

Review of Environmental Factors Report

Parramatta Park Trust

Footpath construction – Amos Street connection

Volume 1









6 July 2022



Document Control

Title: Construction of footpath

Document Control Log

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1 st	1	3/06/2022	Hugh Halliwell 	Georgia Sedgmen 
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4 th	4	6/07/2022	Hugh Halliwell 	Georgia Sedgmen 

Declaration

This Review of Environmental Factors (REF) has been prepared by Mecone NSW Pty Ltd on behalf of the Parramatta Park Trust to take into account all matters affecting, or likely to affect the environment as a result of the proposed pathway construction at Parramatta Park within the Mays Hill Precinct.

The REF has been prepared in accordance with the following legislation:

- *Environmental Planning and Assessment Act 1979,*
- *Environmental Planning and Assessment Regulation 2021,*
- *Biodiversity Conservation Act 2016,*
- *Environment Protection and Biodiversity Conservation Act 1999,*
- *National Parks and Wildlife Act 1974,*
- *Heritage Act 1977*

The information contained in this REF is neither false or misleading and contains all available information that is relevant to the environmental assessment of the proposed activity.

It is concluded that by adopting mitigation measures identified in this assessment to avoid, minimise or manage environmental impacts, the proposed Activity: construction of concrete pathway,

- a. is not likely to have a significant impact on the environment, therefore an Environmental Impact Statement is not required;
- b. is not likely to significantly impact threatened species, populations, ecological communities or critical habitat defined under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994, therefore a Species Impact Statement is not required;
- c. is not likely to affect any Commonwealth land, or significantly affect any matters of National Environmental Significance.

Subject to implementation of the mitigation measures identified in this assessment the proposed activity is recommended for approval.

Prepared by: *Georgia Sedgmen, Mecone*
Master of Planning, University of Technology, Sydney



Date: *6 July 2022*

Verification

I, Georgia Sedgmen, have examined this REF and accept the report on behalf of the Parramatta Park Trust.

Reviewing Officer: Georgia Sedgmen

Address: Level 2, 3 Horwood Place, Parramatta

Position: Director

Signature 

Date: 6 July 2022


Determination

I accept this REF on behalf of the Parramatta Park Trust, as the determining authority, and determine that the proposed activity is approved subject to mitigation measures in Section 7.0 being implemented and may proceed.

Trust Delegated Officer: David Kirkland

Address: Level 7, 10 Valentine Avenue, Parramatta NSW 2124

Position: Director Strategy, Design and Delivery, Centennial and Moore Park, Parramatta Park and Western Sydney Parklands Trusts
Greater Sydney

Signature 

Date: 6 July 2022

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1.0 Introduction

1.1 Proposed Activity

This Review of Environmental Factors (REF) has been prepared by Mecone NSW Pty Ltd for the Parramatta Park Trust (the Trust) to take into account all matters affecting, or likely to affect the environment as a result of the construction of a new concrete footpath. These environmental factors include all those listed under Section 171(2) of the *Environmental Planning and Assessment Regulation 2021*. For a detailed consideration of the proposed activity against these environmental factors, please refer to **Appendix F**.

1.2 Proposal Background

The Park is managed in accordance with the *Parramatta Park Trust Act 2001*, *Parramatta Park Regulation 2012* and the plan of management prepared in accordance with Section 15 of the Act and listed in section 4 of this REF.

Your Parramatta Park 2030 Conservation Management Plan and Plan of Management 2020, provides a framework for all activities within the Park through a set of guiding objectives and strategies. The objectives and strategies relevant to this activity are set out below:

Table 1: Relevant Objectives and Strategies in *Your Parramatta Park 2030*

Objectives	Strategies
Identify, conserve and celebrate natural and cultural heritage values	1.1 Improve understanding of Aboriginal and non-Aboriginal cultural heritage values 1.2 Care for the heritage fabric and landscape qualities of the Park 1.3 Increase bushland biodiversity while protecting cultural heritage values 1.4 Improve the health of Parramatta River
Increase community participation, activation and engagement	1.5 Create opportunities for structured and unstructured recreation while protecting cultural heritage values 1.6 Increase visitor engagement and participation
Create linkages and connections	1.7 Increase opportunities for walking and cycling within and to the Park while protecting cultural heritage values 1.8 Reduce cars in the Park while protecting cultural heritage values

	1.9 Reconnect people to the river while protecting cultural heritage values
Manage the Park in a sustainable way	1.10 Sustainably manage Park assets and operations while protecting cultural heritage values 1.11 Support the restoration and day-to-day operations of the Park 1.12 Continue to monitor the natural and cultural heritage values of the Park

The Trust proposes to:

- Construct a footpath from Amos Street to Park Parade, which will traverse the western boundary of the site.
- The footpath has been carefully considered in light of the sites’ constraints, notably the biodiversity and heritage values of the land. The Part 5 assessment has been supported by a Flora and Fauna Assessment and Heritage Impact Assessment.
- The footpath intends to provide an improved means of access to, from and around the site, including the recently approved Aquatic Leisure Centre Parramatta by upgrading the footpath infrastructure that satisfies current standards.
- The footpath replaces an existing approved path creating a more direct path which aligns with the historic alignment of Governor’s Avenue. The realignment serves as an appropriate reinterpretation of the original roadway.
- The new footpath has considered the objectives of relevant plans and documents, notably Your Parramatta Park 2030 Plan of Management.

1.3 Environmental Assessment and Approval process

The Trust is both the proponent and the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* for the proposed activity.

