



IRF24/60

# Gateway determination report – PP-2022-2767

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45 Macquarie Street, Parramatta

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A – Planning Proposal
Attachment B – Gateway determination

Attachment C – Letter to Council

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Attachment D – Council Minutes and Report dated 20 November 2023

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Attachment E – Local Planning Panel Minutes and Report dated 17 October 2023

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Attachment F – Heritage Assessment Report

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Attachment G – Supplementary Heritage Information

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# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Parramatta Local Government Area	
<b>PPA</b>	City of Parramatta	
<b>NAME</b>	45 Macquarie Street, Parramatta	
<b>NUMBER</b>	PP-2022-2767	
<b>LEP TO BE AMENDED</b>	Parramatta Local Environmental (PLEP) 2023	
<b>ADDRESS and DESCRIPTION</b>	45 Macquarie Street, Parramatta	SP 94346
	30-32 Hunter Street, Parramatta	SP 94347 and SP 94348
	140 Marsden Street, Parramatta	SP 94349
<b>RECEIVED</b>	28/11/2023	
<b>FILE NO.</b>	IRF24/60	
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required	
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal	

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The planning proposal seeks to reduce the curtilage of the local heritage archaeological site to be consistent with the NSW State Heritage Register (SHR) listing of the item.

The objectives of the planning proposal are to:

1. preserve the heritage significance of the archaeological site by reducing its extent to apply only the area consistent with the NSW SHR listing of the item;
2. protect the character of the site; and
3. enable exempt and complying development to be achieved under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the parts of the existing building that will be excluded from the listing without affecting the heritage significance of the archaeological remains.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Parramatta LEP 2023 by:

- Amend the Heritage Map to reduce the curtilage of the archaeological site known as A16 under Schedule 5, Part 3 Archaeological Sites of the PLEP 2023 (SP 94336, SP 94348 and SP 94349), to align with Item 02027 on the NSW State Heritage Register.

No other changes are proposed to development standards. The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The land subject to this planning proposal is a corner block in the centre of Parramatta Central Business District (CBD), bordered by Macquarie Street to the north, Marsden Street to the east and Hunter Street to the south (**Figure 1**). The land subject has been strata subdivided to create four strata lots.

With an area of approximately 4,900m<sup>2</sup>, the site contains a high density mixed-use retail and commercial building (**Figure 2**). This includes ground level retail, six level commercial podium building, 16 level commercial tower and through site link. The subject site also contains the Philip Ruddock Heritage Centre which houses an exposed archaeological interpretation zone and museum, which opened in December 2017 (**Figure 3**).

