protect this local listing whilst safeguarding the potential to re-establish its river connection into the future.</p>	<p>Heritage Impact Assessment prepared by Urbis (enclosed in Appendix B).</p>
	<p>The State Heritage Inventory sheet identifies that "Truganini House is a single storey brick and stucco Victorian residence with a hipped roof and a verandah on three sides, sited to face Parramatta River" and that "the building is of interest as little physical evidence remains from this period of rural settlement along the Parramatta River". The site in its original context possesses potential to contribute to an understanding of early nineteenth century rural settlement and the new listing name should recognise this important connection with the context and setting.</p> <p>Accordingly, it is recommended that the heritage item description be amended to 'Truganini House and river front setting', which retains clues of a larger curtilage while simultaneously</p>	<p>This is acknowledged and addressed in Section 4.2 of this report.</p>
	<p>The revised statement of significance and description of Truganini House should also include the description of the jetty remains, which was an important asset in accessing the river. This access is dated to the late nineteenth century and was important for the north side of the Parramatta River, which was predominantly populated by small farms and orchards</p>	<p>As noted in the Heritage Impact Statement (Appendix B) the jetty was located on the southern alignment of the river and not located within the proponent's landholdings. Despite historical associations with this jetty, it is noted that the jetty no longer exists and the connection is tenuous as it is located outside of the property. It is also noted that the current property boundary does not extend fully to the waterfront and</p>

Matter	Officer Comments	Planning Proposal Reference
		therefore has no physical connection with the Parramatta River.
Proposed reduced curtilage	<p>The proposed reduced curtilage is limited to Truganini House and the immediate and adjacent landscaped areas.</p> <p>Council officers do not support the proposed reduced heritage curtilage to this extent as it appears insufficient to offer protection to Truganini House and interpretation of its setting. Moreover, the small curtilage proposed will isolate the heritage item and does not adequately reflect the relationship of Truganini House to the Parramatta River. The curtilage of local heritage items should be largely retained and conserved wherever possible. The amendment of the curtilage for Truganini House should include the area of grounds that previously extended to the river. Most of the subtracted current curtilage would facilitate and allow the use of Exempt and Complying Development in the wider industrial area (subject to compliance with the Codes SEPP) without compromising future opportunities for better management of the item and its settings.</p>	A revised curtilage is identified in Section 4 based on Council's comments and further heritage investigations undertaken by Urbis.
Council's recommended indicative heritage curtilage	<p>Council's Senior Heritage Specialist recommends the following indicative heritage curtilage that includes a buffer zone to mitigate possible impact to the heritage item and, additionally, would not preclude the re-establishment of physical and visual connections between Truganini House and the Parramatta River. The heritage curtilage outlined below is indicative and subject to further detailed analysis at the Planning Proposal assessment stage.</p>	<p>Minor amendments are proposed to Council's recommended curtilage. Reasoning is provided in Section 7.2 of the Heritage Impact Statement prepared by Urbis (refer to Appendix B).</p>

Matter	Officer Comments	Planning Proposal Reference
		
Development Assessment Comments		
<p>Planning Proposal to enable the attainment of Complying Development Certificates (CDCs)</p>	<p>The site is situated along the Parramatta River, there are additional limitations to attaining CDCs for the southern portion of the site that faces north towards the river, i.e., due to flooding and proximity to coastal wetlands, which was also raised in the Scoping Report prepared by Urbis.</p> <p>Council officers advise that the site may be considered 'waterfront land' under the Water Management Act 2000, which may preclude complying development being carried out under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>Advice should be sought from a registered Certifier to ascertain the extent to which a reduction in the heritage curtilage would enable works through the CDC pathway, prior to proceeding with any formal Planning Proposal lodgement.</p>	<p>This is acknowledged by the proponent. Advice has been sought from a certifier which confirms that CDCs can still be utilised as a relevant planning pathway for any development outside of the 40m catchment. As such, there is still benefit in reducing the heritage curtilage to allow CDCs to occur to properties not identified as 'coastal wetlands'.</p>

1.3. REPORT STRUCTURE

The relevant sections of the report are listed below:

- **Section 1:** introduction and background
- **Section 2:** detailed description of the site, the existing development and local and regional context.
- **Section 3:** the existing statutory context of the site.
- **Section 4:** comprehensive description and assessment of the requested Planning Proposal in accordance with the DPE guidelines.
- **Section 5:** conclusion and justification.

1.4. PROJECT TEAM

This Planning Proposal request should be read in conjunction with the relevant consultant reports as follows:

Table 2 Planning Proposal Project Team

Technical Input	Consultant	Appendix
Heritage Impact Statement	Urbis Heritage	Appendix A
Proposed LEP Mapping	Urbis	Appendix B
Scoping Meeting minutes	Council	Appendix C

2. SITE AND SURROUNDING CONTEXT

2.1. SITE DESCRIPTION

The land to which this Planning Proposal relates to is 38-50 South Street, Rydalmere.

The site is located within the City of Parramatta LGA and is within the Rydalmere industrial precinct, a 104ha industrial precinct characterised by industrial and business uses. It accommodates industrial format buildings in various size, industry, and operation type.

The Rydalmere industrial precinct is located 3km from the Parramatta CBD and is positioned in a central location within the LGA, with the University of Western Sydney Parramatta Campus and Parramatta CBD to its west, Sydney Olympic Park to its east, Parramatta River to the south and Victoria Road to the north. The Rydalmere industrial precinct is also located along the GPOP economic corridor.

Key details are provided in Error! Reference source not found. below with a site aerial photograph of the site is provided as **Figure 2**.

Table 3 Site Description

Feature	Description
Street Address	38-50 South Street, Rydalmere
Legal Description	Lot 10 Deposited Plan 774181
Site Area	Approximately 4.5 hectares
Local Government Area	City of Parramatta Council
Street frontages	Primary street frontage of 291 to South Street and 124m to Park Road.

Figure 2 Site in regional context



Source: Urbis

2.1.1. Existing Development

The site currently accommodates a mixed-use complex known as Metro Centre Rydalmere. It is comprised of modern, high-quality office and industrial warehouses for a range of businesses (Picture 4). There are numerous contemporary tenancies available which make up Metro Centre, accompanied by an internal carpark and landscaping. The Metro Centre offers choice and flexibility for tenants who value the potential for growth and expansion.

The site also comprises a mid-19th century dwelling known as Truganini House (Picture 3), which is currently used as a child-care centre and is located in the southeast portion of the Metro Centre. The building is of heritage significance and as such is listed within Schedule 5 of the Parramatta LEP 2023 as discussed in Section 2.1.2.

Figure 3 Site Photos



Picture 3 Truganini House



Picture 4 Industrial lots

Source: Urbis

2.1.2. Heritage Significance

The site is listed as a heritage item under the Parramatta LEP 2023 and is described as "Truganini House and grounds" (item no. 591) applicable to Lot 10 DP 774181.

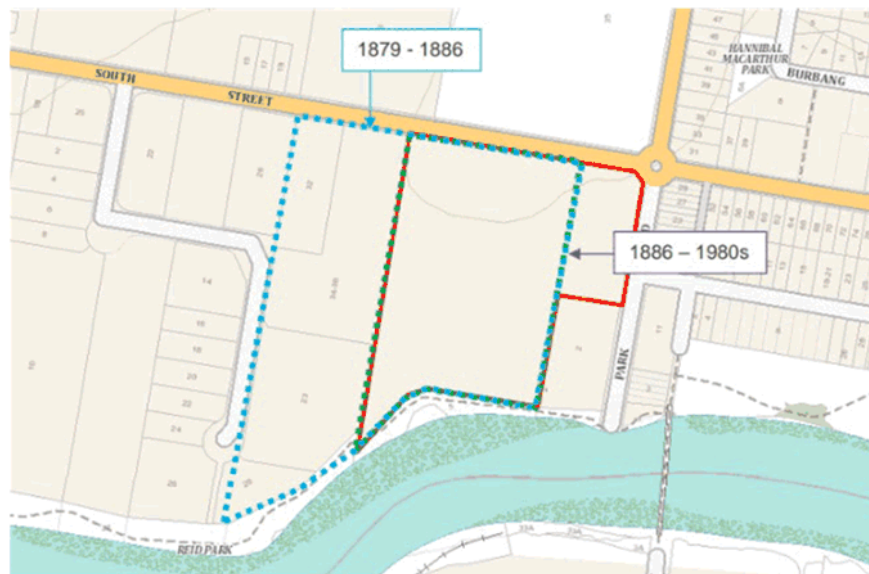
As a result of previous lot consolidation dating to the 1980s, the whole of the Metro Centre site is subject to this heritage listing by being both mapped and described as a heritage item under Schedule 5 of the Parramatta LEP 2023. This is despite Truganini House and its immediate associated curtilage only occupying a small area within the broader Metro Centre property on the eastern boundary of the site.

Based upon historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House as:

- The exact date of construction of Truganini House is unknown. However, it is likely that Truganini House was constructed in two stages possibly during Isaac Waugh's ownership from 1879 and during Thomas Williamson's ownership from 1886. In either case, Truganini House had reached its present size by 1893.
- The historical curtilage most relevant and significant is that which conformed with the original subdivision of the site from the Vineyard Estate subdivision of 1879 and the associated occupation by Issac Waugh (1879-1883), Andrew McCulloch (1883-1886) and Thomas Williamson (1886-1906). These curtilages are outlined in blue and green in Figure 4. The two lots located directly to the east of these lots did not form part of the existing site until the 1980s when these lots were consolidated to form the present-day lot.
- The original landscape and setting of Truganini House has been irrevocably altered since the rezoning of South Street to industrial use during the 1930s. Since this time, the site of Truganini House has been surrounded by industrial development, the latest iteration being constructed during the 1980s for the present day Metro Centre.

- No remains of the original late nineteenth century landscape are left present at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and consolidated over the course of the twentieth century. This highlights that the existing heritage curtilage does not reflect either of the historical subdivision patterns of Truganini House.
- Given these changes over time and remnant physical evidence of the original estate, it is noted considered that the existing heritage listing curtilage (illustrated in **Picture 2**), nor the two historical subdivision curtilages (illustrated in **Figure 4**) are appropriate in reflecting the site's heritage values.

Figure 4 Historical subdivision patterns of the site



Source: Urbis Heritage

2.1.2.1. Statement of Heritage Significance

The existing statement of significance for the heritage item is as follows and has been extracted from the State Heritage Inventory form for the subject site:

Truganini house, at 38 South Street is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses of the Victorian period in the area. The house retains a great degree of integrity when viewed from the publicly accessible areas, and makes an important contribution to the area character.

The identified significance of the place is attributed to the house itself, and does not include the broader Metro Centre property, or discuss historical curtilages or landscape settings. These associated factors have been eroded, and the statement of significance rightly focuses on the only physical evidence remaining, which is the house itself.

2.1.3. Coastal Wetlands

The southern portion of the site is in proximity to the Parramatta River and coastal wetlands, as illustrated in Figure 5. The State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) mapping therefore identifies:

- The whole site within the coastal use area
- The whole site within the coastal environment area
- The southern portion of the site within the 'proximity area for coastal wetlands'

It is noted that areas identified as coastal wetlands within the meaning of the Resilience and Hazards SEPP limits opportunities for complying development. Assessment of the impacts on coastal wetlands will form part of any CDC application for the site.

Figure 5 Resilience and Hazards SEPP coastal wetlands mapping



Source: NSW Planning

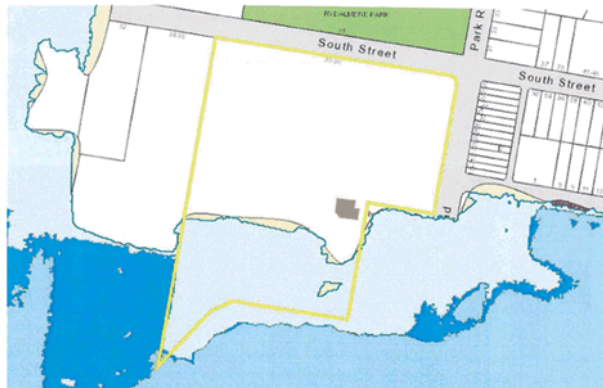
2.1.4. Flooding

Council has identified the southern portion of the site is identified as being flood prone within previous development consents, specifically DA/386/2018 and DA/523/2020. This generally aligns with the portion of the site identified as 'proximity area for coastal wetlands' in Figure 5.

An extract of the flood map from the assessment report of DA/386/2018 is provided in Figure 6.

It is noted that areas of flood prone land have implications for complying development pathways.

Figure 6 DA/386/2018 flood mapping



Source: City of Parramatta

2.1.5. Access and Connection

The site is located within an existing employment centre making it well connected and accessible. Metro Centre Rydalmere is a business park in a key location connected to major arterial roads including Victoria Road, Silverwater Road, James Ruse Drive and the M4 Motorway.

The site has existing accessways, including truck access, and on-site parking. Parramatta River, schools, universities, hospitals, social, retail and industry services are all easily accessible to the site. Parramatta CBD is conveniently located further west of the site, accessed via Victoria Road.

2.2. SITE CONTEXT

2.2.1. Local Context

The site is situated within the Rydalmere local centre located to the east of Parramatta CBD. The surrounding local centres in proximity to the Metro Centre include Telopea to the north, Ermington to the east, and Rosehill to the south on the opposite side of the river.

The Precinct has access to Victoria Road, a major road corridor to service the area. In addition, the introduction of the Parramatta Light Rail will further provide connectivity to the precinct, particularly at the Western Sydney University Campus at Rydalmere.

Rydalmere is identified as having one of the largest concentrations of employment lands in the LGA. The City of Parramatta identifies the precinct as a Metropolitan Significant Strategic Employment Lands for industrial uses to cater to the needs of increased employment. Further north of the precinct are areas for low-density, suburban areas.

2.2.2. Surrounding Development

The immediately surrounding development includes:

- **North:** Immediately north of the site is South Street. On the opposite side of the street is Rydalmere Park which consists of cricket nets, bowling greens connected to a club, and a carpark.
- **East:** Park Road aligns with the eastern boundary of the site. On the opposite side of the road are smaller format warehouses and industry buildings.
- **South:** Immediately south of the site is Parramatta Valley Cycleway, which follows along the Parramatta River corridor located adjacent. Opposite the river, further south, are warehouse and distribution centres.
- **West:** The adjacent site to the west is made up of large format warehouse and industrial buildings similar to the site.