The proposal is categorised as development for the purposes of a pedestrian pathway and is being carried out by or on behalf of Parramatta Park Trust. Under clause 2.73 of SEPP (Transport and Infrastructure) 2021 the proposal is permissible without consent. The proposal is not State significant infrastructure or State significant development. The proposal can be assessed under Division 5.1 of the EP&A Act.

Parramatta Park Trust is the determining authority for the proposal. This REF fulfils the obligation under section 5.5 of the EP&A Act including to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity. A referral to Australian Government Department of Agriculture, Water and the Environment under the EPBC Act is not required.

2.0 Site Analysis

2.1 Site Location and Context

Parramatta Park is located on the western edge of the Parramatta central business district, approximately 25 kilometres west of Sydney central business district. The Park is bounded by the Western Highway to the south; Pitt, Macquarie and O'Connell streets to the east; and Park Avenue to the west. Parramatta Park covers an area of 85 hectares within Parramatta Local Government Area and Parramatta River circulates through the north-eastern portion of the Park.

Parramatta Park was gazetted as a public park in August 1858, making it one of the oldest parks in Australia and is zoned RE1 Public Recreation under *Parramatta Local Environmental Plan 2011*. It has more than two million people visiting each year and visitation is continuing to increase as Sydney grows, the Central District accommodates more medium and high-density housing and the tourism industry expands.

The site of the proposed works is owned by Parramatta Park Trust (the Trust). The activity is proposed in the Mays Hill Precinct with the approximate area of the footpath highlighted in red on Figure 1 overleaf. The site is formally known as 7A Park Parade, Parramatta within Lot 1 DP1244328.

Figure 1: Site Location



Source: Your Parramatta Park 2030

2.2 Site Characteristics

Parramatta Park is a cultural landscape that is significant for its Aboriginal, Early Colonial, Vice-Regal, People's Park and natural heritage values. Many of these rich and unique values are recognised on local, state, national and World Heritage lists. The Park also contains recreational and community facilities including cafes, children's playgrounds, sports fields, gardens, picnic areas, cycle paths, walking tracks and parklands.

The heritage values of the Park are varied and complex. Above ground heritage values are as important as below ground archaeological values along with their associated visual settings. The key heritage values identified in the Your Parramatta Park 2030 Conservation Management Plan are:

Natural heritage and features – Parramatta Park is significant as a natural landscape within an urban setting and as a landscape that showcases the evolution and development of its landforms over time. Values include:

- Native flora, fauna and ecological communities including a Grey-headed flying fox colony, Cumberland Plain Woodland, Shale Sandstone Transition Forest, River-flat Eucalypt Forest, Parramatta River, ancient trees and sandstone outcrops

Aboriginal heritage – Parramatta Park is significant for the large section of the Parramatta Sand Body within its boundaries which is the ancient riverbed and banks of the late Pleistocene / early Holocene river. Values include:

- Ancient archaeological landscapes
- Sites and landscape settings routinely used by and important to Aboriginal people

Early colonial and Vice-Regal heritage – Parramatta Park with Old Government House is of World Heritage Significance as an organisational and social centre of convict transportation from 1788-1840. Values include:

- Archaeological landscapes
- Views and settings
- Buildings and structures including The Dairy and Ranger's cottage, gatehouses, transit stones and memorials

People's Park heritage – Parramatta Park is significant as one of the earliest gazetted parks in Australia in 1858. It was designed as a Victorian-era People's Park following lengthy lobbying for its creation from the 1840s. Values include:

- Archaeological landscapes
- Views and settings
- Buildings, monuments, fences and other structures

The proposed activity is located within the Mays Hill Precinct on the western edge of Parramatta Park. The site of the proposed activity within the Mays Hill Precinct is located within the 'State Heritage Listing Curtilage' and located adjacent to the south of the 'World Heritage and Buffer Zone Listing Curtilage' and 'National Heritage Listing Curtilage'. The area of works is located a significant distance from the Grey-headed Flying-fox camp located in the northern portion of Parramatta Park. As well, the area of works is located with significant separation to Old

Government House and Parramatta River to the north with known significance species of flora and fauna unaffected by the proposed works.

The area of works is located in Precinct 8 'Mays Hill' under Your Parramatta Park 2030. The southernmost extent of the Precinct, where the works are located, is significant as a substantial park of the Domain create by Governor Macquarie as the setting for Old Government House. It contains the site of the Macquarie's Gatehouse to Old Government House and the drive to where the stables once stood. The Precinct is significant for evidence in its landforms of tilled farm practices for the cultivation of maize. The minimal extent of works will ensure negligible impact on the significance of the Precinct. The natural and cultural heritage values of the Precinct will continue to be conserved and celebrated in accordance with the heritage policies and management priorities under Objective 1, outlined by Your Parramatta Park 2030. The REF is supported by a Heritage Impact Statement, prepared by Urbis, provided under separate cover.

The Precinct is home to the Cumberland Plain Woodland, as a significant remnant of a larger Aboriginal river and creek landscape. Areas of significant flora and fauna are located to the northernmost point of the Precinct, therefore not being impacted by the proposed works.

The proposal aligns with Objective 2 by ensuring that community participation, engagement and activation is provided. The footpath will provide for further opportunity along with the Aquatic Leisure Centre Parramatta currently under construction. The footpath is anticipated by Your Parramatta Park 2030 by providing opportunity for a multi-use path within the Mays Hill Master Plan.

Objective 3 requires the creation of linkages and connections within the Precinct. Specifically, the creation of a circulation path around the edge of Mays Hill Precinct is considered under Objective 3. The proposed footpath provides a key linkage from Amos Street through Mays Hill north towards Park Parade and Westmead beyond.