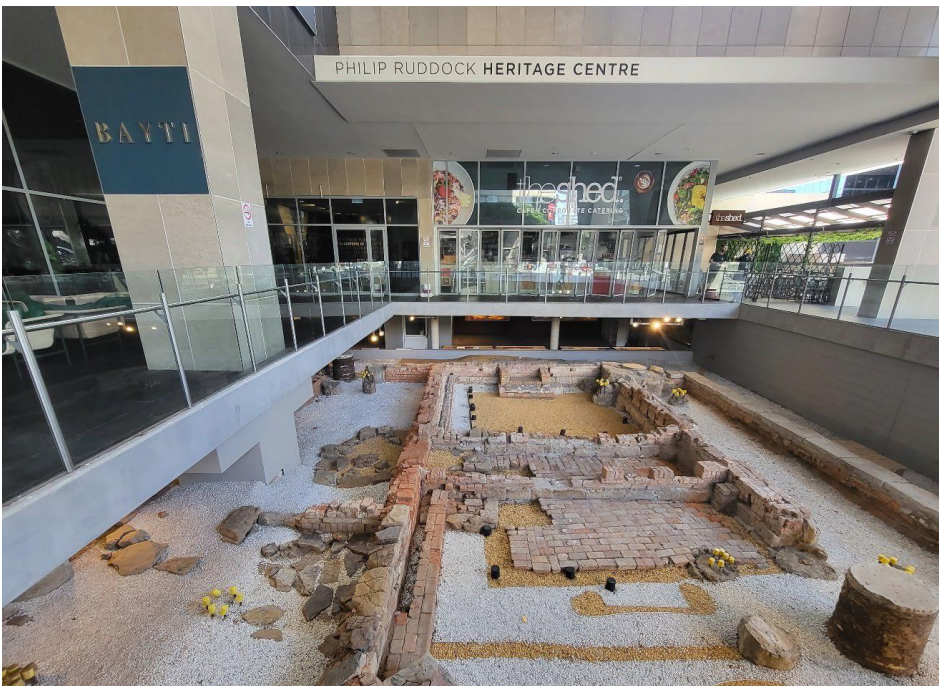


**Figure 1: Subject site outlined in red (source: planning proposal)**





**Figure 2: Residential building erected over the subject archaeology (source: planning proposal)**

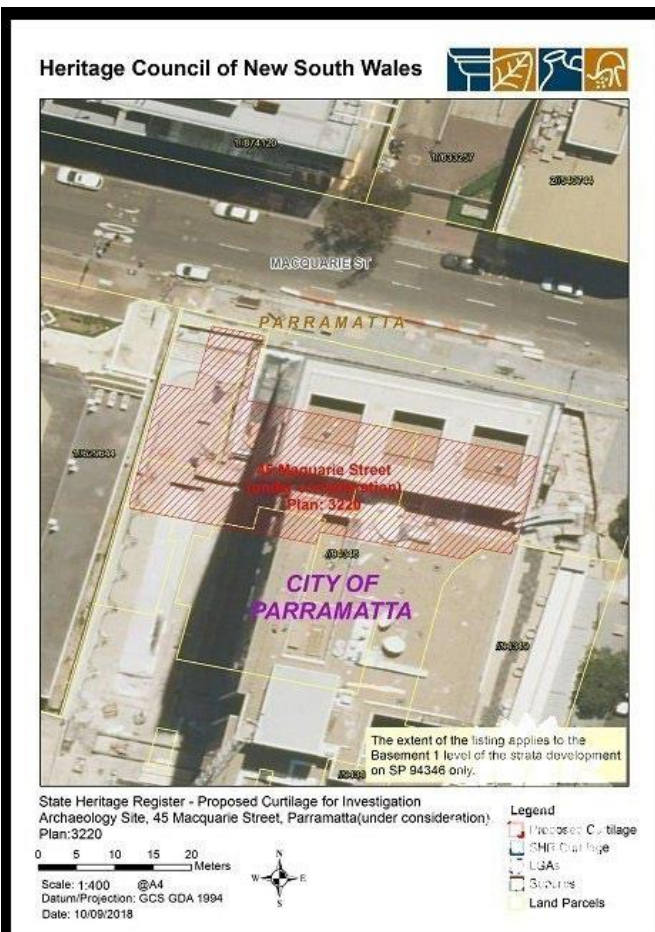


**Figure 3: Philip Ruddock Heritage Centre with exposed archaeological site located on the plaza level (source: planning proposal)**



**Figure 4: Philip Ruddock Heritage Centre with exposed archaeological site located below the plaza level (source: planning proposal)**

The site is identified as an ‘Archaeological Site’ known as Item A16 on Schedule 5, Part 3 of the PLEP 2023 and NSW State Heritage Register Item 02027 (**Figure 5**) (refer to section 1.6 for further information). As shown in **Figure 6**, the NSW SHR item is of a smaller footprint than the Local Heritage Item.



**Figure 5: Item 02027 of the NSW State Heritage Register (SHR)(source: planning proposal).**





**Figure 6: Overlapped of Item 02027 of the NSW State Heritage Register (SHR) in blue and the local heritage listing in yellow (source: planning proposal)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the heritage map (**Figure 7**) which is suitable for community consultation. No further amendments are proposed.

