

15 December 2014
Ms Carolyn McNally
Secretary
Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Dear Ms McNally,

**Parramatta North Potential State Significant Site - UrbanGrowth NSW proposed changes to the
Parramatta Local Environmental Plan 2011 and
Parramatta City Centre Local Environmental Plan 2007**

The National Trust of Australia (NSW) makes the following submission on UrbanGrowth NSW's proposed changes to the Parramatta Local Environmental Plan 2011 and Parramatta City Centre Local Environmental Plan 2007 – The Parramatta North Potential State Significant Site.

Firstly, and most importantly, the National Trust strongly opposes the declaration of the Parramatta North UrbanGrowth Study Area as a State Significant Site.

From a heritage viewpoint the North Parramatta Study Area has the highest level of Heritage Significance.

- *It directly borders the Old Government House and Domain World Heritage Area* – dating from 1788
- contains part of the *Old Government House and Government Domain* National Heritage Register listed area dating from 1788
- two sites listed on the State Heritage Register, the *Cumberland District Hospital Group*– dating from 1803 (the Mill Phase), and the
- *Norma Parker Correctional Centre* dating from 1841 (both listed in April, 1999)
- borders the *Parramatta Correctional Centre* dating from 1842, (also listed in April, 1999),
- borders the Wistaria Gardens (now known as the Wisteria Gardens) listed on the National Trust Register in 1993. Wistaria Gardens also contain the inscribed coping stones relocated from Ward 6 of the Parramatta Psychiatric Centre and listed on the National Trust Register in June, 1975.
- contains the *Parramatta Female Factory Precinct* National Heritage Register nominated area which is also being proposed for addition to the World Heritage Australian Convict Sites Listing.

The Australian public could expect that this State, National and International Heritage Significance would be the foundation for a State Significant Site declaration. However, the reality is that a State Significant Site declaration is a mechanism, initiated through a State Environmental Planning Policy, which is intended to nullify (switch-off) heritage and environmental protections enshrined in State Legislation.

The provisions in the NSW Heritage Act, 1977 allow for the NSW Heritage Council to determine development applications affecting State Heritage Register listed places (Integrated Development) and



empower the Heritage Council to grant approval to an application, either unconditionally or subject to conditions, or to refuse approval.

This development determination power has been used wisely and effectively by the NSW Heritage Council for 35 years and has produced outstanding results such as the Westin Hotel (former Sydney GPO) re-development and the Sydney Capitol Theatre re-development.

State Significant Development declaration is intended to fast-track development, switch off heritage protection and shift the balance away from heritage protection and enhancement to excessive and unsympathetic development.

The public is largely unaware of this insidious effect of State Significant Development Status and consequently the National Trust Board has adopted a Policy of informing its members and the general public of the implications of this State Environmental Planning Policy. A copy of the policy is attached.

The documents on public display clearly indicate that proper pre-development consultation with the NSW Heritage Council, on the basis that this development would be determined by the Heritage Council, would have produced a development much more sympathetic and understanding of the Study Area's outstanding significance and special qualities.

The Trust will now detail its concerns regarding the publicly exhibited development proposal and its impacts on the heritage of the Study Area.

1. The Trust strongly supports the concept of sensitive and appropriate development, (primarily sensitive adaptive re-use), within the Study Area to provide for the ongoing conservation and presentation of the Area's historic buildings and landscape. However, the level of development is clearly predicated on a pre-determined property yield (4,000 residential units) which has no identifiable link to the funding required for permanent conservation of the heritage within the three State Heritage Register listed areas. The Trust estimates that a total maximum of 593,373 sq. metres of development is proposed within the Study Area. The target yield must respect the heritage that it is proposed to conserve.

There is an exceptional level of development proposed within the Study Area with two towers 30 stories in height, a 24 storey tower, three 20 storey towers, 16 and 14 storey towers, four 12 storey towers and 57 other residential buildings ranging up to 10 stories in height.

The 24 storey residential towers in Walker Street, Rhodes give some indication of the height and scale of some of the towers proposed in the Study Area.

Viewing the artist's aerial oblique concept of the proposed development (page 7 of the Summary Report) is an exercise in "spot the heritage building" where the massive towers totally dominate and dwarf the original historic buildings and their landscape.