Objective 4 requires the management of the Park in a sustainable way. The footpath will not adversely impact the quality of Domain Creek, while maintaining the integrity of the landscape setting by conserving and enhancing the remnant plantings in the Precinct.



Source: Your Parramatta Park 2030

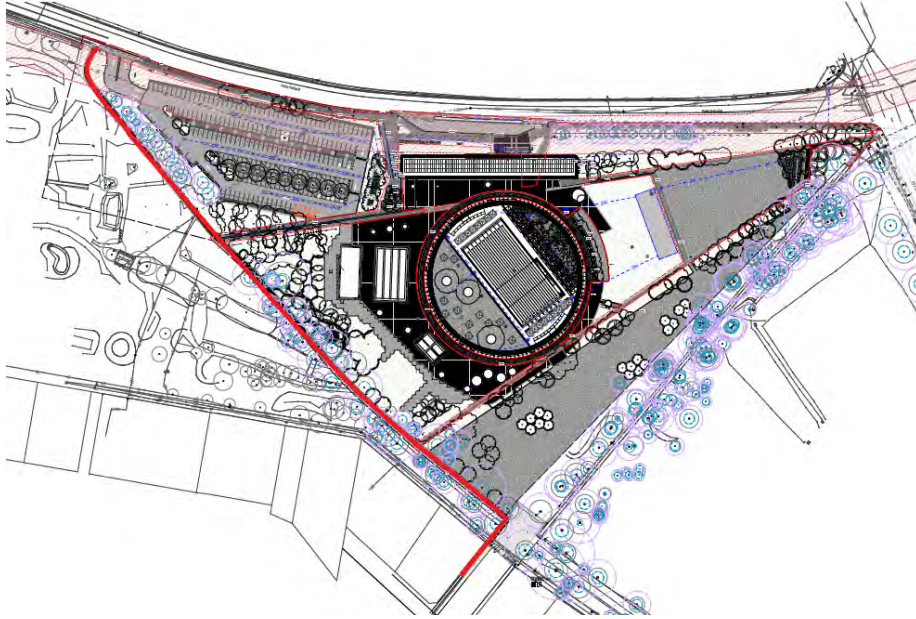
3.0 Proposed Activity

3.1 Description of the Activity

The proposal seeks to construct a pedestrian footpath from Amos Street to Park Parade, which is to traverse the western boundary of the site adjacent to the recently approved Aquatic Leisure Centre Parramatta.

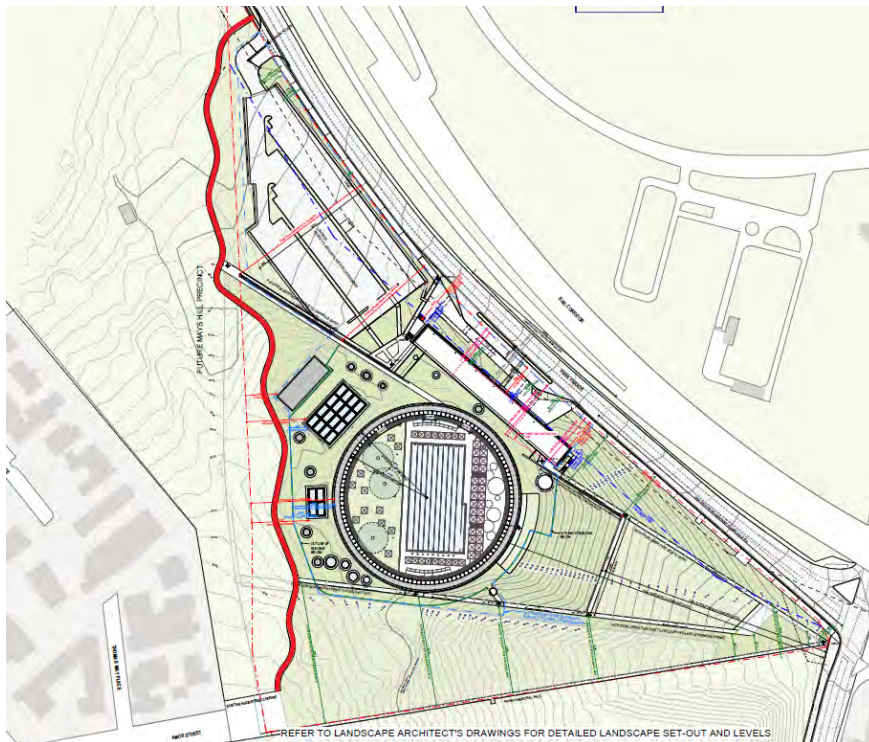
The proposal will involve minimal earthworks to accommodate the new footpath. Site clearing works will remain minimal with the proposal not removing existing vegetation, including native trees. The proposal does propose additional landscaping or relocation of existing services.

Several environmental safeguards and mitigation measures are included and can be found under Section 7.0.



3.2 Project Justification and Alternatives

The proposal directly satisfies objectives of the Your Parramatta Park 2030 Plan of Management. An alternative was previously considered and approved as part of DA/277/2020 for the construction of the Aquatic Leisure Centre Parramatta, which can be seen below outlined in red. This alignment was considered unsuitable and did not align with the heritage values and significance of the original path, while also resulting in additional environmental impact.



4.0 Statutory Planning Framework

The Trust is both the proponent and the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* for the proposed activity.