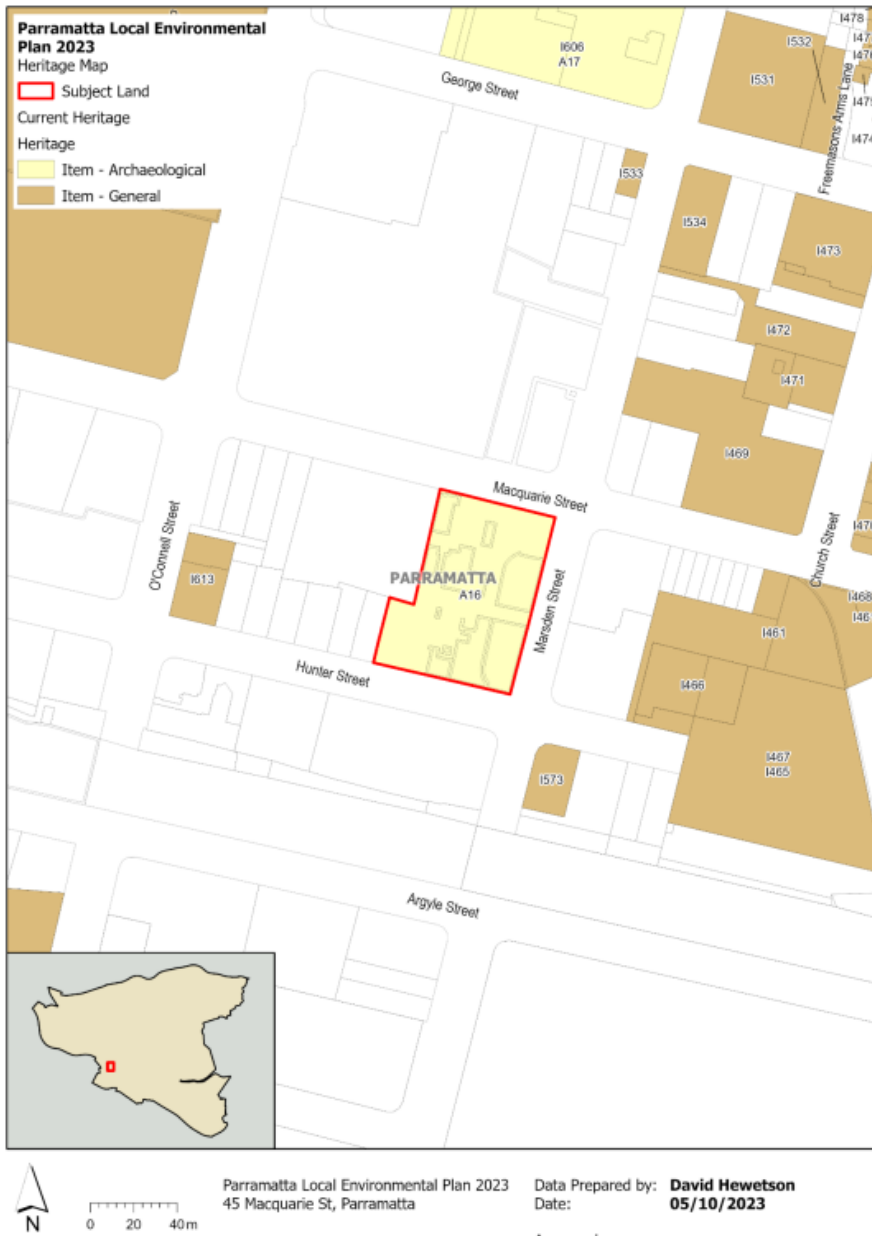
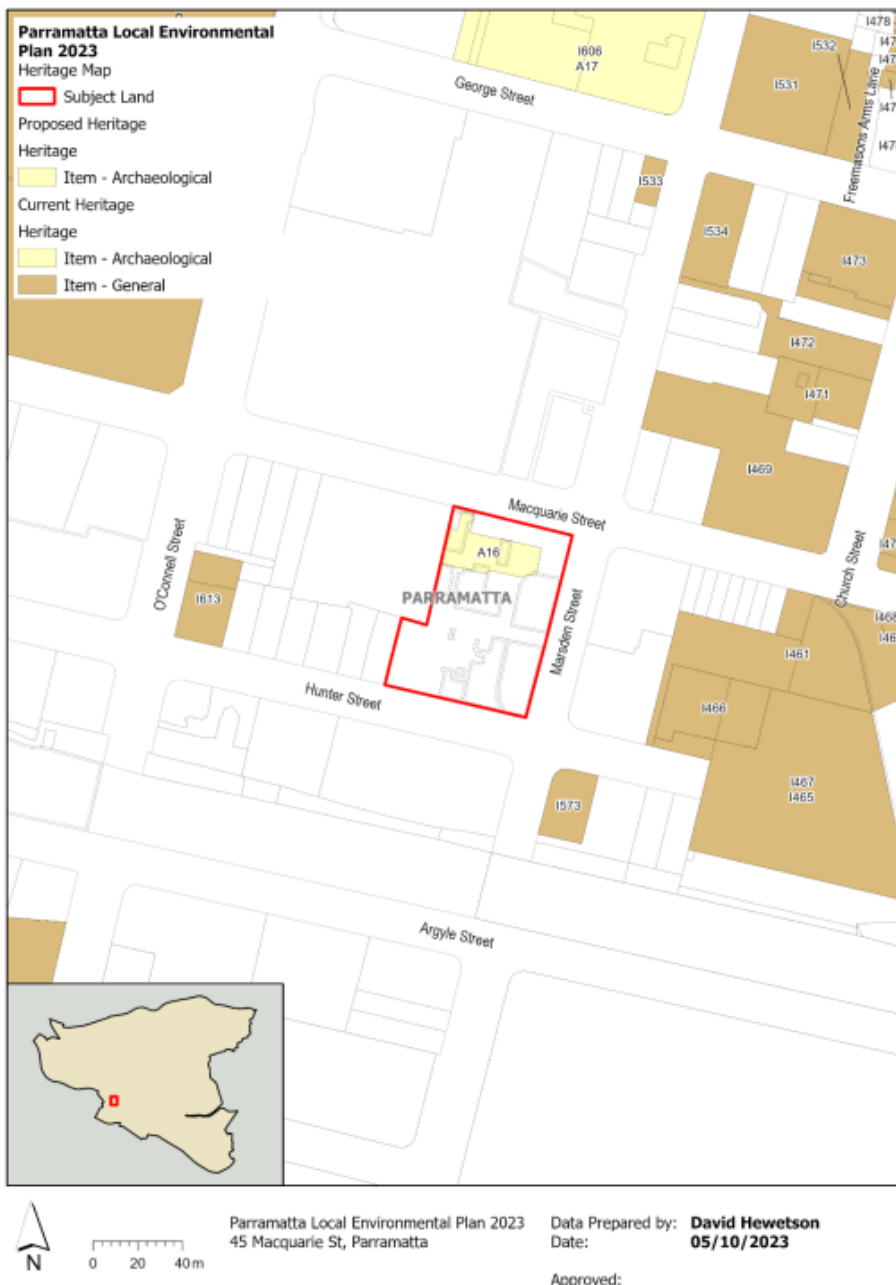