The National Trust retains in its records the original artist's concept for the massive development surrounding Tempe House beside Wolli Creek Railway Station. The finalised development, years later, is much more massive and unsympathetic than the development illustrated in the original concept drawings.

Multiple applications of Section 75W of the planning legislation to vary and increase the heights of buildings beyond that originally proposed can be expected, as has recently occurred frequently in Parramatta. The final appearance of this development can be expected to be far worse than that indicated in the 'purple-tinged misdirection' of the drawing in the Summary Report.



2. In its October, 2014 *Vision for North Parramatta*, the National Trust urged that development be concentrated on the eastern and northern parts of the Study Area beyond and outside of the State Heritage Register Listed Areas. 43.7% of the development is proposed within this area and the Trust acknowledges this effort by UrbanGrowth to site development beyond the heritage-listed areas.

However, the National Trust questions the limiting of the Study Area to not include areas further east where 1960s 3-storey residential and single-storey light industrial/commercial could be redeveloped. This would have taken development pressures off the heritage areas in which much needed open space should be conserved intact for the benefit of the increasing Parramatta population in coming decades.

3. The National Trust strongly opposes the development of three new buildings (a six-storey, four-storey and three-storey building) within the 1803 Female Factory Precinct.

The TKDArchitects Built Heritage Assessment states (page 50) that “new development within the Female Factory/Asylum Sub-precinct (Precinct 01) should be limited to the appropriate adaptive re-use of existing buildings – the opportunity for new structure within this area is limited.

Yet, despite this clear advice, three new multi-storey buildings are proposed in the precinct, the largest (six storeys) being on the site of archaeology relating to the 1838-1839 Gipps Female Cell Block and near the likely archaeological remains of the 1818 diversion of the first Mill Race for the Government Mill.

The development of new buildings within the Female Factory Precinct is unjustified. The description of such a proposal as “sensitive infill development at the Female Factory” (page 7 of the Summary Report) promotes a totally new and degraded meaning for the term “sensitive”. This development proposal is “insensitive”.

4. The artist’s impression of the development proposal on page 7 of the Summary Report shows only five vehicles on the site and the second artist’s impression on page 23 of the Summary Report shows no motor vehicles at all. This is truly remarkable and unrealistic for a development where car parking for 4,000 apartments would likely equate to 3,000 cars or 100,000 square metres of car parking space. How this will be achieved is not addressed in the proposal, which simply states that car parking provision will be in accordance with the Parramatta Development Control Plan 2011.

Clause C.12 (4.3.3.5 On Site Parking) of this DCP requires that parking for residential flat buildings be accommodated underground, or otherwise integrated into the design of the building. The On-Site Parking Provisions in the DCP state that “above ground parking may be appropriate for some sites, especially for sites constrained because of flood levels or archaeological conditions.”

The documentation put out for public comment makes no reference to on-site parking provisions and likely constraints from archaeology and probable high water tables near the Parramatta River.

Construction of major underground car parking in situations where nationally significant archaeology occurs and where high water tables may be present would prove very costly and in some instances, the car parking may have to be integrated into the buildings' design.

In this event, it is unlikely that floor space yield will be correspondingly reduced to accommodate integrated car parking. It is more likely that Section 75W applications will be



lodge to increase the buildings' heights.

These considerations should be dealt with up front before any rezoning is contemplated so that the public is presented with the full implications of this development proposal.

5. The Central Male Block, indicated as CH 62 & CH64 in the TKD Architects Built Heritage Assessment is given a "Moderate Significance". However, in the 1998 Department of Public Works and Services Heritage Group North Parramatta Government Sites Conservation Management Plan the Central Male Block (Male Asylum) day rooms and verandah are given a level of "High Significance". The Trust understands that the 2010 Perumal Murphy Alessi Conservation Management Plan also states that the Central Male Block is of "High Significance." The National Trust concurs with these "High Significance" assessments for the Central Male Block and strongly argues for its retention and sympathetic adaptation.
6. In response to the proposed quantity and scale of new development proposed within (and adjoining) the State Heritage Register Listed Areas, the National Trust refers to the Conservation Policies – Landscaped Setting section of the December 1998 *North Parramatta Government Sites Conservation Management Plan* prepared by the Department of Public Works and Services Heritage Group.