The proposal is categorised as development for the purposes of a pedestrian pathway and is being carried out on behalf of Parramatta Park Trust for the purpose of implementing a key pedestrian connection as identified within the plan of management.

Pursuant to clause 2.73(2)(b) of SEPP (Transport and Infrastructure) 2021, development for any purpose may be carried out with consent –

b) On trust lands within the meaning of the Parramatta Park Trust Act 2001, by or on behalf of the Parramatta Park Trust.

if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land or in accordance with the Local Government Act 1993 in relation to Crown managed land managed by a council.

The proposed footpath aligns with the Plan of Management (PoM) pursuant to ‘Your Parramatta Park 2030’ adopted under the *Parramatta Park Trust 2001*.

The PoM identifies several opportunities within Parramatta Park for consideration in the ongoing management and operation of the Park. First, the proposed footpath is located within the Mays Hill Precinct. The PoM aims to implement approved master plans and design work to upgrade facilities for the Park, such as the Mays Hill Master Plan. The Mays Hill Precinct envisages future connection opportunities within the historical Governor’s Avenue alignment to a future land-bridge connection over the rail line. The Master Plan identifies Governor’s Avenue as high significance and recommends sensitive management and interpretation. It is considered that the proposed footpath responds sensitively to the high significance of Governor’s Avenue.

Second, the PoM aims to ensure access and safety for visitors to the Park is made easier, whether by foot or bicycle. The proposed footpath satisfies this by providing an improved connection within the Mays Hill Precinct and wider Park area. Third, the PoM aims to improve activation and connectivity with surrounding areas such as Mays Hill. The proposed footpath facilitates greater activation and connectivity in line with the PoM.

The PoM is anchored by four objectives which have been developed to help achieve the vision for Parramatta Park with each objective bringing together strategies, heritage policies and actions. Mays Hill is identified as Precinct 8 within the Parramatta Park Plan of Management 2030. Objective 2: ‘Increase community participation, engagement and activation’ identifies opportunities for the following:

- Implement the Mays Hill Master Plan to provide play, fitness, recreation and sports elements along a multi-use path, and
- Work with City of Parramatta on their Parramatta Aquatic and Leisure Centre project for the community.

The proposed pathway is considered to provide opportunities into the future to incorporate elements of play, fitness, recreation and sport, while working alongside City of Parramatta Council as part of the recently approved Aquatic Leisure Centre Parramatta

In this regard, the proposal is found to be for the purposes of implementing the aforementioned Plan of Management. Therefore, the footpath is found to be permissible without consent. The proposal is not State significant infrastructure or State significant development. The proposal can be assessed under Division 5.1 of the EP&A Act.

Parramatta Park Trust is the determining authority for the proposal. This REF fulfils the obligation under section 5.5 of the EP&A Act including to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity. A referral to Australian Government Department of Agriculture, Water and the Environment under the EPBC Act is not required.

Under SEPP (Transport and Infrastructure) 2021 formal notification is not required to be undertaken.

Table 2 below outlines the statutory listed natural and cultural values of Parramatta Park. Due to the location of the proposed works being situated within the Mays Hills Precinct, the cultural values and listings noted below are not impacted by the footpath with the works being located outside the World Heritage Listing and Buffer areas located to the north-east of the rail line.

The proposed works are identified under the NSW State Heritage Register and City of Parramatta Local Environmental Plan (LEP) Schedule of Environmental Heritage. The State heritage item known as 'Parramatta Park and old government house' (I00596) under LEP will not be affected by the proposal with works being minor and located sufficiently away from Old Government House.

The location of the proposed footpath relative to the natural values identified in **Table 2** will ensure the Grey-headed flying-fox, River flat Eucalypt Forest and Shale Sandstone Transition Forest will remain unaffected.

It is noted that the proposed footpath is located within proximity of the Cumberland Plain Woodland. Notwithstanding, the proposal has demonstrated ability to retain all trees relating to the Cumberland Plain Woodland area. The supporting Flora and Fauna Assessment confirms all trees within this area can be safely retained.

The integrity of these values will not be adversely impacted by the proposal.

Table 2. Statutory Listed Natural and Cultural Values of Mays Hill, Parramatta Park

<i>Cultural Value</i>	<i>Listing</i>
<i>Domain setting of Old Government House</i>	<ul style="list-style-type: none"> • UNESCO World Heritage List • National Heritage List • Australia’s World Heritage List • NSW State Heritage Register • City of Parramatta Local Environmental Plan Schedule of Environmental Heritage
<i>Parramatta Sand Body</i>	<i>NSW State Heritage Register</i>
<i>Aboriginal Cultural Heritage Sites</i>	<ul style="list-style-type: none"> • NSW Aboriginal Heritage Information Management System • NSW State Heritage Register
<i>Natural Value</i>	<i>Listing</i>
<i>Grey-headed flying-Fox</i>	<i>Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and NSW Biodiversity Act 2016 (BC Act)</i>
<i>Cumberland Plain Woodland</i> <i>River flat Eucalypt Forest on Coastal Floodplain</i> <i>Shale Sandstone Transition Forest</i>	<ul style="list-style-type: none"> • Critically Endangered ecological community under the EPBC Act and BC Act • Endangered ecological community under the BC Act • Critically Endangered ecological community under the EPBC Act and BC Act

4.1 State legislation

Environmental Planning and Assessment Act 1979 and Regulation 2021

The Parramatta Park Trust is the proponent and the determining authority under Part 5 of the Environmental Planning and Assessment Act 1979 for this activity, in accordance with provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

When considered any likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the environmental factors guidelines that apply to the activity. In this case, no guidelines are in force, therefore, this Review of Environmental Factors has duly considered the environmental factors outlined under section 171(2) of the EP&A Regulation 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 12 Clause 2.73 (2)(b) of *SEPP (Transport and Infrastructure) 2021* provides that development for any purposes may be carried out without consent, on Trust land within the meaning of the *Parramatta Park Trust Act 2001*, by or on behalf of the Parramatta Park Trust, if the development is for the purposes of implementing a plan of management adopted for the land.

