14 May 2012

Referral Business Entry Point, EIA Policy Section (EPBC Act)
Approvals and Wildlife Division
DSEWPaC
GPO Box 787
CANBERRA ACT 2601
By email: epbc.referrals@environment.gov.au

Dear Sir/Madam

Re: Referral No. 2012/6358 – Meriton Apartments Pty Ltd / Residential Development / 330 Church Street, Parramatta / NSW / Mixed Use Residential Development

Thank you for the opportunity to comment on this proposal. I provide this letter as a submission on behalf of Australia ICOMOS.

ICOMOS – the International Council for Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 500 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia. We have a particular interest in Australia’s world heritage sites.

We note that this referral relates to the same development that was referred in November 2011(Referral No. 2011/6166). Australia ICOMOS provided a submission at that time and we attach that document to this submission. We note that none of our concerns have been alleviated through this current referral, including the height of the proposed towers. Rather than rewrite the same submission we table the attachment dated 15 November 2011 as continuing to represent our concerns. However, we add a number of points as follows.

We do not believe that the current referral documentation has addressed the impact this development will have on the setting of Old Government House and Domain, Parramatta Park. The development will be visually intrusive above the tree line and has the potential to detrimentally impact the setting of Old Government House and Domain, Parramatta Park, and hence negatively affect the place’s heritage values, including World Heritage values. The heritage significance of this important and valuable part of our cultural heritage is linked to the retention of this significant setting. While some further comment regarding the view lines has been provided, it is extremely limited and provides no data or formal assessment to support the assertion under 3.1(a) of the Referral document that ‘although the development arising from the action will be visible from within the World Heritage property, the impacts on it will not be significant impacts’. The proponent has not undertaken the appropriate heritage impact assessments to be able to support this assertion and we reiterate our recommendation that such an assessment must be done before this proposal be allowed to proceed. This assessment must address the full range of heritage values of the place, and not just its local values.
As the Australian government is aware, the impact on heritage values of developments in areas surrounding a World Heritage property is of interest and can be of serious concern to the UNESCO World Heritage Committee. In the Australian context this has recently been reinforced by the Reactive Monitoring Mission to review actions in relation to the Great Barrier Reef World Heritage Area. We are confident that the Australian government would not wish to attract a similar mission or questions in the case of the Australian Convict Sites World Heritage property. Paragraph 172 of the Operational Guidelines provides a mechanism to refer concerns from State Parties – particularly ‘new constructions which may affect the outstanding universal value of the property’ – and we urge the Australian government to take this opportunity to seek feedback from the World Heritage Centre in a timely way. This would seem an appropriate step to take given the identification of potential development impacts at the time the Australian Convict Sites was added to the World Heritage List. We once again bring your attention the text from the 2010 ICOMOS Assessment report, under the heading ‘Development pressures’:

More broadly, some of the sites within the property may be threatened by the development of the property’s peripheral area and in its buffer zone, notably in terms of the landscape impact of growing urban environments (see Integrity). This refers in particular to the City of Sydney for Hyde Park Barracks (3) and Cockatoo Island (10), to Parramatta city for Old Government House (2) … (emphasis added)

We reiterate that there are best-practice heritage policies and processes can be and should be applied to identify possible impacts on heritage values. Without the application of such investigations, we believe that the current referral presents a significant challenge to our World Heritage and Australian National Heritage, and for New South Wales, and this development should not proceed without the surety of the outcomes of such assessments.

Thank you again for your consideration of the views of Australia ICOMOS in this important issue.

Yours faithfully

[Signature]

Dr Jane Harrington
President Australia ICOMOS
15 November 2011

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Dear Sir/Madam

Re: Referral No. 2011/6166 – Meriton Apartments Pty Ltd / Residential Development / 330 Church Street, Parramatta / NSW / Mixed Use Residential Development

I refer to the above Referral and to the email received from Ms Mahani Taylor dated 14 November 2011 permitting an extension for comments past the closing date to 16 November. I provide this letter as a submission on behalf of Australia ICOMOS.

ICOMOS – the International Council for Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 500 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia. We have a particular interest in Australia’s world heritage sites.

We note there is a non-compliant proposal for two towers, both over the maximum building height of 80 metres, with one tower exceeding the maximum building height by 37.6 metres.

Parramatta is an area of early settlement in Australia and the development site is surrounded by sites of acknowledged local, state, national and world heritage value.

Of particular concern is the impact this development will have on the setting of Old Government House and Domain, Parramatta Park, which is not only of Local and State heritage significance but is included on the National Heritage List and is one of the eleven sites in the Australian Convict Sites World Heritage property. The development will be visually intrusive above the tree line and has the potential to detrimentally impact the setting of Old Government House and Domain, Parramatta Park, and hence negatively affect the place’s heritage values. The heritage significance of this important and valuable part of our cultural heritage is linked to the retention of this significant setting.

Australia ICOMOS provided input into the nomination of the Australian Convict Sites, as a national committee of ICOMOS. Under the UNESCO World Heritage Convention ICOMOS is the Advisory Body responsible for assessing nominations to the World Heritage list of cultural heritage places. The ICOMOS assessment report for the Australian Convict Sites, tabled at the 34th Meeting of the World Heritage Committee in Brasilia in 2010, recommended that the Commonwealth of Australia, as the State party:
Pay attention to managing the landscape values of the sites in or close to urban areas by studying the visual impact of their current environment and any projects liable to affect those values (World Heritage Committee Meeting Decision 34COM 8B.16)

The impact on heritage values of developments in areas surrounding a World Heritage property is of interest and serious concern to the UNESCO World Heritage Committee. The 2010 Assessment report for the Listing further noted under the heading ‘Development pressures’:

More broadly, some of the sites within the property may be threatened by the development of the property’s peripheral area and in its buffer zone, notably in terms of the landscape impact of growing urban environments (see Integrity). This refers in particular to the City of Sydney for Hyde Park Barracks (3) and Cockatoo Island (10), to Parramatta city for Old Government House (2) …

We further note that as the Australian Convict Sites World Heritage Property consists of 11 individual sites, any potential negative impact on the heritage values of one site can be considered to affect the Australian Convict Sites as a single property. The implications are hence far greater reaching than the impact in this instance of the identified heritage values of Old Government House and Domain.

Central to the control of identified National and World Heritage values under the EPBC Act is the need for Ministerial approval of an activity or ‘action that has, will have or is likely to have a significant impact on certain aspects of the environment’—that is, the National or World Heritage values of identified places/properties—and his/her determination as to whether the action ‘should proceed’ (Chapter 2, Part 2, Section 11).

Australia ICOMOS makes the following comments:

1. Australia ICOMOS expresses concern that Section 5.2 in the referral document does not adequately address the potential to negatively impact the World heritage and National heritage values of Old Government House and Domain.

2. Australia ICOMOS expresses concern that the Statement of Heritage Impact and the Visual Impact Assessment Report have not properly considered the impacts of the proposed development on the World heritage and National heritage values of Old Government House and Domain.

3. Australia ICOMOS recommends that the potential impact on the World heritage and National heritage values of Old Government House and Domain be appropriately addressed and considered prior to the proposal being allowed to proceed.

Thank you for your consideration of the views of Australia ICOMOS in this important issue for World Heritage and Australian National heritage, and for New South Wales.

Yours sincerely

Dr Jane Harrington
President Australia ICOMOS