Policies

- ***Ensure that the setting of the North Parramatta Government Precinct is treated in a manner that recognises its significance as an item of environmental heritage.***
- *A substantial amount of the earlier site design survives at Cumberland Hospital, including vegetation and landscape setting. **New work should consider the reinstatement of known missing elements and, where appropriate, sympathetic adaptive new design.***
- *The layout (evidence of spatial planning), integrity, plant diversity and maturity of the landscape constitute a major component of the setting of the place. These elements should be conserved.*
- ***Within the North Parramatta Government Sites each of the separate institutions has a distinctive setting character, which is partly based on its layout. The integrity of the setting and layout of the North Parramatta Government Sites should be maintained.***
- ***Any new development on the site should enhance and express the significance of the place. It should support and not obscure the significant elements and design principles of the formal layout.***
- *New access roads to the site should, ideally, make use of entrance points and relate to former road patterns which have a historical precedence, without compromising spaces of high significance.*

The scale and quantity of development proposed is clearly contrary to the policies of the Conservation Management Plan, particularly those policies marked bolded by the Trust.

The recommendations of the TKD Architects Built Heritage Assessment Report (page 50) regarding New Development are also being breached or ignored -



- New development within the Isolation Precinct (Precinct 05) and the site of Mrs Betts' House (Precinct 03) may be appropriate provided that it is of a bulk, scale and character that would not impact the ability to understand the original site layout within this area and significant views to the Female Factory and Asylum from across the Parramatta River and from the bridge.

Within Precinct 05 the existing **single-storey** building is to be replaced by two **six-storey** buildings and an **eight-storey** building, in direct contradiction to the Heritage Assessment Recommendation "new developments should be of a similar low scale that would not detract from the more significant structures of the former Female Factory/Asylum Precinct and Hospital for the Insane Precinct. An eight storey and two six storey buildings directly adjoining the Parramatta River will also impact on the views along the Parramatta River which are now heavily treed with dense foliage evoking an image of how the river would have appeared to the first settlers and throughout the nineteenth century. Buildings do not presently impact on that view but new high-rise developments will change this character forever.

The Gothic Revival style Bethel House built in 1864 originally as an infirmary is sited within the State Heritage Register listed Norma Parker Detention Centre. At present only its chimney is visible from the weir in Parramatta River. With the proposal for adjoining four and six storey buildings there should be an accurate artist's impression to determine the impact on the present pristine views of the river foreshore vegetation from the weir.

Within Precinct 03 the present single-storey building is proposed to be replaced by a four-storey and a twelve storey building despite the recommendation that "buildings may be retained or demolished, new development in this area should have regard to the more significant buildings in the vicinity – in particular within the former Female Factory/Parramatta Lunatic Asylum precinct and the Hospital for the Insane precinct.

Within Precinct 04 the TKD Architects Built Heritage Assessment recommends the retention and adaptation (if possible) of the Gardeners' Cottage. The Assessment continues – "New development should ensure that the setting of the Recreation Hall and Chapel is maintained and conserved. The single-storey Gardener's Cottage is proposed to be replaced by a **6-storey** and a **16-storey** building. Not only will the setting of the Recreation Hall and Chapel be severely impacted by the siting and height of these developments but this development directly adjoins, overshadows, dwarf's and blocks the view from the main public oval area of the State Heritage Register listed Parramatta Correctional Centre which was the oldest gaol in original use in Australia and the most intact of the early (pre 1850) gaols in Australia.

The 6/16 storey building on this site is ill-conceived as it would be highly damaging to the setting of both the Recreation Hall and Chapel and Parramatta Gaol.

7. The National Trust is deeply concerned at the mistreatment of viewlines in the *MUSEcape Parramatta North Urban Renewal Cultural Landscape Heritage Assessment*. The problem relates to the Virtual Ideas / AJ + C photomontages which form the basis for the MUSEcape conclusion that the impact of the development on the Old Government House and Domain World Heritage values is acceptable. The National Trust has a particular and vital interest as the custodian of Old Government House.

The submission of possibly misleading images is a very serious matter. The government and the public must be confident that the material submitted is accurate.

The photomontages from page 75 and onwards of the Assessment are misleading. Some of the images have been composed to include the greatest number of trees in the mid-ground, effectively obscuring the outlines of the buildings in the background. For example, Figure 51



is taken from the top of a set of stairs. Stepping down just six steps would produce a completely different view with a ridgeline of towers.