3. STATUTORY CONTEXT

3.1. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The Parramatta LEP 2023 is the principle environmental planning instrument governing development on the site. The following provisions are applicable to the subject land.

3.1.1. Land Use Zoning

The site is zoned E4 General Industrial in accordance with the Parramatta LEP 2023. The relevant zone objectives include:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To encourage a range of tourism, recreation, function centres and entertainment uses near major community infrastructure.*
- *To create an accessible and safe public domain.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure development is carried out in a way that does not adversely affect the amenity of adjoining residential areas.*
- *To provide for automotive businesses, trades and services to reinforce existing uses of land.*
- *To encourage the creation of well-designed and sustainable business park developments.*
- *To encourage a range of office uses.*
- *To minimise adverse effects on the natural environment.*

3.1.2. Building Height

The site has a maximum building height of 9 metres on the southern portion of the site and 12 metres on the northern portion of the site in accordance with clause 4.3 of the Parramatta LEP 2023.

3.1.3. Floor Space Ratio

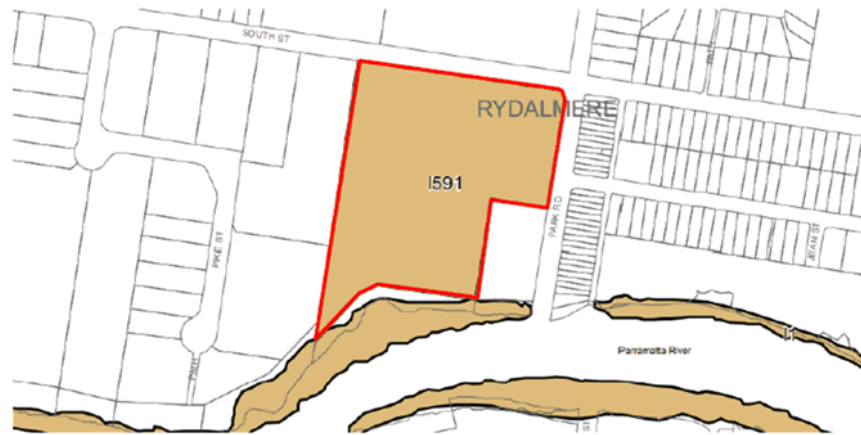
The site has a maximum floor space ratio of 1:1 in accordance with clause 4.4 of the Parramatta LEP 2023.

3.1.4. Heritage Conservation

The site is identified as a heritage item, known as "Truganini House and grounds" (item no. 591) located at 38-50 South Street at Lot 10, DP 774181, as shown in **Figure 7**.

There are also a number of heritage items in proximity to the site, including a local heritage listing for 'Wetlands' (Item no. 11) along the Parramatta River to the south.

Figure 7 Parramatta LEP 2023 heritage mapping



Source: Parramatta LEP 2023

3.1.5. Acid Sulphate Soils

The site is identified as containing Class 5 acid sulphate soils in accordance with clause 6.1 of the Parramatta LEP 2023.

3.2. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Parramatta Development Control Plan 2011 provides the detailed development controls which apply to land across a portion of the Parramatta local government area. The key controls which are relevant to the site and the requested Planning Proposal are summarised below:

- Section 2.4 – Site considerations
- Section 3.5 – Heritage
- Section 4.3.1 – Camellia and Rydalmere

4. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal request has been prepared in accordance with Section 3.33 of the EP&A Act and the DPE guidelines 'Local Environmental Plan Making Guidelines' dated August 2023.

This section outlines the vision, objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes. The justification and evaluation of impacts is subsequently set out.

4.1. PART 1 - OBJECTIVES AND INTENDED OUTCOMES

Objective

To amend the Parramatta LEP 2023 to amend the item name and property description of the heritage item 'Truganini House and grounds' to accurately reflect and define the heritage curtilage.

Intended Outcome

The intended outcomes are:

- Foster a better understanding of the heritage significance of Truganini House and those elements which provide a meaningful contribution to the heritage significance. We believe that this will enable these specific elements to be better protected and appreciated in the future and provides a clearer understanding of what is important and what is not from a heritage perspective.
- Enable DEXUS and its tenants to undertake minor works to non-significant elements on the site under practical and more cost effective/time efficient planning pathways such as Complying Development Certificate (CDC – subject to advice from a qualified Certifier), where those works will not impact anything of heritage significance.
- Improve opportunities for industrial land within Parramatta Local Government Area (LGA) to remain productive and competitive.
- Retain employment lands in the Central City District and the Greater Parramatta to Olympic Peninsula Economic Corridor.

4.2. PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal will be achieved by an amendment to Schedule 5 of the Parramatta LEP 2023 and Heritage Map, including:

1. Amend the item name to 'Truganini House and immediate riverfront setting' within Schedule 5 of the Parramatta LEP 2023 to define the heritage curtilage.
2. Amend the property description and LEP mapping within Schedule 5 of the Parramatta LEP 2023 to reflect the location of Truganini House as 'Part Lot 10 Deposited Plan 774181'.

All other planning controls applying to the site will remain unchanged. Rectifying the error of the current heritage listing will provide a more accurate planning instrument and reduce potential delays on the site associated with development of the industrial buildings within the broader site boundaries.

As noted in the Heritage Impact Statement prepared by Urbis (**Appendix A**), the proposed amendments are based on the following considerations:

- Inclusion of those elements on the site which are considered to have heritage value and reflect the identified significance of the heritage item.
- A visual inspection of the development in the immediate vicinity.
- The logical axis' created by the configuration of the surrounding roads which already serve as a buffer around the dwelling.
- Retention of the associated garden areas to the immediate east and south west of the house which provide a setting for the building
- Potential future requirements to undertake works to the roads around the house.

- Consideration of a visual setting and curtilage for the house.

Overall, the proposed curtilage of the heritage item encompasses the fabric of heritage significance on the site, and the immediate landscaped gardens which are associated with Truganini House. The recommended heritage curtilage for Truganini House and riverfront setting is illustrated in **Figure 8**.

Figure 8 Recommended heritage curtilage for Truganini House



Source: Urbis Spatial

4.2.1. Proposed Amendment

Specifically, Schedule 5 Environmental Heritage, Part 1 Heritage items is to be amended as follows:

Listing	Suburb	Item Name	Address	Property Description	Significance
<u>Current Listing</u>	Rydalmere	Truganini House and grounds	38-50 South Street	Lot 10, DP 774181	Local
<u>Proposed Listing</u>	Rydalmere	Truganini House and grounds riverfront setting	38-50 South Street	Part Lot 10, DP 774181	Local

The proposed LEP map amendment is provided in **Section 4.4**.

4.3. PART 3 - JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

The DPE 'Local Environmental Plan Making Guideline' outlines the matters for consideration when describing, evaluating and justifying a proposal. This considers two criteria, being strategic merit and site-specific merit. The consistency of the Planning Proposal with the assessment criteria is set out in the following sections.

In summary, the Planning Proposal will give effect to the Greater Sydney Region Plan, the Central City District Plan and the Parramatta Local Strategic Planning Statement which emphasises the importance of industrial landholdings in contributing to the economic productivity of the region. The Proposal does not seek to respond to a change in circumstances, rather seeks to rectify an inaccurate representation of the heritage significance of the item in the local environmental planning instrument.

The site also demonstrates site-specific merit as the amendment will not result in adverse impacts on the natural environment, will not result in a change to the pattern of land uses on the site and surrounding context, and will have no impact on existing services and infrastructure. The amendment to the heritage listing will have no adverse impact on the significance of the heritage item.

The strategic and site specific merit is explored in response to the relevant matters for consideration below.

Section A – Need for the planning proposal

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

The Planning Proposal is not the direct result of any strategic study or report. The listing of the heritage item has been identified from a review of the Parramatta LEP 2023 and the inaccurate mapping and listing of the significance of the item.

The amendment will give effect to local strategic policies as outlined in the following sections of this report.

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

The Planning Proposal is the best means of achieving the objectives and intended outcomes. An amendment to the Parramatta LEP 2023 is required to rectify the item name, heritage curtilage and property description of the heritage listing.

The proponent wrote to Council to request inclusion within the Parramatta Harmonisation LEP (refer **Section 1.2**), however Council advised the most appropriate process would be a spot-rezoning for the site.

The current heritage mapping inaccurately includes contemporary industrial land on the site, which is burdened unnecessarily by the site-wide heritage listing. The amendment will ensure the heritage significance of Truganini House is protected by providing accurate planning controls, without impacting the viability of the employment generating uses in the broader site.

In a competitive market, it is challenging to secure tenants on the site because of the inability to utilise the CDC pathway for fit outs. Correcting the definition of the heritage curtilage of Truganini House will simplify and streamline the planning process to undertake minor works and consequently improve ongoing opportunities for investment and business activity on the site. This will ensure the ongoing retention, management and viability of the industrial land consistent with the strategic direction of the Rydalmere industrial precinct, GOPP and broader Central River City.

Section B – Relationship to strategic planning framework

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

Greater Sydney Region Plan

The Planning Proposal is consistent with the Greater Sydney Region Plan (GSRP) as the changes are of minor significance. The amendment responds directly to Direction 5 and Direction 7 of the GSRP as outlined in **Table 4**.

Table 4 Consistency with GSRP

Strategic Plan	Consistency
Direction 5: A City of Great Places	
<i>Objective 13: Environmental heritage is identified, conserved and enhanced</i>	The proposal aligns with this objective as it will continue to protect the heritage significance of Truganini House by amending the heritage listing to reflect only significant fabric including the immediate riverfront setting surrounding the house. This approach provides controls which remain sympathetic to the heritage character of the item without impacting the viability of the employment generating uses on site.
Direction 7: Jobs and Skills for the City	
<i>Objective 22: Investment and business activity in centres</i>	The GPOP is the focus of future economic growth, investment as well as increased levels of development and amenity. The site is in a key location which will continue to support economic growth by delivering increased employment and jobs in proximity to strategic centres. The proposal aligns with this objective. In a competitive market it is difficult to secure tenants on the site because they cannot do CDCs for fit outs. Better defining the heritage curtilage of Truganini House will simplify and streamline the planning process to undertake minor works and consequently improve ongoing opportunities for investment and business activity on the site.
<i>Objective 23: Industrial and urban services land is planned, retained and managed</i>	Greater Sydney is greatly supported by manufacturing generated by industrial and urban services land. As such, it is critical to encourage the retention of industrial lands as well as plan for future land uses. The proposal aligns with this objective by seeking to amend the heritage description of the site to improve opportunities for this significant industrial land to be retained, managed and respond to market conditions. The current heritage mapping inaccurately includes contemporary industrial lands, which are burdened unnecessarily (so CDCs cannot be utilised) by the current heritage listing which applies to the entire site.

Central City District Plan

The site is located within the Central City District and as such the proposal has regard to the Central City District Plan (**District Plan**). The Central City District is well positioned as a transition between the Eastern Harbour City and the future Western Parkland City.

The Planning Proposal is consistent with the District Plan as the changes are of minor significance. The amendment responds directly to the Liveability and Collaboration priorities of the District Plan as outlined in **Table 5**.

Table 5 Consistency with District Plan

Strategic Plan	Consistency
Liveability	

Strategic Plan	Consistency
<i>Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage</i>	As noted above, the proposal aims to maintain development standards which reflect the heritage significance of Truganini House in a way which does not impede on the ability to undertake complying development for industrial and office buildings within the existing Metro Centre.
Collaboration	
<i>Planning Priority C8: Delivering a more connected and competitive GPOP Economic Corridor</i>	An additional 110,000 jobs are forecasted within the GPOP by 2036. The proposal will result in improved planning pathways available to existing contemporary office and warehouse buildings within the existing Metro Centre industrial park. This will ensure the site remains market competitive and consequently retain employment opportunities within the GPOP.
<i>Planning Priority C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</i>	The District Plan aims to safeguard existing industrial lands within the Central District. The proposal supports this priority by retaining and improving the opportunity to provide a range of manufacturing and other advanced employment services within contemporary industrial buildings in Rydalmere via practical, more time efficient and less costly planning pathways such as CDCs which are currently not available.

Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

City of Parramatta Local Strategic Planning Statement

The Planning Proposal has been prepared in accordance with the City of Parramatta Local Strategic Planning Statement (LSPS) City Plan 2036. The LSPS provides the strategic framework for Parramatta and builds upon its role as a Metropolitan Centre of Sydney's Central River City. The vision seeks to create the Central City for Greater Sydney by supporting the transformation of Parramatta into a vibrant metropolis. The LSPS outlines the importance to ensure employment growth is facilitated within the GPOP.

The Planning Proposal is consistent with the LSPS Local Planning Priorities as outlined in **Table 6**.

Table 6 Consistency with LSPS

LSPS Priority	Consistency
<i>4. Focus housing and employment growth in the GPOP and Strategic Centres; as well as stage housing release consistent with the Parramatta Local Housing Strategy.</i>	The site is identified within the LSPS as a key employment precinct. The proposed amendment seeks to strengthen the site's employment opportunities by amending the current heritage mapping to introduce new planning pathways including complying development for minor works.
<i>9. Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs.</i>	The proposal will revise the heritage listing for the item to ensure the listing includes elements on the site which are considered to have heritage value and reflect the identified significance of the heritage item. The proposed curtilage has regard to an appropriate consideration of a visual setting to enable the appreciation of the

LSPS Priority	Consistency
	heritage item, whilst enabling the recognition of the surrounding elements of the site which have no heritage significance.
<p>11. Build the capacity of the Parramatta CBD, Strategic Centres, and Employment Lands to be strong, competitive and productive</p> <p>12. Retain and enhance Local Urban Service Hubs for small industries, local services and last-mile freight and logistics</p>	<p>These priorities identify key areas of focus or actions to drive productivity for the LGA. The objective for the productive city is to grow local jobs by positioning Parramatta as a global centre for business and investment. The site is located in a prime location to support the growth of the centres and employment lands and as such the proposal to amend the listing will enable a more streamlined assessment planning pathway for the nonheritage industrial buildings on the site.</p> <p>The current heritage listing restricts the ability of this important industrial site to effectively support these important priorities. The proposed amendment will ensure the existing industrial site can deliver upon these priorities in an efficient manner.</p>

Parramatta Employment Lands Strategy

The *Parramatta Employment Lands Strategy* provides a set of land use planning actions and recommendations to guide the future of Parramatta’s Employment Lands Precincts. ‘Employment lands’ includes all land that is zoned for industry and/or warehouse uses include manufacturing, transforming and warehousing; service and repair trades and industries; integrated enterprises with a mix of administration, production, warehousing, research and development; and urban services and utilities.