Figure 7: Existing Heritage map (source: planning proposal)



**Figure 8: Proposed Heritage Map (source: planning proposal)**

## 1.6 Background

When the Parramatta Historical Archaeological Landscape Management Study (PHALMS) was completed in 2001, the area of site subject to this planning proposal was identified to contain intact archaeological resources of state significance. In particular, it was considered to include the sites of convict huts and was labelled Archaeological Management Unit (AMU) 3190.

The site, previously known as 134-140 Marsden Street, was listed as a local item of significance in the Parramatta City Centre Local Environmental Plan 2007 on the 21 March 2014 as Item 135 “Archaeological site”. Now identified as A16 on Schedule 5 of the PLEP 2023 (**Figure 3**), the site was used as a carpark from the late 1950s until 2005 when it was excavated.

In 2015, as a part of preliminary excavation for the current ‘V by Crown’ Development, two distinct archaeological areas were uncovered including the archaeological remains of a convict hut built

c.1800 and the cellar of the Shepard and Flock inn, licensed from 1825 to 1870. Construction of the residential/commercial development began in 2012 with its completion in 2015.

Following the discovery of these archaeological sites, 45 Macquarie Street, Parramatta was listed on the NSW State Heritage Register (SHR) on 5 July 2019 (**Figure 5**). The site was listed as Item 02027, “Archaeological Site and associated artefacts”, with a significantly smaller footprint than the Local Heritage Listing.

## 2 Need for the planning proposal

The planning proposal is not a result of any site-specific study and is a landowner-initiated planning proposal.

A Heritage Assessment Report and Supplementary Heritage information was prepared by GBA Heritage (**Attachment F and Attachment G**), that suggested that there is no remaining archaeological evidence on the site beyond what is already included in the NSW SHR listing. The proposal also notes that the reduced archaeological area is now defined and enclosed by the concrete basement walls as part of the V by Crown mixed use development.

Further details regarding the heritage assessment is in **Section 4.1**, below.

### Is a planning proposal the best means of achieving the objectives or intended outcomes?

The planning proposal is the best means for achieving the objectives and intended outcomes. The proposed amendment to the Heritage Map of the archaeological site in Schedule 5 of the PLEP 2023 will provide for the ongoing protection and recognition of the heritage significance of the archaeological site.