The proposed works have been considered under the statutory management framework (refer to Section 4.3 below for further detail) under the following documents:

- *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values – Technical Report*
- *Your Parramatta Park 2030 Conservation Management Plan and Plan of Management.*
- *Old Government House and Domain, Parramatta Park Management Plan 2009*

The proposed activity is found to be consistent with the above framework.

Parramatta Park Trust Act 2001

Schedule 1 of the *Parramatta Park Trust Act 2001* identifies land which forms Parramatta Park and Part 3 sets out the objects and functions of the Trust.

The objects of the Trust are:

- (a) to maintain and improve the trust lands
- (b) to encourage the use and enjoyment of the trust lands by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of those lands
- (c) to ensure the conservation of the natural and cultural heritage values of the trust lands and the protection of the environment within those lands
- (d) such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

Part 5 Clauses 15-18 of the *Parramatta Park Trust Act 2001* provide for a plan of management for the Trust's land. (Refer s. 4.3 for statutory management framework which demonstrates consistency of the proposal with the approved plan of management and sub-plans)

Heritage Act 1977

The Old Government House and Domain site is listed on the NSW State Heritage Register (SHR item 00596) and is subject to the relevant provisions of the *Heritage Act* that relate to SHR items. (Refer to *Your Parramatta Park 2030 p. 91 for applicable area.*) The Heritage Council is the approval body in accordance with S.57(1) of the *Heritage Act* for works to places listed on the SHR unless those activities are subject to an exemption order made under section 57(2) of the

4.2 Commonwealth Legislation

The *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* applies to Parramatta Park as:

- portions of the Park (Old Government House and the Government Domain) are inscribed on the World Heritage List and National Heritage List.
- Cumberland Plain Shale Woodland and Shale-Gravel Transition Forest that exists within the Park is listed as critically endangered under the Act (it needs however to meet a size threshold for the EPBC Act to apply)
- A colony of Grey Headed Flying Fox (*Pteropus poliocephalus*) listed as vulnerable under the Act exists within the Park
- There is potential for other endangered or migratory species listed under the *EPBC Act* to occur on the site.

Notwithstanding the above, the subject site is not identified as being located within the world, national curtilage or buffer zone, therefore EPBC Act in relation to heritage listings does not apply. The supporting Flora and Fauna Assessment, prepared by Ecological Australia undertook a significant impact assessment (SIA) under the EPBC Act guidelines for the Grey-headed Flying-Fox. The SIA concluded that the proposal is unlikely to result in a significant impact. Assessment was also undertaken in relation to the Biodiversity Values Map and Cumberland Plain Shale Woodland located within proximity of the works. This assessment concluded that no adverse impact would result from the proposed works, while all trees can be safely retained.

4.3 Statutory Management Framework

Parramatta Park is listed with Old Government House on the UNESCO World Heritage List as one of the 11 sites Australian Convict Sites. It is listed on the World and National Heritage Lists of the Commonwealth *EPBC Act 1999*, and the State Heritage Register of the *NSW Heritage Act 1977*. A statutory management framework has been adopted by the Trust to meet the requirements of these Acts and the *NSW Parramatta Park Trust Act 2001* outlined in the flow chart below. As noted above the subject site at Mays Hill is not identified as being located within the world, national curtilage or buffer zone, therefore EPBC Act in relation to heritage listings does not apply to the proposal.

The proposed activity is consistent with the statutory management framework under the following documents:

- *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values – Technical Report*
- *Your Parramatta Park 2030 Conservation Management Plan and Plan of Management.*
- *Old Government House and Domain, Parramatta Park Management Plan 2009*

This Part 5 assessment has considered the relevant findings and recommendations contained within the 'Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values – Technical Report' and 'Your Parramatta Park 2030 Conservation Management Plan and Plan of Management'.

Future development in the area is guided by three design principles, specifically: visual prominence and symbolism, landscape setting and layering of cultural heritage elements. The proposal is considered to satisfy these principles. Part 3 of the 'Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values – Technical Report' outlines future development guidelines. The section provides guidance for the nature and form of development to reduce impacts on the heritage values and significance of the site. The minor nature of the work is considered to satisfy this guidance.