The Planning Proposal is consistent with the Parramatta Employment Lands Strategy as outlined in **Table 7**.

Table 7 Consistency with Parramatta Employment Lands Strategy

Planning Priority	Consistency
A1 – Protect Strategically Important Employment Lands Precincts	The proposal delivers on the actions of this strategy by seeking to retain and protect strategically important employment lands precincts. The proposal will help facilitate planning pathways to enable uses/works which generate jobs and industrial development.
A8 – Structure Plan precincts will not result in a decrease to employment density	The proposal aligns with this vision, seeking to amend the existing heritage curtilage so that it more appropriately reflects the historical value of the site and removes the unnecessary burden that the inaccurate heritage curtilage places on this important industrial site.

Q5. Is the planning proposal consistent with applicable State and regional studies or strategies?

The Planning Proposal is a minor amendment that applies specifically to the site and an inaccurate heritage description. The Planning Proposal is therefore not inconsistent with State and regional studies.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPP) as identified and discussed in **Table 8**, due to the proposed changes being of minor significance and relating specifically to the heritage listing of the site.

Table 8 Consistency with SEPPs

State Environmental Planning Policy	Comment
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Precincts – Regional) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Precincts – Central River City) 2021</i>	Not applicable.
<i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i>	Not applicable.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	<p>The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP.</p> <p>The alteration to the heritage listing will enable use of the CDC pathway for appropriate development within the broader industrial site. As discussed in Section 2, it is noted that the southern boundary of the site is identified as within the proximity area for coastal wetlands under the Resilience and Hazards SEPP and as flood prone land within Council documents. As such, CDC will remain limited on the southern portion of the site.</p> <p>As the CDC pathway does not apply to heritage listed items, this pathway will not be utilised for any works to the revised listing of Truganini House and immediate gardens, as proposed under this Planning Proposal.</p>
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Not applicable.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Not applicable.

Item 6.1 - Attachment 1

Planning Proposal, prepared by Urbis

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Housing) 2021	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP. The southern boundary of the site is identified as within the proximity area for coastal wetlands under the Resilience and Hazards SEPP. This mapping will not be impacted by the Planning Proposal.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable.
SEPP No. 65 Design Quality of Residential Apartment Development	Not applicable.
State Environmental Planning Policy (Primary Production) 2021	Not applicable.
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022	Not applicable.
Draft Environment SEPPs	Not applicable.

Q7 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The Planning Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and summarised in **Table 9**, due to the proposed changes being of minor significance and relating specifically to the heritage listing of the site.

Table 9 Consistency with Section 9.1 Directions

Local Planning Directions	Assessment
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction as the changes are of minor significance. The consistency of the proposal with the strategy, goals, directions and actions contained within the Greater Sydney Region Plan is outlined in Table 4 .
1.2 Development of Aboriginal Land Council Land	Not applicable.

Local Planning Directions	Assessment
1.3 Approval and Referral Requirements	This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal and proposed LEP amendment. As outlined in Section 1.2 , pre-lodgement consultation with Council has confirmed a Planning Proposal is the most appropriate method of amending the controls and acknowledged that the amendment has strategic merit.
1.4 Site Specific Provisions	This Planning Proposal seeks to amend the site-specific heritage listing applicable to the site to ensure the listing accurately identifies elements of heritage significance on the site. This is consistent with the objective of the direction is to discourage unnecessarily restrictive planning controls.
1.5 – 1.22	Not applicable.
3.1 Conservation Zones	The Planning Proposal does not seek to reduce the conservation standards that apply to the land under the Resilience and Hazards SEPP and the Parramatta LEP 2023.
3.2 – 3.10	Not applicable.
4.1 Flooding	This Planning Proposal does not seek to create, remove or alter a zone or a provision that affects the site, which is identified as flood prone land.
4.2 Coastal Management	This Planning Proposal does not seek to rezone the site to enable increased development or a more intensive land use on the site which is identified as within a coastal use area. There are no changes proposed to the coastal use area map, coastal environment area map or coastal wetlands map of the Resilience and Hazards SEPP.
4.3 – 4.6	Not applicable.
5.1 – 5.4	Not applicable.
6.1 – 6.2	Not applicable.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable.
7.1 Business and Industrial Zones	The site is zoned E4 General Industrial. This Planning proposal will not reduce the total potential floor space area for industrial uses in the E4 zone. The amendment will enable future development of the site where appropriate to support the ongoing use of the site for industrial purposes.
7.2 – 7.3	Not applicable.

Local Planning Directions	Assessment
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable.
9.1 – 9.4	Not applicable.

Section C – Environmental, Social and Economic Impact

Q8. *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?*

As the nature of the proposed LEP amendment relates to clarifying the description and mapping of a heritage listing to precisely relate to items of heritage significance, it is unlikely that any critical habitats, threatened species or their habitats will be adversely affected as a result of the Planning Proposal.

Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Based on historical research prepared by Urbis (refer to **Appendix B**), the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately. The original landscape and setting of Truganini House has been irrevocably altered since the use of the site as industrial was commenced during the 1930s. Since this time, the site of Truganini House has been surrounded by industrial development, the latest iteration being constructed during the 1980s. No remains of the original late nineteenth century landscape are left at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and consolidated over the course of the twentieth century. It is thus considered that the existing heritage curtilage of Truganini House does not reflect either of the historical subdivision patterns of Truganini House and the retention of the existing heritage curtilage, as mapped in the Parramatta LEP 2023 is unfounded and is merely based on the consolidated lots established in the 1980s.

As such, there is not anticipated to be adverse environmental effects including on the heritage significance of Truganini House as a result of the Planning Proposal.

Q10. *Has the planning proposal adequately addressed any social and economic effects?*

A revision to the Parramatta LEP 2023 will result in a more accurate LEP and will reduce potential delays and obstacles for future development on the industrial site through use of the CDC pathway. This will result in positive social and economic effects for the Parramatta LGA by enabling future development of the site where appropriate and supporting the ongoing use of the site for industrial purposes.

The ability to utilise more streamlined pathways will make the site a more attractive investment option for prospective tenants, thereby increasing the economic productivity, employment growth and viability of the site as an industrial land parcel. The Planning Proposal will therefore have positive social and economic benefits for the broader community. It is considered that the proposal has addressed social and economic impacts and is in the public interest.

4.3.1. Section D – Infrastructure (Local, State and Commonwealth)

Q11. *Is there adequate public infrastructure for the planning proposal?*

There is adequate public infrastructure for the site.

Section E – State and Commonwealth interests

Q11. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

4.4. PART 4 - MAPS

The Parramatta LEP 2023 Heritage Map is to be amended as part of the Planning Proposal. The proposed heritage map is provided in **Figure 9** and **Appendix B**.

Figure 9 Proposed Heritage Map



Source: Urbis

4.5. PART 5 - COMMUNITY CONSULTATION

The preliminary consultation undertaken is outlined in **Section 3** of this report. The consultation at this stage has been limited to Council.

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be publicly exhibited for at least 28 days in accordance with the requirements of the DPE guidelines 'A Guide to Preparing Local Environmental Plans'.

It is anticipated that the public exhibition would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Council website.
- Written correspondence to adjoining and surrounding landowners.

The gateway determination and Planning Proposal would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

4.6. PART 6 - PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the DPE guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPE.

Table 10 Anticipated Project Timeline

Process	Indicative Timeframe
Consideration by Council	January – February 2024
Council decision	March 2024
Gateway Determination	April 2024
Pre-exhibition	May - June 2024
Public exhibition period	July 2024
Consideration of submissions	August 2024
Report Planning Proposal to Council	September 2024
Submission to DPE for finalisation	September 2024
Gazettal of LEP amendment	October 2024

5. CONCLUSION

This Planning Proposal request to amend the Parramatta LEP 2023 as it applies to the local heritage listing of Truganini House and grounds at 38-50 South Street, Rydalmere, has been prepared in accordance with the relevant provisions of the EP&A Act, the regulations, applicable Local Planning Directions and the August 2023 DPE 'Local Environmental Plan Making Guideline'. There are precedents within the Parramatta LGA for partial lots to be identified as the listed heritage item. The amendment seeks to follow this method for the site.

The Planning Proposal has been assessed against relevant State and local planning considerations including relevant Strategic Merit Tests. The Planning Proposal is justified on planning merits for the reasons summarised as follows:

- Pre-lodgement feedback from Council demonstrated support for the proposal to review the heritage mapping for Metro Centre Rydalmere and acknowledged the strategic merit of the proposal.
- Rectifying the error of the current heritage listing will provide a more accurate planning instrument and reduce potential delays for tenants on the site associated with development of the industrial buildings within the broader site boundaries.
- The amendment will result in positive social and economic effects for the Parramatta LGA by enabling future development of the site where appropriate and supporting the ongoing use of the site for industrial purposes.
- The current heritage mapping inaccurately includes contemporary industrial land on the site, which is burdened unnecessarily by the site-wide heritage listing. The amendment will ensure the heritage significance of Truganini House is protected by providing accurate planning controls and providing the opportunity to streamline the planning process for industrial lots to undertake minor works through the CDC pathway, where available. This will ensure the ongoing retention, management and viability of the industrial land consistent with the strategic direction of the Rydalmere Industrial Precinct, GOP and broader Central River City.

For these reasons, we submit that Parramatta City Council resolve to recognise the merits of the proposal and initiate the amendment process under Section 3.4 of the EP&A Act and seek a 'Gateway Determination' from DPE.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A HERITAGE IMPACT STATEMENT

APPENDIX B

PROPOSED LEP MAPPING

APPENDIX C

SCOPING MEETING MINUTES



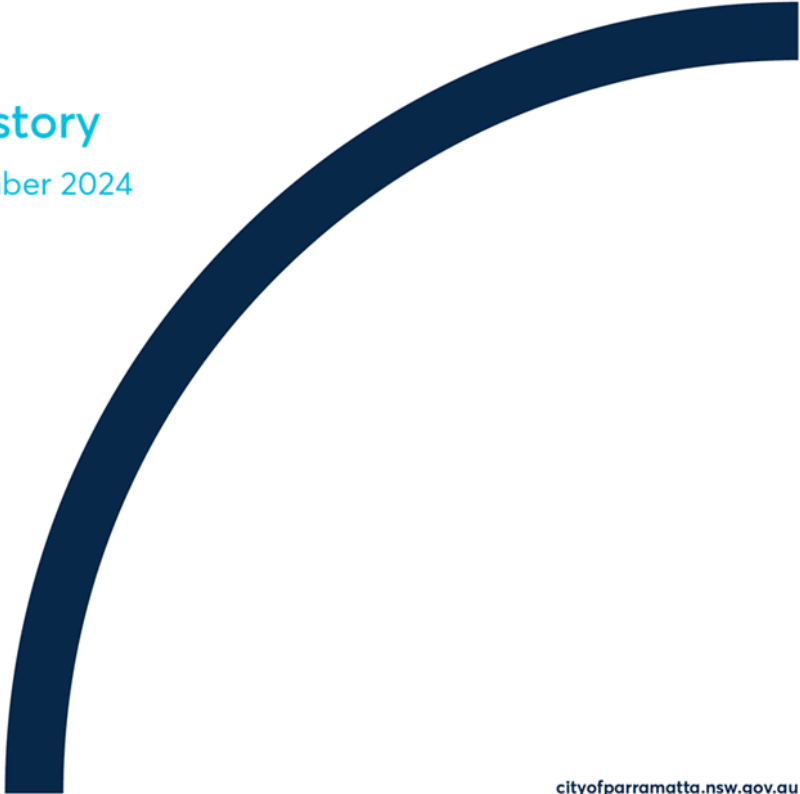
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38-50 South Street, Rydalmere

Site History

25 September 2024



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38-50 South Street, Rydalmere

Site History
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1. Site History

SITE HISTORY

1. According to research undertaken by Council's Heritage Visitor Centre, Truganini House was one of several houses built along the riverbank during the 1800s and associated with the landholding held by Hannibal Hawkins Macarthur (Cathy McHardy, Parramatta History and Heritage, City of Parramatta Council 2015). Truganini House originally comprised a 10-bedroom sandstone homestead, garden, lawns, tennis courts, boathouse, and servants' quarters.
2. Truganini House comprises several conjoined buildings with the oldest section constructed of sandstone and is "highly significant as it is possibly the only tangible link with Macarthur's vast property" (Cathy McHardy, Parramatta History and Heritage, City of Parramatta Council 2015). The Statement of Significance included under the State Heritage Register listing states that Truganini House "is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses of the Victorian period in the area". Furthermore, Truganini House "retains a great degree of integrity when viewed from the publicly accessible areas and makes an important contribution to the area character".
3. In 1878, the original estate was subdivided by the Catholic Church, which formed part of the "Vinyard Estate" (**Figures 1 and 2**). The historical subdivision (outlined in blue in **Figure 2**) had a site area of approximately 8.29 hectares. Truganini House then continued to be used as a residential dwelling from 1924 to 1946.
4. In 1946, the site (and much of Rydalmere) was zoned for industrial land use under the County Cumberland Scheme. According to the applicant's Heritage Impact Statement (HIS), the (then) owners (International Combustion Pty Ltd) requested Truganini House be preserved whereby it was then converted into the company's main office.
5. Truganini House and grounds was first listed as a local heritage item in December 2003 under Schedule 6 of the *Sydney Regional Environmental Plan No 28—Parramatta (1999 EPI 444)*, almost a decade after the site was fully developed with industrial uses.
6. In 2019, Truganini House was converted into its current use as a childcare centre for 55 children pursuant to DA/368/2018.



Figure 1: Original estate (1820-1834), with the approximate location of the subject site circled in red (Source: SLNSW, The Field of Mars, M Maps/0033).