## 3 Strategic assessment

### 3.1 Central City District Plan

The site is within the Central City District and the Greater Sydney Commission released the Central City District Plan (District Plan) on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
C6 Creating and renewing great places and local centres, and respecting the District’s heritage	The planning proposal seeks to reduce the extent of the local archaeological site to apply to only the area containing remnants of the archaeology on the site. The planning proposal will continue to conserve the environmental heritage of the archaeological site within the Parramatta area through its dedicated public archaeological interpretation zone and existing integrated building design.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal is generally consistent with the LSPS as it is consistent with Planning Priority 9: <i>Enhance Parramatta’s heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs.</i></p> <p>The proposal seeks to reduce the curtilage of the archaeological site to align with the NSW SHR listing of the item. There are no proposed physical changes or impacts to the exposed archaeological sites.</p>
Parramatta 2038 Community Strategic Plan	<p>This Community Strategic Plan identifies <i>Welcoming 4.04 – Action W 2.2 Respect, protect and celebrate our shared living histories and embrace our heritage.</i> The planning proposal is consistent with this action as it continues to protect and recognise the heritage significance of the archaeological site and will continue to respect, conserve and celebrate Parramatta’s heritage values.</p>
Parramatta City River Strategy 2015	<p>This Strategy is a comprehensive plan to transform the Parramatta River City Foreshore into a vibrant public space that connects to the city, celebrates the history and culture of the Parramatta River and is resilient to flooding.</p> <p>The planning proposal is consistent with this Strategy as it will protect and recognise the heritage significance of the archaeological site without limiting the uses within the existing building.</p>

## 3.3 Local planning panel (LPP) recommendation

The planning proposal was reported to the Local Planning Panel on 17 October 2023 (**Attachment E**) in accordance with requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979*. The planning proposal (**Attachment A**) and Council assessment report (**Attachment E**) were considered by the City of Parramatta LPP. The LPP supported the proposal should proceed to Gateway determination with no further recommendations.

## 3.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>Focus Area 1: Planning Systems</b>		
Direction 1.7 Implementation of Greater Parramatta	Consistent	This direction seeks to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP) dated July 2017. The



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP)		<p>direction applies when a relevant planning authority prepares a planning proposal for land within the Greater Parramatta Priority Growth Area.</p> <p>The planning proposal is consistent with the broad objectives of the LUIIP and therefore this direction.</p>

### Focus Area 3: Biodiversity and Conservation

Direction 3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage, significance and indigenous heritage significance.</p> <p>This direction applies as the subject site contains an archaeological site identified as 'A16' under Schedule 5 of PLEP 2023. The planning proposal seeks to reduce the curtilage of the archaeological site to align with the NSW SHR listing of the item.</p> <p>The proposal notes that there are no surviving archaeology on the remainder of the site, as they were removed during the approved excavation for the existing basements of the buildings. The heritage report (<b>Attachment F</b>) concludes that the local heritage listing should only apply to the extent of the NSW SHR listed area and that the remainder of the subject site should be free from unnecessary development controls as it is considered redundant.</p> <p>The planning proposal is considered consistent with this Direction in that there is no proposed changes to the existing archaeological site and that it will continue to protect and conserve the site aligned with the NSW SHR listing of the item. It is recommended that that Heritage NSW is consulted during the public exhibition of the proposal.</p>
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### Focus Area 4: Resilience and Hazards

Direction 4.1 Flooding	Consistent	<p>The objective of this Direction is to ensure development is consistent with the principles of the Floodplain Development Manual 2005 and the provisions of a LEP are commensurate with flood behaviour both on and off the subject land.</p> <p>The Direction applies as the site is identified within the Floodplain Risk Management Map. The site is surrounded by the medium hazards probable maximum flood (PMF) events along Macquarie Street and Marsden Street (<b>Figure 9</b>).</p>
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Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p><b>Figure 9: Medium Hazard Risk PMF, site in yellow (source: Parramatta River Flood Study)</b></p> <p>The Department notes that the planning proposal is consistent with this Direction as it is not intensifying development yield and is strictly reducing the curtilage of the local archaeological item to align with the NSW SHR.</p>
Direction 4.5 Acid Sulfate Soils	Consistent	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This Direction applies as the site is identified as containing Class 5 Acid Sulfate under the Parramatta LEP 2023. The proposal is consistent with this Direction as the site was recently redeveloped and no further intensification is proposed.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The SEPP sets out a number of Codes which enables certain development to be undertaken without Council approval via the exempt or complying development streams. The SEPP is relevant	Not Applicable	The planning proposal is not considered to be inconsistent with the SEPP. Any minor types of development to take place outside of the curtilage may be considered under the SEPP.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	to this planning proposal as the local archaeological item will be excluded from most forms of complying development under the SEPP.		The archaeological item is excluded from the approval options under the SEPP to ensure that heritage and archaeological significance is considered.