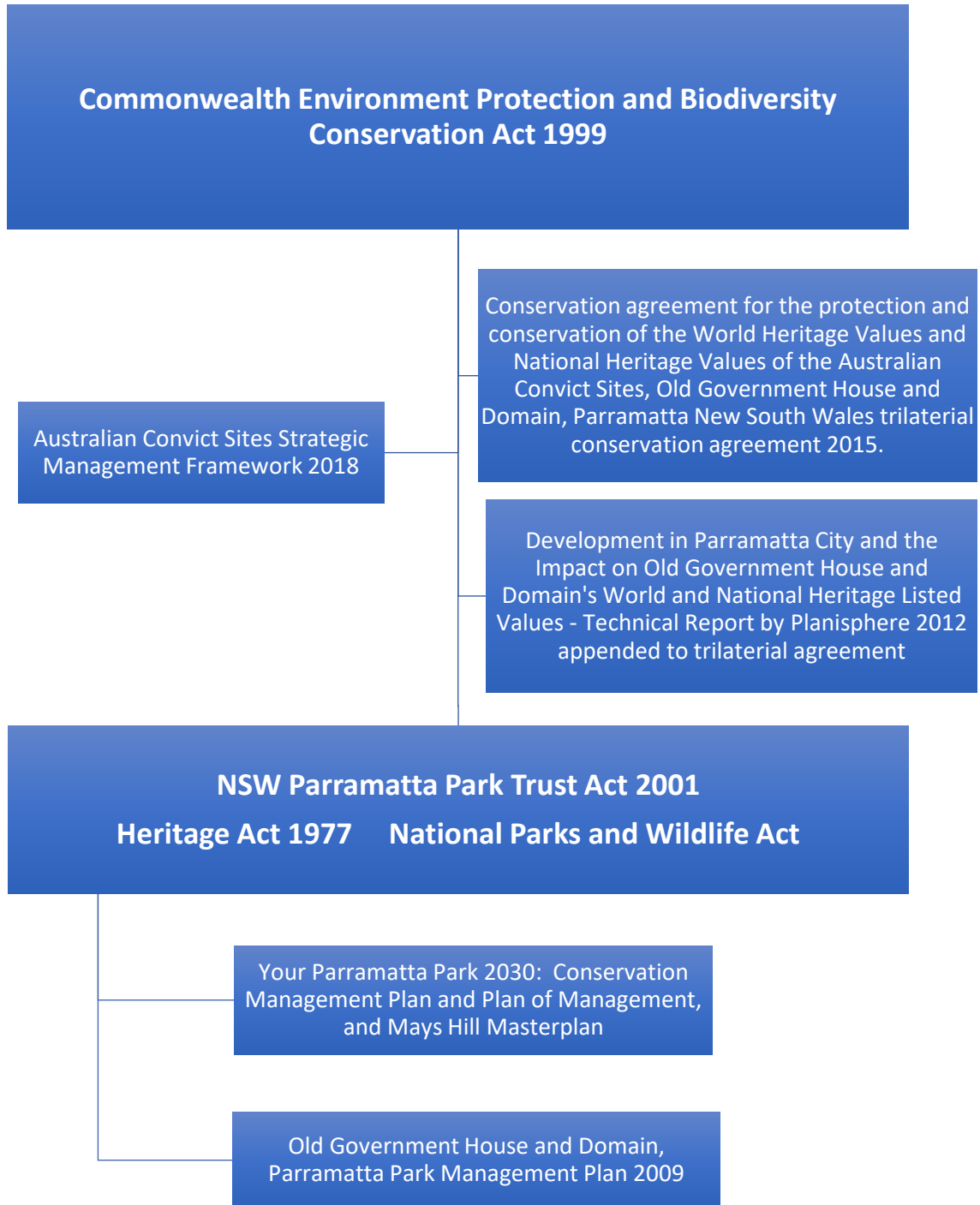
The proposal is supported by a Flora and Fauna Assessment Report, prepared by Ecological Australia, and Heritage Impact Statement Letter, prepared by Urbis.

The findings of both reports confirm the minimal impact of the proposed works from a heritage and flora and fauna perspective. The HIS letter from Urbis concludes that the realignment of the Governor's venue track would result in a positive heritage outcome due to its faithful representation and reinterpretation of the original alignment of the Governor's Avenue.

The findings and conclusions of the Flora and Fauna Assessment Report state that the proposed works will have minimal impact on the ecological and biodiversity significance of the site. The works will not require the removal of any native trees or result in the impact of any threatened species habitat. The report finds that as the proposal will not require the removal of native vegetation, the proposal will not trigger the Biodiversity Offset Scheme, therefore not requiring a Biodiversity Assessment Report. The natural landscape will remain intact, while surrounding habitats of native flora and fauna will remain unaffected by the works.

The assessment concludes that the proposal is consistent with the relevant plans and is development without consent (in accordance with clause 2.73(2)(b) of SEPP (Transport and Infrastructure) 2021).

Figure 2. Statutory Management Framework for Parramatta Park



The key plan made to meet the requirements under the Parramatta Park Trust Act 2001 is Your Parramatta Park 2030: Conservation Management Plan and Plan of Management, 2020 prepared by Parramatta Park Trust which contains aims and vision for management, policies and actions. This plan meets the requirements of the Heritage Council of NSW.

Other reference and guideline documents

Due to the ecological and historical significance of the site a series of sub-plans have also been established by the Trust and key government stakeholders to form the basis of managing individual buildings, monuments, features, natural values and landscapes. Those relevant to the proposed activity include:

- *Parramatta Local Environmental Plan 2011*
- *Greater Sydney Commission Greater Sydney Region Plan- A Metropolis of Three Cities*
- *Greater Sydney Commission Central City District Plan 2018*
- *Parramatta Local Strategic Planning Statement*
- *Parramatta Park Biodiversity Strategy 2015*

The nature of works involving construction of a footpath aligns with the objectives and outcomes of the abovementioned documents, specifically those relating to the landscape and heritage significance of the site. The Parramatta LSPS identifies the cultural diversity and heritage of the Central River City with Council actively working to ensure the assets are celebrated and utilised. The City of Parramatta is a place of significance for the Darug people, but also is significant as the second European settlement in Australia. The works will protect the local historic character of specific areas, including recognising and protecting the scenic and cultural landscape of the area, including the Park. The proposal will contribute positively to the future identity of the place so that the City's existing heritage is respected, consistent with Planning Priority 6 of the *District Plan*.