Figure 2: Subdivision plan of the "Vineyard Estate" (1878) with the approximate location of the subject site outlined in red and the historic subdivision outlined in blue (Source: SLNSW, Parramatta Subdivision Plans, Z/SP/P6/167).

2. References

- 'The Story of Truganini House, Rydalmere', City of Parramatta Council 2015,
<https://historyandheritage.cityofparramatta.nsw.gov.au/blog/2015/10/20/the-story-of-truganini-house-rydalmere>
- Truganini House, State Heritage Inventory 2002,
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2240522>



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Report Number	01 13.12.2023 Draft
	02 4.09.2024 Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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EXECUTIVE SUMMARY

Urbis has been engaged by Dexus Property Services Pty Limited to prepare the following Heritage Impact Statement (HIS) to accompany a Planning Proposal to amend the existing heritage listing for the subject property at 38-50 South Street, Rydalmere (hereafter referred to as the 'subject site').

The site is currently listed as Item 694 under Schedule 5, Part 1 of the *Parramatta Local Environmental Plan (LEP) 2023* as *Truganini House and grounds*, covering the whole of Lot 10, DP 774181.

Based on historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately.

A detailed historical analysis, curtilage review and impact assessment are included in this report to inform the proposed heritage listing changes within this Planning Proposal. This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the *Parramatta LEP 2023*. It does not apply for any physical works to be undertaken, and it limited to an administrative application only.

Having regard to the Council's pre-and post-lodgement feedback, and the analysis contained in this report, Urbis propose the following heritage listing amendments in this Planning Proposal:

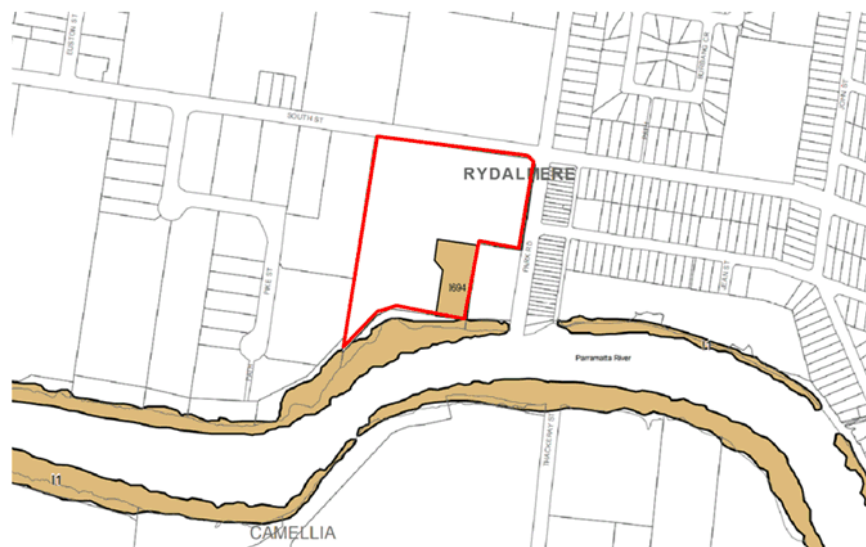


Figure 1 Proposed heritage curtilage to be adopted in the Heritage Map for *Parramatta LEP 2023*, subject site outlined in red.

Source: Urbis

We proposed the following amendments to Schedule 5, Part 1 of the *Parramatta LEP 2023*.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed	Truganini House and riverfront setting	Part Lot 10, DP 774181

Whilst Urbis did disagree in principle with the inclusion of land to the south of the House within the amended curtilage during pre-lodgement feedback, we acknowledge Council's feedback and intent. Accordingly, we have amended the proposed curtilage to balance Council's feedback and the curtilage analysis contained within this report, considering the extent of change being sought to the existing curtilage.

We have excluded the adjacent car parking areas to the north. This areas do not contribute to the significance of the heritage item, nor contribute to Council's intended riverfront connection and inclusion of the cafe.

A detailed curtilage assessment and heritage impact assessment of the proposed works has been undertaken in this report. This Planning Proposal is considered to be the best means of conserving the significance of the place, as it appropriately assesses, acknowledges and legislates the significance of Truganini House.

The Planning Proposal is recommended for approval from a heritage perspective.

1. INTRODUCTION

1.1. BACKGROUND & PURPOSE

Urbis has been engaged by Dexus Property Services Pty Limited to prepare the following Heritage Impact Statement (HIS) to accompany a Planning Proposal to amend the existing heritage listing for the subject property at 38-50 South Street, Rydalmere (hereafter referred to as the 'subject site').

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Based on historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately.

A detailed historical analysis, curtilage review and impact assessment are included in this report to inform the proposed heritage listing changes within this Planning Proposal. This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the *Parramatta LEP 2023*. It does not apply for any physical works to be undertaken, and is limited to an administrative application only.

1.2. METHODOLOGY & LIMITATIONS

This HIS has been prepared in accordance with the Heritage NSW guidelines 'Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013*.

Site constraints, opportunities and impacts have been considered with reference to the relevant controls and provisions contained within the *Parramatta Local Environmental Plan 2023* (Parramatta LEP) and the *Parramatta Development Control Plan 2023* (Parramatta DCP).

This HIS is limited to the assessment of built heritage impacts of the proposal. It is beyond the scope of this report to assess the archaeological potential of the subject site or assess any potential archaeological impacts as a result of the proposal.

1.3. AUTHOR IDENTIFICATION

The following report has been prepared by Keira Kucharska (Senior Heritage Consultant) and Ashleigh Crisp (Associate Director Heritage). Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2. SITE DESCRIPTION

2.1. LOCAL CONTEXT

The land to which this Planning Proposal relates to is 38-50 South Street, Rydalmere.

The site is located within the City of Parramatta LGA and is within the Rydalmere industrial precinct, a 104ha industrial precinct characterised by industrial and business uses. It accommodates industrial format buildings in various size, industry, and operation type.

The site is situated within the Rydalmere local centre located to the east of Parramatta CBD. The surrounding local centres in proximity to the Metro Centre include Telopea to the north, Ermington to the east, and Rosehill to the south on the opposite side of the river.

The Precinct has access to Victoria Road, a major road corridor to service the area. In addition, the introduction of the Parramatta Light Rail will further provide connectivity to the precinct, particularly at the Western Sydney University Campus at Rydalmere.

Rydalmere is identified as having one of the largest concentrations of employment lands in the LGA. The City of Parramatta identifies the precinct as a Metropolitan Significant Strategic Employment Lands for industrial uses to cater to the needs of increased employment. Further north of the precinct are areas for low-density, suburban areas.

2.2. SURROUNDING DEVELOPMENT

The immediately surrounding development includes:

- **North:** Immediately north of the site is South Street. On the opposite side of the street is Rydalmere Park which consists of cricket nets, bowling greens connected to a club, and a carpark.
- **East:** Park Road aligns with the eastern boundary of the site. On the opposite side of the road are smaller format warehouses and industry buildings.
- **South:** Immediately south of the site is Parramatta Valley Cycleway, which follows along the Parramatta River corridor located adjacent. Opposite the river, further south, are warehouse and distribution centres.
- **West:** The adjacent site to the west is made up of large format warehouse and industrial buildings similar to the site.

2.3. SITE DESCRIPTION

The Rydalmere industrial precinct is located 3km from the Parramatta CBD and is positioned in a central location within the LGA, with the University of Western Sydney Parramatta Campus and Parramatta CBD to its west, Sydney Olympic Park to its east, Parramatta River to the south and Victoria Road to the north. The Rydalmere industrial precinct is also located along the GOP economic corridor.

Key details are provided in the table below with a site aerial photograph of the site is provided as **Figure 2**.

Table 1 Site Description

Feature	Description
Street Address	38-50 South Street, Rydalmere
Legal Description	Lot 10 Deposited Plan 774181
Site Area	Approximately 4.5 hectares
Local Government Area	City of Parramatta Council
Street frontages	Primary street frontage of 291 to South Street and 124m to Park Road.



Figure 2 Site in regional context

Source: Urbis

2.4. EXISTING DEVELOPMENT

The site currently accommodates a mixed-use complex known as Metro Centre Rydalmere. It is comprised of modern, high-quality office and industrial warehouses for a range of businesses. There are numerous contemporary tenancies available which make up Metro Centre, accompanied by an internal carpark and landscaping. The Metro Centre offers choice and flexibility for tenants who value the potential for growth and expansion.

The site also comprises a mid-19th century dwelling known as Truganini House which is currently used as a child-care centre and is located in the southeast portion of the Metro Centre.



Figure 3 Truganini House



Figure 4 Industrial lots

2.5. TRUGANINI HOUSE

Truganini House is located at 38-50 South Street, Rydalmere on the northern side of the Parramatta River. The subject site comprises of Lot 10 of Deposited Plan 774181. Truganini House is located within the Rydalmere Metro Centre, an industrial park with office/showroom and warehouse offerings. Truganini House is located within the south-east portion of the Metro Centre and is surrounded by buildings of the industrial park.

Truganini House was constructed in various stages from the mid to late nineteenth century. The northern portion of the house features a single storey building constructed of sandstone, with hipped and valley roof with a bellcast verandah extending across the northern façade. The southern portion of the house features a single storey brick and stucco Victorian residence with a hipped roof and a verandah around three sides. This portion of the house faces toward the Parramatta River, however, due to the development of the industrial estate, only limited views to and from the Parramatta River to this portion of the house exist. Truganini House is currently occupied as a childcare centre.

Truganini House is clearly defined from the rest of the industrial park through the use of kerbs, planter bed and hedging that surrounds the building at the south, west and north. Directly to the east of the house at the north is an open paved café seating area which is utilised by the 1990s double storey pitched roof, brick rendered café building, while at the south is a fenced grassed area used as part of the existing childcare centre. Outside of these immediate surrounds, the house sits within the industrial park and is surrounded by concrete driveways which provide access to the surrounding buildings of the industrial park and car parking.

A site survey was undertaken on 6th October 2020 to determine if any landscape elements remain that date to the nineteenth or early twenty-first century when Truganini House was still in use as a private residence. It had been recorded on an interpretative plaque at Truganini House that there was a stone arch at the eastern boundary of the site which originally had mounted statues of phoenixes. This arch provided entrance to the south side of the house via a circular drive with a fountain at the centre. None of these elements remain at the site today and there is no evidence of early fencing. A small dock/ bathing area on the Parramatta River at the south east corner of the site has also been recorded on historical mapping. The remnants of a dock do remain in this location; however, these remains lie outside of the subject site's existing curtilage and lot boundaries.



Figure 5 South and eastern side of Truganini House, with contemporary hedges and fencing



Figure 6 The northern and eastern facades of Truganini House

Item 6.1 - Attachment 3

Heritage Impact Statement, prepared by Urbis



Figure 7 Eastern side of Truganini House adjacent to open café seating area



Figure 8 View of the western wing of the house, referred to as the barracks and the stables



Figure 9 Western side of Truganini House defined by kerbs and hedging. There is a landscaped yard to the southwest of the house, which is used by the childcare centre



Figure 10 The western boundary of Truganini house as defined by kerbs and hedging. Shown in the context of the industrial park development



Figure 11 Landscaped area at the west of Truganini House, bordered by planter beds



Figure 12 Interpretative plaque at the northern portion of Truganini House



Figure 13 Potential remains of dock/ bathing area at the Parramatta River at the southeast corner of the site

3. HISTORICAL OVERVIEW

The following historical overview focuses upon the historic curtilage of Truganini House. A detailed history of Truganini House was undertaken by Lucas Stapleton Johnson & Partners Pty Ltd in their report *Truganini, 38-50 South Street, Rydalmere: History and Condition Report* (13 June 2017). The below historical overview has adapted the history contained in that report, with a focus on the historic curtilage of the site.

3.1. MACARTHUR'S THE VINEYARD

Situated on the northern bank of Parramatta River, the site of Truganini House was part of the grounds of Hannibal Hawkins Macarthur's The Vineyard. Macarthur (1788-1861), nephew of John Macarthur of Elizabeth Farm, developed this estate from the early 1810s. Its genesis was a grant of 140 acres, flanked by Vineyard and Subiaco creeks, made to Philip Schaeffer in 1791, a former military man of German birth that had served with British forces in North America. Schaeffer named the grant The Vineyard.

In 1797 the grant was sold to Henry Waterhouse of the Royal Navy, who ran merino sheep there. HH Macarthur purchased the grant in 1813, and enlarged his land holding to the east towards present day Rydalmere by a grant of 160 acres made to Macarthur in 1822, and purchase of 80 acres originally granted to James Manning in 1792, and other early grants made to John Carver and John Seymour. In 1833 HH Macarthur engaged architect John Verge (1782-1861) to design a new villa (later known as Subiaco and demolished in 1961) for his estate, which was completed in 1837.¹



Figure 14 Field of Mars, 1820-1834. The approximate location of the subject site is circled in red.

Source: SLNSW, *The Field of Mars, M Maps/0033*

¹ J. McClymont, James Houson, *Parramatta's Forgotten Architect*, Parramatta and District Historical Society (2010)

3.2. THE VINEYARD BECOMES SUBIACO

HH Macarthur was closely involved with the management of the Bank of Australia, which collapsed in the financial crisis of the early 1840s. When the bank collapsed in 1843 Macarthur lost most of his personal estate and was forced into bankruptcy. Consequently, in 1848 Macarthur vacated The Vineyard prior to it being put up for sale. It was purchased in 1848 by Archbishop Polding on behalf of the Roman Catholic Church.

John Bede Polding (1794-1877) was of the Benedictine Order and had arrived in Sydney in 1835 to take charge of the newly formed Catholic diocese. Shortly after the purchase of The Vineyard, in 1849, the former residence was converted to a convent for Benedictine Sisters and school for girls, and the property was renamed Subiaco.²

In 1877 Roger William Bede Vaughan succeeded Polding as archbishop of Sydney. Vaughan (1834- 1883) had arrived in Sydney in 1873 and served as Polding's coadjutor. In 1878 Vaughan put up for sale the bulk of the grounds of Subiaco (east of Subiaco Creek) in a subdivision named Vineyard Estate.



Figure 15 Detail from W. Meadows Brownrigg's 'Plan of the Town of Parramatta and the adjacent properties', dated 1844. The approximate location of the subject site is circled in red and shows no development.