## 4 Site-specific assessment

### 4.1 Environmental

The proposal does not propose development of the site and seeks to reduce the curtilage of the local archaeological item, A16 on Schedule 5 of the PLEP 2023. The proposal will not have any impact on critical habitat, threatened species or endangered ecological communities.

#### **Heritage**

The planning proposal seeks to reduce the curtilage of the local archaeological item, A16 on Schedule 5 of the PLEP 2023, to align with the NSW SHR. An assessment of heritage impacts accompanying the planning proposal has been prepared (**Attachment F**). The supporting heritage report provides an overview of the history of the site dating back to the early 1800s with remnants of three convict huts being found during excavations in 2015. The report also highlights the presence of a brick cottage, 'Federation' style home and the Shepard and Flock Inn. All buildings on the site had been demolished by the early 1950s and the area was then repurposed as a carpark.

As outlined in **section 1.6** of this report, the PHALMS in 2001 first identified the site as Archaeological Management Unit (AMU) 3190, as it was likely to contain intact archaeological resources and State significance including the sites of the convict sites. This designation was confirmed during excavations in 2015 for the 'V by Crown' redevelopment, being revealed in the western corner of Macquarie, Marsden and Hunter Street. The whole site was subsequently listed as an archaeological site, Item A11 on the PLEP 2011 (now A16 on Schedule 5 of the PLEP 2023).

Heritage NSW (HNSW) determined that relics along the northern portion of the site were likely to be of State Heritage significance. It was considered that the design and approval of the mixed-use residential tower required a degree of flexibility in the statutory definition of what is considered the most important relics prior to the formal listing on the NSW SHR.

Through design and development application, it was agreed a full-scale archaeological display and interpretation centre for members of the public should be developed around the actual surviving relics with the mixed-use residential buildings constructed above (**Figure 10**). The physical configuration of the display was selected as the limit of the NSW SHR listed site. This now forms the Phillip Ruddock Heritage Centre, exposed archaeological site and museum, identifiable from a large opening in the ground floor level northern plaza of the V by Crown building at 45 Macquarie Street.



**Figure 10: Indicative sketch of basement and archaeology display centre (source: planning proposal)**

The heritage report identifies the surviving archaeological area is defined and enclosed by the concrete basement walls of the archaeological display centre. As such, there is no remaining archaeology on the remainder of the site, having been removed during the approved excavation for the existing basements of development. The heritage report concludes that the local heritage listing should only apply to the extent of the NSW SHR listed area and that the remainder of the subject site should be free from unnecessary development controls as it is considered redundant.

Given the above, the Department is satisfied that the reduction in curtilage is appropriate and encompasses all surviving archaeological and heritage items on the site.

## 4.2 Social and economic

The site contains existing buildings, businesses, public piazza, archaeological interpretation zone and museum that provide established social and economic benefits for the site. These benefits are expected to remain unchanged as a part of the planning proposal.

The planning proposal has considered the significance of the archaeological site and has emphasised the importance to manage, protect and promote the heritage character on the site. As the planning proposal is to reduce the curtilage of the local archaeological item to align with NSW SHR item 02027, there is unlikely to be any adverse social or economic impacts resulting from the planning proposal.

## 4.3 Infrastructure

The site is located within the Parramatta CBD, and the planning proposal does not seek to change land use zoning or increase the permissible density of the site. It is unlikely there will be any potential impacts on public infrastructure as a result of this planning proposal.

# 5 Consultation

## 5.1 Community

An exhibition period of 20 working days is considered appropriate and forms part of the conditions of the Gateway determination.

## 5.2 Agencies

It is recommended that Heritage NSW be consulted on the planning proposal and given 30 working days to comment.

## 6 Timeframe

Council proposes a 8 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends a LEP completion date of 1 November 2024 (10 months) in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the local nature of the planning proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is generally consistent with the strategic direction set out in the Central City District Plan, City of Parramatta's Local Strategic Planning Statement, relevant Ministerial Directions and State Environmental Planning Policies.
- The proposal is unlikely to have any significant adverse environmental, economic and social impacts, traffic or transport issues.
- The proposal will reduce the curtilage of the local archaeological item to align with the NSW SHR curtilage. This will ensure all State significant historical archaeology within the site is limited to this NSW SHR curtilage where no changes are proposed.
- The proposal will not undermine the existing uses of the site nor will it alter the conservation and protection of the existing archaeological site.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
  - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 1 November 2024 be included on the Gateway.



The timeframe for the LEP to be completed is on or before 1 November 2024



12/01/2024

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24/01/2024

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