The minor works will not adversely impact the integrity and values of the heritage and natural setting of the site and wider area. The supporting HIS and Addendum FFA support the proposal from a heritage and biodiversity perspective.

5.0 Stakeholder and Community Engagement

A review of SEPP (Transport and Infrastructure) 2021 confirms no statutory consultation is required for the proposed activity.

Notwithstanding, City of Parramatta Council have been involved in the preparation and finalisation of this Part 5 Assessment.

5.1 Authorities, Agencies and Utility Providers

Due to their role in the recently approved Aquatic Leisure Centre Parramatta, City of Parramatta

Council have been involved in the preparation and finalisation of the Part 5 Assessment.

5.2 Aboriginal Community

Parramatta Park remains an important part of Country for the Burramatta of the Darug people and falls within the land boundaries of the Deerubbin Local Aboriginal Land Council.

In satisfying the requirements of the AHIP which applies to the subject area, significant regular consultation has been conducted in accordance with the Office of Environment and Heritage (DECCW) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010: Part 6 National Parks and Wildlife Act 1974.

The AHIP notes that *“Aboriginal consultation requirements for the project have been satisfied through ongoing Aboriginal engagement and consultation as part of the Aboriginal cultural heritage assessments undertaken for this current AHIP #4698 and the previous testing AHIP C0003568, as well as through the Heritage Interpretative Strategy and Plan prepared for the project.”*

Details of consultation with the relevant Registered Aboriginal Parties can be found in the attached Aboriginal Cultural Heritage Assessment Report.

5.3 Community

The alignment proposed in this REF is proposed in the Mays Hill Masterplan and Your Parramatta Park 2030 Plan of Management which have been through rigorous community consultation processes and have been endorsed.

An alternate Governor’s Avenue alignment, with connections to Amos St and Park Parade in the same locations as the path proposed in this REF but meandering rather than direct, was included in the approved Development Application for the adjacent Aquatic Centre. The impact of the meandering path on neighbouring properties is comparable to the direct path proposed in this REF. The impact on the park was greater than the path proposed in this REF. The Development Application was subject to the statutory notification period as well as additional consultation by Council. No submissions were received from the community regarding the Governor’s Avenue

6.0 Environmental Assessment

The following section includes a description of those aspects of the environment that are likely to be affected during construction and operation and the likely significance of the impact. It considers the legislative requirements of the following:

- *EPA Act 1979* - Part 5 Clause 5.5 Duty to Consider Environmental Impact
- *EPA Regulation 2021* - Clause 171 Factors to take into account

- *EPBC Act 1999* - Impacts to Matters of World and National Environmental Significance
- Application of Part 7 of the *Biodiversity Conservation Act 2021* and Part 7A of the *Fisheries Management Act 1994* in accordance with Part 1 Clause 1.7 of the *EPA Act*.

6.1 Biological Impacts

Impacts to Flora and Fauna	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The potential impacts of the proposed activity have been considered as part of a Flora and Fauna Assessment addendum, prepared by Ecological Australia, dated 11 August 2020. The Addendum considers the footpath construction relative to the biodiversity values of the site. The proposed works will not result in any impacts to native vegetation within the area mapped under the Biodiversity Values Map. Appropriate mitigation measures, including erosion and sediment control via a temporary bund will ensure sediment and erosion is managed and impacts on tree root zones minimised. The footpath is to generally be constructed above existing grade to minimise impacts on TPZs, while any excavation should be undertaken by non-destructive methods and sub-base layers should either be thinned, or finished pavements modified to enable the retention of roots as required by the project arborist.

6.2 Heritage Impacts

Impacts to Aboriginal Cultural Heritage	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Park has formed part of the traditional lands of the Burramatta of the Darug people for possibly 60,000 years and comprises a significant subsurface archaeological landscape, including the Parramatta Terrace Sands and Holocene Floodplain sand, that provides evidence of their pre-contact lifestyle. Known evidence of Aboriginal occupation also exists within the Park along the ridgeline of the Crescent and around Domain Creek. Several scarred trees and artefact scatters have also been located.

The Burramatta managed the Cumberland Plain grasslands within the Park until it became a significant contact site from 1788. The area continued to play an important role in the lives of not only the Burramatta people but also other Aboriginal peoples in NSW during its time as the administrative centre of the Colony. The Burramatta people continue their connections with the site to this day.

Aboriginal cultural heritage is the living, traditional and historical practices, representations, expressions, beliefs, knowledge and skills (together with the associated environment, landscapes, places, objects, ancestral remains and materials) that Aboriginal people recognise as part of their cultural heritage and identity.

The 1995 *Parramatta Park Archaeological Zoning Plan* states that the Park contains such a unique physical resource documenting the period prior to and immediately after European settlement that it is an archaeological resource of national and possibly international, significance. The potential exists to find archaeological artefacts and for Aboriginal sites to be impacted by proposed activities.

An Aboriginal Archaeological Assessment was conducted in 2018 across the area of the proposed works. This assessment found low-density artefact scatter and concluded that no further investigations were deemed warranted. An AHIP for Harm to certain Aboriginal objects through the proposed works was issued in January 2021 permitting the proposed works. The area of investigation under the AHIP is shown in Section 4.1.

Impacts to Post 1788 Cultural Heritage (Aboriginal and non – Aboriginal)	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The site of Parramatta Park and Old Government House “*is a unique and rare demonstration of the evolution of New South Wales and Australian Society since 1788.*” ([State Heritage Register Statement of Significance](#)). It is representative of the second settlement of the Colony of NSW, as the point of administration, governance and control, following Governor Phillip’s establishment of the Governor’s Domain in 1790. It is also associated with the beginnings of rural settlement and application of European agriculture techniques in Australia.