Source: SLNSW, M M4 811.1301/1844/1, FL3690460

² Ibid.

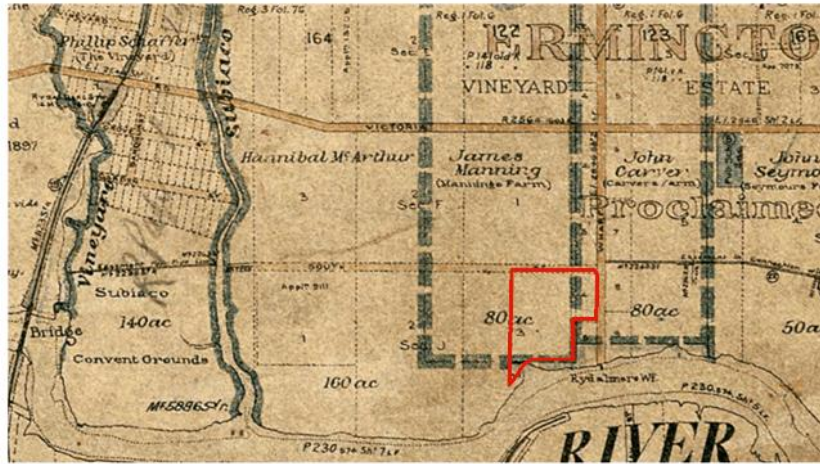


Figure 16 Detail from the 1890 edition of the map of the Parish of Field of Mars showing the numerous grants that made up MacArthur's The Vineyard Estate. The approximate boundaries of the subject site are outlined in red.

Source: NSWLRS, Historical Land Records Viewer, Cumberland, Field of Mars, 1890, Ed No. 4, Sheet 2

3.3. VINEYARD ESTATE SALE, 1878

The Vineyard Estate subdivision comprised a total of 38 lots, many of which were greater than 20 acres in area and intended for starting up orchards and small farms. The subdivision established three new public road reserves inclusive of South Street. The sale was held in November 1878.



Figure 17 Subdivision plan of the Vineyard estate undertaken in 1878 by the Catholic Church. The approximate existing heritage curtilage is outlined in red, and the historic subdivision is outlined in blue.

Source: SLNSW, Parramatta Subdivision Plans, Z/SP/P6/167

3.4. TRUGANINI HOUSE

The property is located within part of Lot 3 in Section J of this Vineyard Estate subdivision, which comprised an area of 20 acres 2 roods (19 acres 3 rood 22 perches on the sale plan). Lot 3 was purchased in July 1879 by local doctor Isaac Phipps Waugh for 246 pounds.³ Waugh (1841-1912) was an Irish born and educated surgeon. He moved to Parramatta in 1873.⁴

It has been stated Truganini was built by the time Waugh purchased Lot 3 in 1879, however, the subdivision plan of the Vineyard Estate does not identify any building being constructed across the Vineyard Estate, even though a brick cottage was standing in Lot 3.⁵ No council rate valuations are available for this part of western Sydney for the nineteenth century, and newspaper indexing and Sands' Directory provide no evidence for occupation for the early and mid-1880s. From 1881 Waugh resided at Tara (now demolished) in George Street, Parramatta, and in May 1882 Waugh sold Lot 3 to Augustus Robinson Winckler (?-1933) for 800 pounds.⁶ No money was exchanged at the time, and the matter was resolved in 1883 by a re-conveyance to Andrew Hardie McCulloch and payment of the money owing to Waugh.⁷ McCulloch (1820-1905) was a solicitor and land speculator with questionable business practices; he was also Waugh's brother-in-law (married Elizabeth Rose Holden McCulloch (1842-1926) in 1869).⁸

Subsequently, in January 1886 McCulloch sold the eastern half of Lot 3 (with an area of 9 acres 3 roods 31 perches) to Thomas Michael Williamson for 550 pounds.⁹ These subdivisions compared with the existing boundaries of the subject site are outlined in the figures below. Figure 19 indicates the location of an 'old jetty', remains of which still exist along the Parramatta River today.

³ Old System Conveyance Book 192 No. 853

⁴ McClymont 2010, p. 65.

⁵ Advertisement, Sydney Morning Herald, 23/11/1878, p. 13.

⁶ Old System Conveyance 244 No. 205

⁷ Old System Conveyance 277 No. 615

⁸ McClymont, p. 66.

⁹ Old System Conveyance 332 No. 786

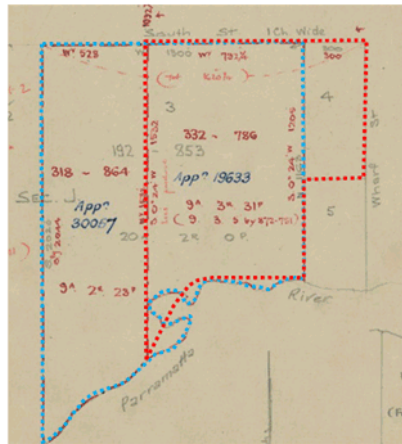


Figure 18 Subdivision of original Vineyard Estate lot by McCulloch in 1886. The existing heritage curtilage is outlined in red and the historic subdivision outlined in blue.

Source: NSW LRS, Primary Application No. 19633



Figure 19 Subdivision of site following 1886 under ownership of Williamson. The existing heritage curtilage is outlined in red and the historic subdivision outlined in blue.

Source: NSW LRS, Vol. 2614 Fol. 162

3.5. THOMAS WILLIAMSON'S TRUGANINI (1886-1893)

Thomas Michael Williamson (1855-1921) was born in Sydney in 1855, the son of William Williamson, a typesetter, publican, and long term alderman of Redfern. He was educated at Polding's Lyndhurst College in Glebe, and was articled to a solicitor about 1871. He became a solicitor with a successful police court practice.¹⁰

A Roman Catholic, Williamson married Annie McNamara in 1873 at Redfern. There were seven children of this marriage, nearly all being born at Redfern, with the exception being a daughter born in May 1891 at 'Truganini Park'.¹¹

Williamson resided at Redfern for most of the time he was in Sydney and was elected to the NSW Legislative Assembly in October 1885 representing the seat of Redfern. Following the loss of this seat in 1887 Williamson became involved within the district of Dundas and Rydalmere/Ermington. The municipality of Ermington and Rydalmere was incorporated in April 1891 and Williamson was its inaugural mayor.¹²

For the 1880s Williamson was listed in Sands' Directory as residing in Redfern. In December 1887 it was reported Williamson had changed 'his place of residence from Redfern to the Parramatta River',¹³ although he was mayor of Redfern for 1888. From 1890 Williamson was listed in Sands' Directory as being resident at the subject property with the address being described in Sands' Directory as 'Trafalgar Park', Wharf Street between 1890 and 1893, while in 1894 it was 'Truganini', Wharf Street. Truganini and Trafalgar Park would seem to have been the same property. (It is possible that Trafalgar Park was a typographical error for it seems only to have appeared in Sands' Directory). From the above it seems, that while the land was purchased in 1886, the dwelling was completed about 1888.

In late 1893 Williamson left Truganini and returned to Redfern. A preliminary to this move was the sale of the furniture and household effects of Truganini. By the sale notice the house comprised an entrance hall, dining

¹⁰ Two Mayors of New South Wales', *Australian Town and Country Journal*, 7/7/1888, p.29

¹¹ Births, *Sydney Morning Herald*, 6/5/1891, p.1; NSW Indexes to Birth, Death and Marriage

¹² 'Ermington and Rydalmere Council', *Cumberland Argus*, 30/1/1892

¹³ Banquet to Mr TM Williamson', *Freeman's Journal*, 31/12/1887, p.18

room, drawing room, library, six bedrooms, storeroom and dairy, kitchen, coach house and stables, and summer house. The contents were of such magnitude the auctioneers felt obliged to state the sale was the largest ever held in the district.¹⁴

The motivation for this move was undoubtedly Williamson having been caught withholding monies rightfully owing to his clients (that is mixing his client's money with his own personal account).¹⁵ Williamson, with no cash at hand to reimburse, was subsequently struck off the rolls of the Supreme Court in 1894.¹⁶ Williamson journeyed to Perth, Western Australia, about 1896. He remained there, practising as a commission agent, until his death, by suicide, in 1921.¹⁷

3.6. TENANTS (1894-1909)

In July 1888 Williamson mortgaged Truganini and his property in Redfern to The City Bank.¹⁸ These mortgages were not repaid and the bank in effect was the owner of the Truganini until 1906 when sold to Mrs Harriet Eastcott Cloudy.¹⁹ Cloudy soon after conveyed the property to Denis Manion in 1907.²⁰ A series of tenants occupied the house from 1893 and through the early 1900s. Some of the tenants were associated with the large meat freezing and canning works located on the south bank of the Parramatta River.

3.7. ARTHUR STERLING BARTON (1901-1914)

Between 1909 and 1914 Truganini was owned and occupied by Arthur Sterling Barton. Barton (1856- 1916) was a grazier with interests in the Wellington district, held pastoral stations around Walgett, and was a director of the pastoral firm Winchombe, Carson Ltd.²¹ It seems Barton bought Truganini as a place to retire and provide for the education of his children.²²

3.8. MEAT WORKS MANAGER'S RESIDENCE (1914-1923)

In July 1914 Barton sold Truganini to John Cooke & Co Pty Ltd for 2,100 pounds.²³ The principals of this company were John Cooke (1852-1917) and James Alexander Mackenzie Elder (1869-1946). Cooke was a meat exporter and a pioneer in the development of the frozen meat export trade.

In 1899 Cooke had promoted a company, Austral Meat Company, to build Sydney's largest meat freezing works²⁴, which was located at Sandown across Parramatta River and opposite Truganini. Cooke invested heavily in the Sandown works, and its operations commenced in late 1900.²⁵ The meat freezing works were destroyed by fire in 1923,⁴⁰ and the site was redeveloped eventually for the Shell Oil Company refinery. In 1916 John Cooke & Co probably undertook alterations to Truganini, of which the installation of a septic tank required statutory approval.²⁶ John Cooke & Co owned Truganini until 1924, and in this period it seems probable the house served as the residence of the manager of the meat freezing works.

¹⁴ Advertisement, *Cumberland Argus*, 30/9/1893, p.5

¹⁵ 'Case of TM Williamson', *Sydney Morning Herald*, 10/3/1894, p.3

¹⁶ 'Thomas Michael Williamson. Struck off the Roll', *Evening News*, 13/3/1894, p.4

¹⁷ 'Death of Thomas Williamson', *West Australian*, 14/1/1922, p.7

¹⁸ Old Conveyance Book 522 No. 627

¹⁹ Old Conveyance Book 818 No. 555

²⁰ Old Conveyance Book 823 No. 496

²¹ Obituary, *Wellington Times*, 20/7/1916, p.5; 'Death of Mr AS Barton', *Sydney Morning Herald*, 20/7/1916, p.8

²² *Cumberland Argus*, 26/6/1909, p.4

²³ Old Conveyance Book 1035 No. 160

²⁴ Beever, EA, 'Cooke, John (1852-1917)', *Australian Dictionary of Biography*, Volume 8, Melbourne University Press, 1981

²⁵ 'Sandown Meat Works', *Cumberland Argus*, 4/8/1900, p.12

²⁶ 'Ermington and Rydalmere', *Cumberland Argus*, 16/6/1916



Figure 20 Oblique aerial photograph dated 1928 looking east along the Parramatta River. Truganini House is circled in red and the industry on the south bank can be seen on the right.

Source: SLNSW, GPO 1-24975 reproduced in *Parramatta: a past revealed* (1996)

3.9. RESIDENCE AGAIN (1924-1946)

With the removal of the meat works, from 1924 Truganini reverted to a family residence owned and occupied by Dr William John Stewart McKay²⁷ from 1924 to 1927, and then engineer James Stormonth until 1930.²⁸ McKay (1868-1948) was a medical graduate of Sydney University (1891), and held the position of senior surgeon at Lewisham Hospital from 1896 to 1933. He was acknowledged for his knowledge of animal breeding and blood stock.²⁹ In 1930 Truganini was conveyed to Dr Arthur Robert Marks.³⁰ Marks (1872-1946) was a dentist and he and his family resided at Truganini.

3.10. INTERNATIONAL COMBUSTION (AUSTRALIA) PTY LTD (ICAL) (1946-2000S)

Shortly before his death, in 1946 Dr Marks conveyed Truganini to International Combustion (Australia) Pty Ltd.³¹ The conveyance comprised the same land holding that TM Williamson had purchased in 1886. International Combustion (Australia) Pty Ltd was established in 1929 and their line of business was manufacturing boilers and ancillary equipment for steam plants and powerhouses.

The coming of International Combustion to South Street was entirely consistent with the planning controls of the County Cumberland Scheme that zoned the area industrial. While industrial use of land south of the river had commenced by 1900, industry in South Street began in 1938 with the opening of Hume Pipes.³² An unfortunate post war outcome of this industrial rezoning was the demolition of Verge's Subiaco in 1961.

On acquiring the site in South Street, International Combustion in 1949 raised 1,000,000 pounds in capital and constructed new factory premises on the site. In respect of Truganini, the company retained the house and its name, and converted the residence into the main office inclusive of board room and managerial

²⁷ Torrens Title Dealing B132137

²⁸ Torrens Title Dealing B589621

²⁹ 'Dr WJS McKay', *Tweed Daily*, 5/1/1948, p.2

³⁰ Torrens Title Dealing B973270

³¹ Torrens Title Dealing D481225

³² Kass, T, C Liston and J McClymont, *Parramatta: a past revealed*, Parramatta City Council, 1996, p.342 & p.370

offices. The attached wing was converted to the engineering office, and connected to that was a new accounts wing by 1954.

The historic subdivision from 1886 of Truganini House remained the same throughout the twentieth century until the 1980s when the lot was consolidated with the Lot 4 of the original Vineyard Estate located to the north-east of the at the intersection of South Street and Park Road. This lot had been separately developed over the late nineteenth and twentieth centuries. Truganini also underwent major renovation in 1986-1987 at the same time as the whole of the existing site was redeveloped as the existing industrial park. Truganini House was gazetted as a heritage item on 21 February 1997.