In Figure 59 existing buildings can be seen clearly from the northern edge of the Park. However this image is taken so close to the river that they are all obscured.

Other images are taken from totally wrong locations. For example, Figure 47 is taken from behind Old Government House instead of inside the tree line overlooking The Crescent. Figure 48 is taken on the road behind Old Government House instead of on the ridge line at the middle of The Crescent.

In Figure 57 the view angle is approximately 160 degrees but the image shows only approx 90 degrees. The northern edges of this view would clearly take in taller developments. Figure 64 is a north-east view (not north) and Figure 65 is again a north-east view not north-west. This constitutes false information leading erroneously to conclusions such as 'there will be no visual impact', 'with no negative impact' and 'the visual impact on Old Government House & Domain World Heritage values is considered acceptable.'

As all the information provided to MUSEscape for this part of the report came from AJ+C Architects (the planners contracted to UrbanGrowth) this assessment was not independent.

The number of sight lines looking into the Cumberland and Sports and Leisure Precincts are very limited indeed and consequently do not show any views with a high level of impact, with the exception of Figures 68 and 72.

8. The significance of the State and National Heritage Listing lands within the Study Area is largely based on the long and unbroken line of government ownership virtually from the First Settlement of Europeans till the present day. This is evidenced by the Department of Public Works Heritage Group Conservation Management Plan being named the "North Parramatta Government Sites." Like the sandstone buildings in Bridge Street, the State Listed Areas must remain in State Government ownership and ultimate control, through long term leasing arrangements.

There must be integrated precinct management of the 'whole' by a single government agency. Management of 'fragmented' parts of the site by new apartment dwellers' body corporates, lessees of individual buildings or individual clusters of buildings would be highly detrimental to the long term conservation of the Heritage Listed Precincts.

The hospital's landscape scheme was established by the 1890s. The pathway system, garden areas and shrubberies throughout the hospital were established with orchards, vegetable gardens and vineyard on the periphery. Trees were supplied by the Botanic Gardens and plants listed as being supplied in the 1870s such as the *Schinus terebinthifolia* and Plane Trees still survive on the site today.

The National Trust Register 1996 listing of the Cumberland Hospital Landscape sets out the reasons for listing on the Register. The Cumberland Hospital Landscape is of

- historic significance as a representative example of a landscape which exhibits evidence of the various phases of its development since the beginning of the 1800s. The resultant landscape demonstrates the level of importance attached to a major public institution; changing horticultural fashions and attempts, with changing philosophies or care, to improve the environment for the patients.



- aesthetic significance as a representative example of an important site with landmark qualities from Parramatta. The quantity and diversity of its plantings enhance and define the local town and riverscape.
- social significance as a representative example of a landscape which is valued by the hospital staff and local residents
- scientific significance as a representative example of a site with archaeological evidence of structures dating from the early 1800s. The diversity and intensity of its plant collection is significant in terms of horticultural botany and is an outstanding resource as a collection and of value for comparison with other institutions.

This magnificent landscape needs one custodian to ensure its long term survival and co-ordinated maintenance, conservation and presentation.

9. 6-storey and 4-storey mixed-use development along O'Connell Street, south of the Victoria Road intersection has a massive footprint, totalling a maximum 57,914 sq metres of development, 10% of the total development in the Study Area. This development is within Parramatta Park, within the 1999 Parramatta Park and Old Government House State Heritage Register Listing, within the 1978 National Trust Register listed Parramatta Park Former Governor's Domain Landscape Conservation Area and also within the 'Highly Sensitive' area of the World Heritage Site and would be visible from many parts of the World Heritage Area. A "mixed-use" development would surely not be an appropriate use within a 'Sport and Recreation' Precinct.

North of Victoria Street on O'Connell Street an 8-storey mixed use development is also proposed. This development is also massive being a total developable area of 31,192 sq metres representing 5.5% of the total Study Area development. This site is subject to the same important heritage constraints set out above.