The below aerial images provide a visual overview of the changing setting of Truganini House from the 1940s to the 1990s. The aerial images demonstrate the substantial changes that have occurred to the setting of Truganini House and in turn its historic curtilage. By the 1990s, the open area between the Truganini House and the Parramatta River had been developed and the landscaped areas surrounding the house had been developed to its existing form.



Figure 21 1943 aerial view with subject site outlined in red.
Source: SIX Maps, 2020



Figure 22 1950s aerial view with subject site outlined in red.
Source: Spatial Services, Historical Imagery, Search & Discovery

Item 6.1 - Attachment 3

Heritage Impact Statement, prepared by Urbis



Figure 23 1960s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery



Figure 24 1970s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery



Figure 25 1980s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery



Figure 26 1990s aerial view with subject site outlined in red.

Source: Spatial Services, Historical Imagery, Search & Discovery

4. ESTABLISHED HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before undertaking change a listed heritage item, a property within a heritage conservation area, or a property located in proximity to a listed heritage item, it is important to understand the heritage values of the place and its broader heritage context. This understanding will underpin the approach to any proposed changes and identify what is important and why, and how these values can be protected. Statements of heritage significance summarise the heritage values of a listed heritage item – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTINGS

4.2.1. Subject Site Heritage Listings

The following heritage listings apply to the subject site.

Table 2 Statutory Heritage Listings

Heritage List	Item Name	Item Number
<i>Parramatta Local Environmental Plan 2023, Schedule 5, Part 1</i>	Truganini House and grounds, covering the whole of Lot 10, DP 774181	694
NSW State Heritage Register under the <i>Heritage Act 1977</i>	N/A	-
NSW State Agency Section 170 Heritage and Conservation Register under the <i>Heritage Act 1977</i>	N/A	-
Commonwealth Heritage List under the <i>Cwlth Environment Protection and Biodiversity Conservation Act 1999</i>	N/A	-
Australia's National Heritage List under the <i>Cwlth Environment Protection and Biodiversity Conservation Act 1999</i>	N/A	-
UNESCO World Heritage List (incl Buffer Zones)	N/A	-

As a result of previous lot consolidation dating to the 1980s, the whole of the site is subject to this heritage listing by being both mapped and described as a heritage item under Schedule 5 of the PLEP 2023. This is despite Truganini House and its immediate associated curtilage only occupying a small area within the broader property.



Figure 27 Heritage Map with subject site in red and location of Truganini House in blue

Source: NSW Planning Portal 2023

4.3. ESTABLISHED STATEMENT OF SIGNIFICANCE

The following Statement of Significance has been extracted from the State Heritage Inventory form for the subject site:³³

Truganini house, at 38 South Street is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses of the Victorian period in the area. The house retains a great degree of integrity when viewed from the publicly accessible areas, and makes an important contribution to the area character.

Neither the statement of significance for Truganini House nor the physical description of Truganini House in the State Heritage Inventory form for the place include an assessment or description of the landscape that surrounds Truganini House. Instead, both the statement of significance and description refer only to Truganini House.

Noting the highly altered nature of the setting, with the house located within the industrial park, it is thus considered that the primary significance of Truganini House is limited to the house itself. The historic setting of the house has been irrevocably altered over the course of the twentieth century as demonstrated in the historical overview above. The existing landscaping that surrounds the house today has been installed since the 1980s redevelopment of the site. None of the buildings or landscaping outside of the immediate surrounds of the Truganini House contribute any significance to the place, instead, the surrounding industrial park including buildings and hard stand concrete driveways impede the historic understanding of the setting of Truganini House. Historic views are severely compromised or lost as a result of the existing development.

The Statement of Significance refers to the integrity of the dwelling and notes the contribution of the house to the character of the area as an important house of the Victorian period. It should be noted that this contribution is limited as the dwelling is not able to be viewed from the public domain outside of the existing industrial park.

³³ NSW Office of Environment and Heritage, State Heritage Inventory form for Truganini House, accessed via <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageltemDetails.aspx?ID=2240522>

5. HISTORIC CURTILAGE DISCUSSION

As a result of previous lot consolidation dating to the 1980s, a majority of the site is both mapped and described as a heritage item in Schedule 5 of the *Parramatta Local Environmental Plan 2023* (PLEP 2023) and is identified as "Truganini House and grounds" (Item no. 694).

Based on historical research prepared by Urbis, the existing heritage curtilage does not reflect the original historical curtilage of Truganini House, nor is it considered to reflect the identified significance of the place appropriately.

It is considered that the historical curtilage which would have been of most relevance and significance is that which conformed with the original subdivision of the site from the Vineyard Estate subdivision of 1879 and the associated occupation by Issac Waugh (1879-1883), Andrew McCulloch (1883-1886) and Thomas Williamson (1886-1906). These curtilages are outlined in the map below.

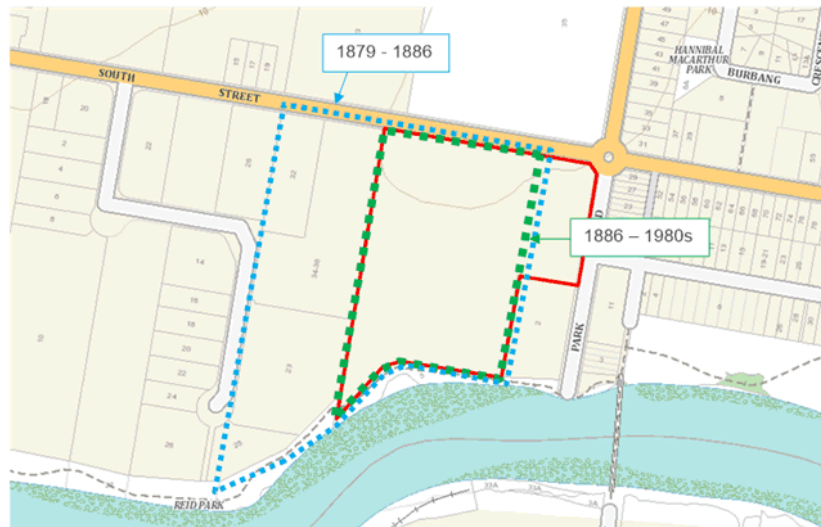


Figure 28 Approximate boundaries of historical subdivision patterns for Truganini House and the existing curtilage outlined in red.

Source: SIX Maps, 2020 with Urbis overlay

The exact date of construction of Truganini House is unknown. However, it is likely that Truganini House was constructed in two stages possibly during Isaac Waugh's ownership from 1879 and during Thomas Williamson's ownership from 1886. In either case, Truganini House had reached its present size by 1893. Either of the curtilage's outlined in the map above would have reflected the significant subdivision patterns of the late nineteenth century when the north side of the Parramatta River was predominated by small farms and orchards. The two lots located directly to the east of these lots did not form part of the existing site until the 1980s when these lots were consolidated to form the present day lot.

The original landscape and setting of Truganini House has been irrevocably altered since the rezoning of South Street to industrial use during the 1930s. Since this time, the site of Truganini House has been surrounded by industrial development, the latest iteration being constructed during the 1980s. No remains of the original late nineteenth century landscape are left at the site, nor are any other indications of either the 1879 or 1886 subdivision patterns, due to the site being subdivided and consolidated over the course of the twentieth century. It is thus considered that the existing heritage curtilage of Truganini House does not reflect either of the historical subdivision patterns of Truganini House and the retention of the existing heritage curtilage, as mapped in the *Parramatta LEP 2023* is unfounded and is merely based on the consolidated lots established in the 1980s.

6. RESPONSE TO PRE-LODGE MENT ADVICE

A pre-lodgement meeting with Council officers was held on 27 September 2023. Following the meeting, Council officers completed a review of the submitted information and provided detailed advice and recommendations for the lodgement.

Their advice agrees that *"in principle that there is strategic merit in reducing some of the extent of the existing heritage curtilage as some of the original heritage setting has been reduced over time and the site now contains various established industrial land uses."*³⁴

In addition, the Council advised that the proposed curtilage should take consider *"heritage item's relationship to the Parramatta River and original setting."* Urbis contends that all evidence of the original setting of the heritage item has been eroded due to the existing industrial development located on all sides of Truganini House.

Council identify the visual relationship between Truganini House and the Parramatta River in particular as being of consideration. Urbis emphasises that this visual connection is all but lost given the current built development within the site, and any remaining views are incidental due to the configuration of surrounding industrial units, and are not representative of the original visual relationship of these elements.

We provide the following responses to Councils feedback.

Table 3 Responses to Council Feedback

Council Feedback/Advice	Urbis Response
<p>4. Council officers identify two key functions of the subject heritage curtilage as part of this site:</p> <p><i>* From a strategic planning perspective, the heritage curtilage plays an important role in protecting the heritage value of the heritage item, which comprises the building and some of its immediate surrounds. In addition, the heritage curtilage can help protect interpretation of the original setting of the heritage item. For example, retaining some of the land around the building to the north, east and west allows opportunities for future landscaping that will help to buffer the item from established industrial uses. Whilst it is appreciated that some of this land currently comprises car parking and access, maintaining some of this curtilage beyond the immediate heritage item / building will help to safeguard these opportunities to potentially re-establish the setting into the future.</i></p>	<p>Urbis agree in principle and support the inclusion of the immediate landscaped setting around Truganini House within the revised heritage curtilage as this provides a setting for the house and opportunity for improved landscape outcomes. Urbis do not support the inclusion of ancillary car parking areas within the revised curtilage as these areas are wholly disconnected from the heritage item, and lie within the realm of the industrial park, and do not make a defining contribution to significance.</p> <p>Further the existing café building to the east should be excluded as this is a later 1990s addition of not contributing value to the heritage significance.</p>

³⁴ City of Parramatta, Pre-Lodgement Council Officer Advice Letter, dated 27 October 2023

Council Feedback/Advice	Urbis Response
<p><i>* In addition, retaining the curtilage (as it currently already exists) to the south will reinforce the heritage item's original connection to the river and original jetty location and will serve to help protect existing view lines and to safeguard opportunities to potentially reestablish past view lines.</i></p>	<p>Urbis disagree with the inclusion of land to the immediate south within the revised curtilage. This land is occupied by late twentieth century industrial development which does not make a defining contribution to the significance of Truganini House and in fact is an intrusive element.</p> <p>As discussed previously, the existing view lines between the river and the House are incidental due to the configuration of surrounding industrial units, and are not representative of the original visual relationship of these elements. It is unlikely that the industrial development will ever be removed to recapture an original visual setting for this item.</p> <p>Further, the proposed curtilage connection outlined by Council between the House and the River is not reflective of any of the historic curtilages assessed for the site or evident in historic subdivision plans. This is an incidental curtilage based on a visual connection that has been lost.</p> <p>The connection with the jetty is also questioned as this element was located on the southern alignment of the River and not located within our site. Despite historical associations with this jetty, it is noted that the jetty no longer exists and the connection is tenuous as it is located outside of the property. It is also noted that the current property boundary does not extend fully to the waterfront and therefore has no physical connection with the River.</p>
<p><i>* DAs are required for any development on land to which the heritage curtilage currently applies. The heritage provisions in the LEP and controls in the DCP therefore need to be considered for development that is subject to the heritage curtilage. This provides an additional level of merit-based assessment that helps to protect the integrity of the heritage item (e.g., materiality interface, building design, articulation, and landscaping).</i></p>	<p>Noted.</p>
<p><i>8. It is agreed that the heritage listing of the PLEP 2023 I591 (Truganini House and grounds) should be revisited and updated to reflect the current statement of significance and extent of the heritage curtilage given that since the post-war period, the industrial area redevelopment has compromised some of the historical setting. Historically, the farmhouse had important physical and visual</i></p>	<p>As discussed previously, the existing view lines between the river and the House are incidental due to the configuration of surrounding industrial units, and are not representative of the original visual relationship of these elements. It is unlikely that the industrial development will ever be removed to recapture an original visual setting for this item.</p>

Council Feedback/Advice	Urbis Response
<p><i>connections with the Parramatta River. Industrial development surrounding Truganini House has reduced some of these important connections. Notwithstanding, it is important to protect this local listing whilst safeguarding the potential to re-establish its river connection into the future.</i></p>	<p>Further we note that the heritage item is now identified as Item 694 under Schedule 5 of the <i>Parramatta LEP 2023</i>, not as Item 591 which was its previous item number under the <i>Parramatta LEP 2011</i>.</p>
<p><i>9. A degree of risk is associated with the proposed reduction of the heritage curtilage as it could further isolate the house and decontextualise the historical use of the surrounding grounds, which were once dedicated to rural uses, such as farming activities. This connection between the building and its setting has been reduced due to the surrounding industrial development.</i></p>	<p>We do not agree that there are risks associated with further isolating the heritage item. This planning proposal seeks to revise the existing heritage listing extent to appropriately reflect and capture the elements of heritage value on the site. The inclusion of later industrial development within this curtilage is not appropriate or necessary. We have proposed a curtilage based on the broadest extent of the remaining setting, visual and landscaped, to ensure the heritage item is appropriately protected. Further it is noted that any major development within the vicinity of the revised heritage item curtilage will still require Council approval and heritage assessment to mitigate impacts.</p>
<p><i>11. Council officers do not support the proposed reduced heritage curtilage to the extent illustrated in the documents prepared by Urbis as it appears insufficient to offer protection to Truganini House and interpretation of its setting. Moreover, the small curtilage proposed will isolate the heritage item and does not adequately reflect the relationship of Truganini House to the Parramatta River.</i></p> <p><i>The curtilage of local heritage items should be largely retained and conserved wherever possible. The amendment of the curtilage for Truganini House should include the area of grounds that previously extended to the river. Most of the subtracted current curtilage would facilitate and allow the use of Exempt and Complying Development in the wider industrial area (subject to compliance with the Codes SEPP) without compromising future opportunities for better management of the item and its settings.</i></p>	<p>Urbis disagree with the Council’s assessment that the proposed curtilage is insufficient. In our view it encompasses all of the remnant elements of heritage value on the site which make a defining contribution to significance along with the broadest logical setting surrounding the house having regard to the existing built context of the place.</p> <p>Urbis disagrees that the curtilage should extend to the southern boundary in an effort to recognise the lost relationship between the house and the river. Extending the curtilage south towards the river will not actually include any riverfront land, as this lies within a separate lot outside of the subject property. It also will not capture any historically significant view corridors, and will be limited to capturing existing arbitrary view corridors between industrial units.</p>

Council Feedback/Advice	Urbis Response
<p>12. Acknowledging the highly modified context and the current extent and dedication of the general industrial zone, Council's Senior Heritage Specialist recommends the following indicative heritage curtilage that includes a buffer zone to mitigate possible impact to the heritage item and, additionally, would not preclude the re-establishment of physical and visual connections between Truganini House and the Parramatta River. The heritage curtilage outlined below is indicative and subject to further detailed analysis at the Planning Proposal assessment stage.</p>  <p>Figure 2: Council's indicative curtilage</p>	<p>Urbis disagrees with Council's proposed amended curtilage, as this is not based on an assessment of the remaining elements of heritage value extant today and incorporates elements of no heritage value within the industrial development.</p> <p>The extension of the curtilage south towards the river does not achieve a physical connection with the riverfront as this land is within a separate holding. It also does not capture any significant visual connection with the riverfront, as existing view corridors between the House and the River are arbitrary views created by gaps in the surrounding industrial units.</p> <p>Further, the proposed curtilage is not based on any of the assessed historic boundaries for the property outlined in this report. It appears to be based on an arbitrary curtilage extending towards the River and there is no basis for why this area of the property adjacent to the River is more significant than other areas adjacent to the River. In our view, the curtilage should be applied reflecting an evidence based assessment of heritage values and elements.</p>
<p>13. The State Heritage Inventory sheet identifies that "Truganini House is a single storey brick and stucco Victorian residence with a hipped roof and a verandah on three sides, sited to face Parramatta River" and that "the building is of interest as little physical evidence remains from this period of rural settlement along the Parramatta River". The site in its original context possesses potential to contribute to an understanding of early nineteenth century rural settlement and the new listing name should recognise this important connection with the context and setting.</p>	<p>We agree with the existing State Heritage Inventory record's assessment of the place and that 'little physical evidence remains' of this period and development. This has informed our assessment of an appropriate curtilage responding directly to the remaining physical evidence of this period.</p>

Council Feedback/Advice	Urbis Response
<p>14. Accordingly, it is recommended that the heritage item description be amended to 'Truganini House and river front setting', which retains clues of a larger curtilage while simultaneously identifying the location of the heritage item and its connection to the river. See Section 1.1 for reference images.</p>	<p>We disagree with this recommended heritage item name, as it does not reflect the heritage context of the place. The heritage item does not retain any semblance of a riverfront setting as a result of previously approved development which now surrounds the House. The property is also legally severed from the River, with the riverfront land lying within a distinctly separate landholding. Any visual connections to the River are arbitrary and based on incidental views between industrial units. There is no physical connection to the River available.</p>
<p>15. The revised statement of significance and description of Truganini House should also include the description of the jetty remains, which was an important asset in accessing the river. This access is dated to the late nineteenth century and was important for the north side of the Parramatta River, which was predominantly populated by small farms and orchards.</p>	<p>We are not proposing a revised Statement of Significance or Description of Truganini House compared to what is currently outlined on the NSW State Heritage Inventory record for the item. In our view the existing Statement of Significance and Description appropriately reflect the values of the heritage item.</p> <p>This planning proposal is limited to a revision of the Heritage Item Name, Property Description and mapping under Schedule 5 of the LEP.</p>

7. PROPOSED HERITAGE LISTING AMENDMENTS

7.1. PREVIOUSLY PROPOSED AMENDED HERITAGE LISTING

Having regard to the historical summary outlined herein, and the curtilage assessment undertaken with regards to the remaining elements of heritage value on the site, Urbis originally proposed the following revised curtilage in our scoping report for this application:



Figure 29 Previous proposed heritage curtilage for the amended heritage listing in blue and broader lot in red.

Source: Nearmap 2023 with Urbis overlay

The proposed amended heritage listing outlined above is based on the following considerations:

- Inclusion of those elements on the site which are considered to have heritage value and reflect the identified significance of the heritage item.
- A visual inspection of the development in the immediate vicinity.
- The logical axis' created by the configuration of the surrounding roads which already serve as a buffer around the dwelling.
- Retention of the associated garden areas to the immediate east and south west of the house which provide a setting for the building.
- Potential future requirements to undertake works to the roads around the house.
- Consideration of a visual setting and curtilage for the house.

This area encompasses the fabric of heritage significance on the site, and the immediate landscaped gardens which are associated with the House. We proposed this amended curtilage be adopted on the Heritage Map

The following amendments to Schedule 5, Part 1 of the *Parramatta LEP 2023* were proposed in our scoping report.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Previously Proposed by Urbis	Truganini House and immediate garden setting	Part Lot 10, DP 774181

7.2. COUNCIL PROPOSED AMENDED HERITAGE LISTING

A pre-lodgement meeting with Council officers was held on 27 September 2023. Following the meeting, Council officers completed a review of the submitted information and provided detailed advice and recommendations for the lodgement. This included their recommended amended curtilage and listing amendments as follows:



Figure 30 Council's proposed amended curtilage

Source: *Parramatta Council Formal Pre-Lodgement Feedback Letter*

Council recommended the following amendments to Schedule 5, Part 1 of the *Parramatta LEP 2023*, siting that it "retains clues of a larger curtilage while simultaneously identifying the location of the heritage item and its connection to the river."³⁵

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed by Council	Truganini House and riverfront setting	?

We dispute the above Council recommended heritage curtilage and listing amendments on the following heritage grounds:

- The Council proposed curtilage outline is arbitrary and not based on any historical subdivision boundary applicable to the heritage item, nor is it based on an assessment of the remaining elements of heritage value extant on the site.
- The Council proposed curtilage includes elements of no heritage value and which do not make a defining contribution to the significance of the place, including car parking areas for the industrial development, the 1990s café building and industrial factory units.
- The proposed amended Item Name includes 'and riverfront setting' – we contend that the heritage item no longer has a riverfront setting. It is visually separated from the riverfront by contemporary development and any view corridors between the river and the House are incidental only and not historically significant. Further, the property has no physical connection to the riverfront land, which is held in separate ownership, and therefore the heritage item has no 'riverfront'.

Following the lodgement of the Planning Proposal to Parramatta City Council, Council officer's undertook a detailed assessment and advice was received from Council's Senior Heritage Specialist and Heritage Advisory Committee. In an email to Dexus (the client) from William Jones (Team Leader – Major Projects and Precincts | City Planning, City of Parramatta) dated 16 August 2024, the following advice was received in relation to proposed further changes to the heritage curtilage to Truganini House:

... Council officers request that the café building adjacent to Truganini House be included in the amended heritage curtilage, which is also consistent with the advice provided as part of the formal pre-lodgement meeting.

I note that the Heritage Impact Statement prepared by Urbis states the café building was excluded from the reduced heritage curtilage as it was built in 1990 and is of no heritage value. Furthermore, it is argued that the café "[does] not contribute to the significance of the heritage item, nor contribute to Council's intended riverfront connection".

While Council officers acknowledge your justification, it is considered that the café building should remain part of the existing heritage curtilage for the following reasons:

- *It is immediately adjoining, and visually connected to, the heritage item.*
- *Retaining the café building as part of the existing curtilage will result in a continuous curtilage along the east, down to the river.*
- *The café (built in 1990) is the only building on the site that has been sensitively designed from a scale and aesthetic perspective to be compatible with the immediately adjoining heritage item. Council officers wish to retain their ability to properly assess any future changes to this building via future Development Applications given its proximity to the heritage item.*

³⁵ Parramatta Council Pre-Lodgement Feedback Letter

For the reasons given above, Council officers request that your Planning Proposal retains the café as part of the existing heritage curtilage. I note that once this matter is resolved we will then be able to progress this Planning Proposal to a Local Planning Panel meeting.

Urbis have reviewed Council's request to update the proposed heritage curtilage to Truganini House to include the 1990s café. We confirm that this report has updated the proposed heritage curtilage to include this additional area.

7.3. PROPOSED AMENDED HERITAGE LISTING FOR THIS PLANNING PROPOSAL

Having regard to the Council's pre and post-lodgement feedback received, and the analysis contained in this report, Urbis propose the following heritage listing amendments in this Planning Proposal:



Figure 31 Proposed heritage curtilage to be adopted in the Heritage Map for Parramatta LEP 2023, subject site outlined in red.

Source: Urbis

We proposed the following amendments to Schedule 5, Part 1 of the Parramatta LEP 2023.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed	Truganini House and riverfront setting	Part Lot 10, DP 774181

Whilst Urbis did disagree in principle with the inclusion of land to the south of the House within the amended curtilage during pre-lodgement feedback, we acknowledge Council's feedback and intent. Accordingly, we have amended the proposed curtilage to balance Council's feedback and the curtilage analysis contained within this report, considering the extent of change being sought to the existing curtilage.

We have excluded the adjacent car parking areas to the north. This areas do not contribute to the significance of the heritage item, nor contribute to Council's intended riverfront connection and inclusion of the cafe.

We understand from feedback received from Parramatta Council, that the amended curtilage will be shown on the Heritage Map for Parramatta LEP 2023 as a reduced coloured area, and will not retain the whole lot shaded in as is standard practice.³⁶

For clarity, the proposed curtilage is shown overlaid on an aerial image.



Figure 32 Proposed heritage curtilage to be adopted in the Heritage Map for Parramatta LEP 2023 in blue, subject site outlined in red.

Source: Urbis

³⁶ Email Correspondence, William Jones, Team Leader – Major Projects and Precincts | City Planning, City of Parramatta, 20 Nov 2023

8. IMPACT ASSESSMENT

The following impact assessment has assessed the proposed works against the relevant provisions and controls of the Council's statutory and non-statutory planning controls as well as the Heritage NSW 'Statement of Heritage Impact' assessment guideline questions.

8.1. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The table below provides an impact assessment of the proposal against the relevant clause for heritage conservation in the *Parramatta LEP 2023*.

Table 4 Impact assessment against the relevant clauses of the Parramatta LEP 2023

Clause	Response
<p>(1) Objectives</p> <p><i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to conserve the environmental heritage of the City of Parramatta,</i></p> <p>(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p>(c) <i>to conserve archaeological sites,</i></p> <p>(d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance</i></p>	<p>The Planning Proposal meets the objectives of the <i>Parramatta LEP 2023</i> as it seeks to appropriately assess, acknowledge and legislate the significance of Truganini House and the property.</p>
<p>(2) Requirement for consent</p> <p><i>Development consent is required for any of the following:</i></p> <p>(a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i></p> <p>(i) <i>a heritage item,</i></p> <p>(ii) <i>an Aboriginal object,</i></p> <p>(iii) <i>a building, work, relic or tree within a heritage conservation area,</i></p> <p>(b) <i>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i></p> <p>(c) <i>disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p>	<p>This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the <i>Parramatta LEP 2023</i>. It does not apply for any physical works to be undertaken, and it limited to an administrative application only.</p>

Clause	Response
<p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land.</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	
<p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>A detailed curtilage analysis and heritage impact assessment has been undertaken. The proposed heritage listing amendments outlined herein are considered to be appropriate for the significance of the site.</p>
<p>(5) Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>This heritage impact statement has been prepared to assist the consent authority in their determination and to assess the potential heritage impacts of the Planning Proposal. This heritage impact statement satisfies the requirement under this clause.</p>

Clause	Response
<p>(6) Heritage conservation management plans</p> <p><i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i></p>	<p>A conservation management plan is not considered necessary in this application. No physical works are proposed to any elements of heritage significance. A detailed analysis of the historic curtilage has been included in this report and informs the conclusions for listing amendment.</p>

8.2. PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

The new Parramatta Development Control Plan (DCP) 2023 came into effect on 18 September 2023. The table below provides an impact assessment of the proposal against the relevant controls for heritage conservation in the Parramatta DCP.

Table 5 Impact assessment against the relevant controls of the Parramatta DCP

Control	Response
PART 7 HERITAGE AND ARCHAEOLOGY	
<p><u>Objectives</u></p> <p><i>O.01 Ensure the appropriate management of heritage in the City.</i></p> <p><i>O.02 Retention and reinforcement of the attributes that contribute to the heritage significance of items, areas and their settings.</i></p>	<p>The Planning Proposal meets the objectives of the Parramatta DCP 2023 as it seeks to appropriately assess, acknowledge and legislate the significance of Truganini House and the property.</p>
<p><u>Curtilage</u></p> <p><i>O.12 The majority of built heritage items in the City are listed with their curtilage contained within the lot boundary containing the item. In some cases, there is a reduced curtilage where the significance of the item and its interpretation is not dependant on having a large curtilage extending to the lot boundary.</i></p> <p><i>In such cases it is necessary to identify a curtilage that enables the heritage significance of the item to be retained. It is also possible that there will be an expanded curtilage for some items where the curtilage is greater than the property boundary.</i></p> <p><i>An expanded curtilage may be required to protect the landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and a river or topographical feature.</i></p>	<p>A detailed curtilage assessment is included in this report and informs the conclusions and recommendations of this Planning Proposal.</p>

8.3. HERITAGE NSW GUIDELINES

The table below provides an impact assessment of the proposal against the relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 6 Impact assessment against the relevant Heritage NSW Guideline Considerations

Provision	Response
<i>Will the proposed works be the best conservation solution for the heritage item?</i>	Yes, the Planning Proposal will be the best means of conserving the significance of the place, as it appropriately assesses, acknowledges and legislates the significance of Truganini House and the property.
<i>Will the works promote the ongoing use and upkeep of the item?</i>	Yes, the Planning Proposal will facilitate the appropriate heritage management of the place and respond to the identified significance of the item, thereby promoting its ongoing use and upkeep.
<i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i>	No, no physical works are proposed that will alter the existing setting of the item.
<i>Are the proposed works part of a broader scope of works?</i>	No, this Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the <i>Parramatta LEP 2023</i> . It does not apply for any physical works to be undertaken, and it limited to an administrative application only.
<i>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</i>	No, this is a stand alone Planning Proposal.
<i>Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?</i>	It is beyond the scope of this report to consider Aboriginal cultural heritage and archaeology.
<i>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</i>	Yes, refer to the impact assessment included at Section 8.2 of this report.
<i>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</i>	No.