10. Aboriginal community representatives have advised that the Study Area is of high significance to the local and broader Aboriginal community. The Cumberland Precinct has the potential to contain contemporary historic values associated with the history of incarceration of Aboriginal children and adults. Parramatta Park is exceptionally important to the local and broader Aboriginal community. The Park provides evidence of Aboriginal occupation providing tangible links with the lifestyle and values of their ancestors and demonstrates the survival techniques utilised prior to European occupation. The Comber Consultants Aboriginal Archaeological & Cultural Heritage Assessment for the Cumberland East Precinct and the Sports and Leisure Precinct recommends that Parramatta Park is a significant cultural landscape which should remain as open space used for informal recreational activities and that the feeling of openness and seclusion which contributes to an understanding of the cultural landscape of Parramatta Park should be maintained. It is also recommended that high rise development adjacent to the Park that can be viewed from within the Park may have a negative impact on this appreciation of the precontact Aboriginal landscape. Appropriate and sensitive urban design principles should be developed which will mitigate this negative impact. View lines to and from Parramatta Park should be managed as detailed in the report by Planisphere (2012).
11. The Residence of the Chief Attendant (9 Fleet Street) was designed by the Government Architect's Office in 1910 and the cottage was completed in 1911. This building is proposed for demolition for the construction of new 10-storey and 4-storey buildings. However the Department of Public Works and Services Heritage Group 1998 Conservation Management Plan finds this building to have "High Significance". This building should not be demolished.
12. While Wistaria Gardens is not part of the Study Area, the National Trust takes this opportunity to propose that the Garden's former glory be reinstated and that it become the focus for



horticultural events and particularly a major flower show along the lines of the Royal Horticultural Society's annual Chelsea Flower Show.

Conclusion

In summary the Trust –

- strongly opposes the use of a proposed State Significant Development Declaration to switch off the Heritage Act and remove the Heritage Council as a determining authority for a development which impacts severely on a number of State Heritage Register Listings.
- supports sensitive and appropriate development (primarily sensitive adaptive re-use) to provide for ongoing heritage conservation and presentation.
- believes that the excessive development indicated in the concept drawings will become even more intensive given the past history in Parramatta of Section 75W applications to increase building heights.
- urges that the study area be extended eastward to take development pressures off the heritage areas and to preserve much needed open space for the increasing Parramatta population in coming decades.
- strongly opposes new multi-storey buildings in the Female Factory.
- urges that parking considerations be dealt with up-front before any rezoning is contemplated so the public is presented with the full implications of the development proposal.
- urges the retention of the Central Male Block which is of “high significance”.
- urges that the development proposal have proper regard to the Conservation Management Plans prepared for the NSW Heritage Council in conjunction with the State Heritage Register Listings. The scale and quantity of development proposed in contrary to the policies of the Conservation Management Plans.
- opposes the construction of a 6/16 storey building directly adjoining the Recreation Hall, Chapel and Parramatta Gaol.
- is concerned that photomontages are misleading and understate the impact on viewlines and values of the World Heritage Listed Old Government House and Domain
- Urges a continuing integrated precinct management of the whole site by a single government agency to ensure the long term survival, co-ordinated maintenance, conservation and presentation of this state and nationally significant cultural landscape.
- Opposes the 4, 6 and 8 storey mixed use developments in Parramatta Park along O’Connell Street.
- Seeks the close involvement of the Aboriginal Community in decision making regarding this project.
- Opposes the demolition of the highly significant residence of the Chief Attendant, 9 Fleet Street.



- Proposes the use of Wistaria Gardens for a major annual horticultural event along the lines of England's Chelsea Flower Show.

The exhibited documents constantly seek to highlight the significant heritage in the Study Area but then, perversely try to use that same significance as a justification for over-development. Despite all the references to heritage significance the documentation contains no proposals for accessing, interpreting and celebrating that heritage.

The major part of the development proposed is contrary to the Conservation Policies in the Conservation Management Plans prepared and submitted to the Heritage Council in respect of the State Heritage Register Listings.

National Trust Landscape Heritage Conservation Committee members returning from overseas visits to Europe's best heritage sites had noted the great care and sympathetic treatment of new development at those sites. However, by comparison, in New South Wales developer-driven proposals are ill-conceived and unsympathetic, rarely understanding and achieving the potential offered by such places as the North Parramatta Government Sites.

Only the unfettered operation of the Heritage Act and the proper involvement of the NSW Heritage Council in the decision-making process will produce a worthwhile development for the people of Parramatta, the State of New South Wales and the Australian Nation.

Yours sincerely

Graham Quint
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