9. CONCLUSION AND RECOMMENDATIONS

This Planning Proposal seeks consent for statutory changes to the heritage listing for Item No. 694 under Schedule 5 Part 1 of the Parramatta LEP 2023. It does not apply for any physical works to be undertaken, and it limited to an administrative application only.

Having regard to the Council’s pre-lodgement feedback received, and the analysis contain in this report, Urbis propose the following heritage listing amendments in this Planning Proposal:



Figure 33 Proposed heritage curtilage to be adopted in the Heritage Map for Parramatta LEP 2023, subject site outlined in red.

Source: Urbis

We proposed the following amendments to Schedule 5, Part 1 of the Parramatta LEP 2023.

Item No. 694	Item Name	Property Description
Current	Truganini House and grounds	Lot 10, DP 774181
Proposed	Truganini House and riverfront setting	Part Lot 10, DP 774181

Whilst Urbis did disagree in principle with the inclusion of land to the south of the House within the amended curtilage during pre-lodgement feedback, we acknowledge Council’s feedback and intent. Accordingly, we have amended the proposed curtilage to balance Council’s feedback and the curtilage analysis contained within this report, considering the extent of change being sought to the existing curtilage.

We have excluded the adjacent car parking areas to the north. This areas do not contribute to the significance of the heritage item, nor contribute to Council’s intended riverfront connection and inclusion of the cafe.

A detailed curtilage assessment and heritage impact assessment of the proposed works has been undertaken in this report. This Planning Proposal is considered to be the best means of conserving the significance of the place, as it appropriately assesses, acknowledges and legislates the significance of Truganini House.

The Planning Proposal is recommended for approval from a heritage perspective.

10. BIBLIOGRAPHY & REFERENCES

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NSW Planning Portal ePlanning Spatial Viewer, available at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>.

[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

DISCLAIMER

This report is dated 4 September 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of DEXUS PROPERTY SERVICES PTY LIMITED (**Instructing Party**) for the purpose of a Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



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MINUTES

**Parramatta Local Planning Panel
Tuesday, 15 October 2024
3.30pm**

**Level 3, PHIVE
Parramatta Square, Parramatta**

MINUTES – Parramatta Local Planning Panel – 15 October 2024

PANEL MEMBERS

Richard Pearson (Chairperson)
Annelise Tuor (Expert Member)
Tina Christy (Expert Member)
Rob Warry (Community Member)

STAFF MEMBERS

Group Manager, Development & Traffic Services - Mark Leotta , Acting Group Manager Major Projects and Precincts – Belinda Borg, Land Use Planning Manager – Michael Rogers, Team Leader Development Assessment – Sara Smith, Team Leader Development Support – Sarah Irani, Team Leader Major Projects and Precincts – William Jones, Coordinator Secretariat Services – Marina Cavar, ICT Service Team Leader – Alex Picone, Project Officer Major Projects and Precincts – Simon Coleman, Legal Support Officer – Christine Treadgold, Senior Development Assessment Officer – Najeeb Kobeissi, Development Assessment Officer – Laura Perkins, Manager Development Assessment – Claire Stephens (online), Team Leader Development Assessment – Jonathon Cleary (online), Team Leader Development Assessment – Alicia Hunter (online).

1. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Chairperson, acknowledged the Burramattagal people of The Darug Nation as the traditional land owners of land in Parramatta and paid respect to their ancient culture and to their elders past, present and emerging.

2. WEBCASTING ANNOUNCEMENT

The Chairperson advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

3. APOLOGIES

There were no apologies, all members were in attendance.

4. DECLARATIONS OF INTEREST

The following disclosures have been made:

In relation to Item 6.2 Planning Proposal for 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington, Ms Tuor declared that her son previously worked for the applicant's planning consultants in 2023 however had no involvement with the subject proposal. In accordance with the Local Planning Panels Code of Conduct this is considered a non-significant non-pecuniary interest and Ms Tuor is able to remain on the panel for consideration of the matter.

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In relation to the same item, the Chair declared that the applicant's planning consultants used to work for me in the Department of Planning. However, this professional relationship ceased in 2014 and there has been no ongoing personal or professional relationship with the consultants. Accordingly, in accordance with the Local Planning Panels Code of Conduct this is also a non-significant non-pecuniary interest and I am able to remain on the panel for consideration of the matter.

No members have disclosed any other pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

4A. PUBLIC SPEAKERS

Speaker	Item number	Title
Sarah Horsfield - Urbis	6.1	Planning Proposal at 38-50 South Street, Rydalmere
Brigitte Bradley - Urbis	6.1	Planning Proposal at 38-50 South Street, Rydalmere
Taylah Brito – Urbis	6.1	Planning Proposal at 38-50 South Street, Rydalmere

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5. REPORTS - DEVELOPMENT APPLICATIONS

5.1 **SUBJECT** OUTSIDE PUBLIC MEETING: 43 Belmore Street East, OATLANDS NSW 2117 (Lot 1 DP 215574)

DESCRIPTION Section 4.55 (1A) modification to DA/688/2016 for the approved alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit. The modification includes internal alterations to the building.

APPLICANT/S Developable Pty Ltd

OWNERS Ms C Haddad

REPORT OF Group Manager Development and Traffic Services
PANEL'S DECISION:

- (a) Parramatta Local Planning Panel exercising the functions of Council pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, as the consent authority, **modify development consent** DA/688/2016 for alterations and additions to a commercial building to create a shop top housing development containing two (2) units comprising one commercial and one residential unit to include modifications comprising internal alterations to the building on land at 43 Belmore Street East, Oatlands, subject to the following modifications:
 - a. Amend Condition Nos. 1, 50 & 60 to reflect the updated plans and documents.
 - b. All other conditions of DA/688/2016 remain unchanged.
- (b) Parramatta Local Planning Panel approves the modification notwithstanding the non-compliance with the floor space ratio (clause 4.4 of Parramatta Local Environmental Plan 2023) as there are sufficient environmental planning grounds to justify the variation.
 - a. Compliance with the development standard for floor space ratio would be unnecessary considering the construction of the alterations and additions is within the approved building envelope.
 - b. That the proposed development will result in negligible visual impact to adjoining properties and the streetscape, and
 - c. That the proposed noncompliance will result in negligible impact to bulk and scale as the proposed additional floor area will be restricted to internal areas of the building.

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REASONS FOR APPROVAL

The PLPP is satisfied that the Applicant has justified the contravention of the floor space ratio development standard. Whilst clause 4.6 of *Parramatta Local Environmental Plan* does not apply in this circumstance, a written request to vary the FSR has been received. The Applicant has demonstrated that:

1. Compliance with the development standard is unreasonable in the circumstances, and
2. There are sufficient environmental planning grounds to justify contravening the development standard, and
3. The proposal is consistent with the objectives of the FSR control, and
4. The objectives for development within the E1 zone in which the development is proposed to be carried out are met, and
5. The variation sought will not have any adverse impacts.

Voting 4-0 (unanimous)

6. REPORTS - PLANNING PROPOSALS

6.1 **SUBJECT** Planning Proposal at 38-50 South Street, Rydalmere

APPLICANT/S Urbis

OWNERS Dexus

REPORT OF Project Officer

PANEL'S ADVICE:

The Parramatta Local Planning Panel advise Council that:

- a) Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 38-50 South Street, Rydalmere (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) by:
 - i. reducing the heritage curtilage that applies to the site;
 - ii. changing the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'; and
 - iii. changing the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.
- b) Council requests from the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.

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- c) Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.
- d) Council consider whether any further changes to Planning Controls or other mechanisms are required to maintain the Heritage significance of the item and its curtilage connection to Parramatta River.
- e) The panel notes the purpose of the Planning Proposal is to enable exempt and complying developments to be undertaken in the Industrial Precinct which will enable the precinct to facilitate efficient development, while maintaining the heritage significance of Truganini House and riverfront setting.

Voting 4-0 (unanimous)

6.2 **SUBJECT** Planning Proposal at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington

APPLICANT/S KEYLAN Consulting Pty Ltd

OWNERS PAYCE Pty Ltd

REPORT OF Project Officer Land Use

PANEL'S ADVICE

The Parramatta Local Planning Panel advise Council that:

- (a) Council approve for finalisation the Planning Proposal (provided at **Attachment 1**) for land at 19 Hope Street, Melrose Park and 69-77 Hughes Avenue, Ermington (the site), which seeks to amend Parramatta Local Environmental Plan 2023 as follows:
 - (i) Rezoning 19 Hope Street from E4 General Industrial to part MU1 Mixed Use and part RE1 Public Recreation.
 - (ii) Rezoning 69, 71, 73 and 75 Hughes Avenue from R2 Low Density Residential to MU1 Mixed Use.
 - (iii) Rezoning 77 Hughes Avenue from R2 Low Density Residential to part MU1 Mixed Use and part RE1 Public Recreation.
 - (iv) Amending the maximum building height across the site from part 9m and part 12m to a range between 13m and 48m (approximately 4 – 14 storeys).
 - (v) Amending the Floor Space Ratio (FSR) from part 1:1 and part 0.5:1 to 2.67:1 (for MU1 Mixed Use land only).

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- (vi) Inserting a site-specific provision in Part 6 Additional local provisions of PLEP 2023 and amending the Additional Local Provisions map to include the site to ensure a minimum of 1,400m² of non-residential floor space is to be provided to serve the local retail and commercial needs of the incoming population.
- (b) Council approve the site-specific Development Control Plan (DCP) at **Attachment 2** for finalisation and insertion into the Parramatta Development Control Plan (PDCP) 2023.
- (c) Council delegate authority to the Chief Executive Officer to finalise the draft Planning Agreement at **Attachment 3**, and to sign the Planning Agreement on Council's behalf.
- (d) Council delegate authority to the Chief Executive Officer to make minor amendments and corrections of a non-policy and administrative nature that may arise during the finalisation process relating to the Planning Proposal, DCP and Planning Agreement.
- (e) Council consider whether the rate of affordable housing provided on the site through the Planning Agreement is adequate.
- (f) The Panel notes that the Planning Proposal is consistent with the Melrose Park structure plan and will facilitate the orderly development of a key urban renewal precinct.

Voting 4-0 (unanimous)

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7. CONFIDENTIAL MATTERS

Confidential - Land and Environment Court Proceedings - 62 Boundary Street Parramatta. (D09519537) - *This report is confidential in accordance with section 10A (2) (e) (g) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law; AND the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

7.1 **CONFIDENTIAL - Land and Environment Court Proceedings - 62 Boundary Street Parramatta**

DESCRIPTION Demolition of existing structures, tree removal and construction of a 3 storey, 48 place childcare centre with basement parking for 12 vehicles.

APPLICANT/S Baini Design

OWNERS E Nehme

REPORT OF Legal Support Officer

PANEL'S DECISION:

(1) That having regard to:

- (i) the advice given by the Council's planner undertaking the Appeal; and
- (ii) the legal opinion provided to the Panel, including that the Contentions in the Appeal have been resolved by the amended plans submitted with the Council's report to the Panel.

(2) The Panel direct the Council to resolve the proceedings by way of a section 34 conciliated agreement consistent with the amended plans.

Voting 4-0 (unanimous)

The meeting closed at 4:30 pm.

Chairperson

13. REPORTS TO COUNCIL - FOR COUNCIL DECISION

- 13.1 **FY2024/25 Fees and Charges - Introduction of a New Fee
(Coordination Fee - Post Development Consent)**
(Report of Chief Financial Officer)

4925 **RESOLVED:** Councillor Issa and Councillor MacLean

- (a) That Council approve the fee detailed in **Table 3** of this report and include the fee into 'Part 6: Fees and Charges' in 'Delivery Program 2022-26, Operational Plan and Budget 2024/25'.
- (b) That Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the finalisation process of the updated 'Part 6: Fees and Charges'.

Record of Voting:

For the Motion: Unanimous

- 13.2 **Planning Proposal for land at 38-50 South Street, Rydalmere
(Proceed to Gateway Determination)**
(Report of Project Officer)

4926 **RESOLVED:** Councillor Prociv and Councillor Darley

- (a) That Council endorse the Planning Proposal at **Attachment 1** for the purpose of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI) for land at 38-50 South Street, Rydalmere, which seeks to amend the *Parramatta Local Environmental Plan 2023 (PLEP 2023)* as follows:
 - i. Reduce the heritage curtilage that applies to the site;
 - ii. Change the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'; and
 - iii. Change the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.
- (b) That Council request the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.
- (c) That Council note the Local Planning Panel's advice to Council (refer to Attachment 2) in support of the Planning Proposal, which is generally consistent with Council officers' recommendation in the report.
- (d) That Council delegate authority to the Chief Executive Officer (CEO) to correct any minor anomalies of a non-policy and administrative nature that may arise during the preparation and processing of the Planning Proposal.

- (e) That Council approve the proposed changes (as detailed in this report) to the associated Heritage Inventory Sheet and it be placed on public exhibition with the Planning Proposal (should a Gateway Determination be received).

Record of Voting:

For the Motion: Unanimous (list name of Councillors)

13.3 **Concept design for Duck River Nature Trail Stage 1, Silverwater Park**

(Report of Senior Project Officer Transport Planning)

4927 **RESOLVED:** Councillor Prociv and Councillor Darley

- (a) That Council approve the final concept design for Duck River Nature Trail Stage 1 – Silverwater Park as detailed in this report and shown in Attachment 2.
- (b) That Council officers progress the detailed design, planning and technical approvals, and documentation and tendering of the works.

Record of Voting:

For the Motion: Unanimous

13.4 **LATE REPORT: Improving the Governance and Performance of Council and Committee Meetings (Options for Committee Structures at the City of Parramatta)**

(Report of Acting Group Manager Office of the Lord Mayor and CEO)

4928 **MOTION:** Councillor French and Councillor Issa

That Council adopt Option 3 as detailed in the officer's report with the following amendments:

- (a) A 4 week Council meeting cycle, with each Council meeting to include a public forum as follows:
 - Week 1: Monday: 6pm, 7pm, 8pm Councillor Briefings
 - Week 2: Monday: 6.30pm Council meetings
 - Week 3: Monday: 6-7pm Councillor Briefings
7.30pm Standing Committee meetings
(Assets and Infrastructure and Customer, Community and Culture)
 - Week 4: Monday: 6-7pm Councillor Briefings,
7.30pm Standing Committee meeting