The Part 5 Assessment is supported by a Heritage Impact Statement, prepared by Urbis, dated 27 May 2022. The HIS acknowledges the heritage significance of the landscape with the several heritage items, including ‘Parramatta Park and Old Government House’. The realignment of Governor’s Avenue to the proposed new alignment would ensure it is consistent with the original alignment of the track and as such, serve as an appropriate reinterpretation of the original roadway. The HIS concludes that the proposal results in a positive heritage outcome which improves on the approved plans and is furthermore consistent with the endorsed documents *Mays Hill Masterplan* and *Your Parramatta 2030*. The proposed works will not unreasonably impact or disturb the Aboriginal cultural heritage values or ground surface or any culturally modified trees.

It is a ‘*landmark site*’, which “*retains historical association with successive governors, and was*

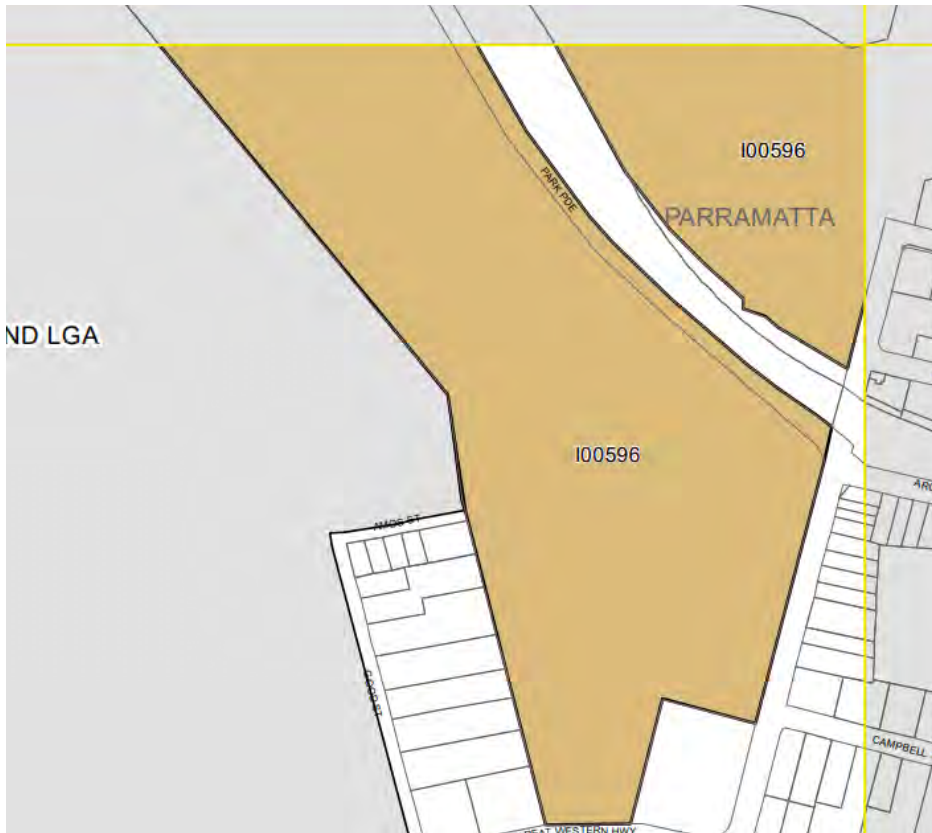
the location for significant interaction between Aboriginal and European people. It demonstrates early town planning and landscaping... was used for botanical and astronomical scientific research ...and is considered a European and Aboriginal archaeological resource of national significance. The Park has continuously operated as a public park since 1875.” (State Heritage Register Statement of Significance). Parramatta Park, Old Government House and Domain were inscribed on the State Heritage Register in 1999, and Old Government House and Domain were inscribed on the National Heritage List in 2007 and the World Heritage List in 2010 as part of the one of 11 Australian sites forming the Australian Convict Sites World Heritage property.

The potential still exists to find archaeological artefacts and for heritage values to be impacted by proposed activities.

The proposed activity is located within the Mays Hill Precinct and therefore not located within the curtilage or buffer area of sites on the following statutory heritage lists:

- *Old Government House and Government Domain, Parramatta: UNESCO World Heritage Listing, under the EPBC Act 1999 and World Heritage Convention (see map)*
- *Old Government House and Government Domain, Parramatta: National Heritage List under the EPBC Act 1999*

The site is listed under the State Heritage Register under the Heritage Act 1977 and listed under the PLEP Parramatta Park and Old Government House item no. I00596 Environmental Heritage Schedule 5 Parramatta Local Environmental Plan (see map overleaf). As previously noted, the proposed works will not affect the integrity and significance of the heritage item due to the minor scale of works and proximity to Old Government House.



The supporting Heritage Impact Statement confirms the works are acceptable from a heritage perspective.

Impacts to Views and Settings	Negligible	Minor	Moderate or greater	Positive
	✘	☐	☐	☐

Views are significant as they demonstrate the evolution of history, contribute to heritage places and have social value. Protection of the views and settings of Parramatta Park is essential to retaining its values identified on the World Heritage List, National Heritage List and State Heritage Register listing.

The proposed footpath is located at-grade, therefore unlikely to adversely affect existing views or the scenic landscape qualities.

6.3 Community Impacts

Impacts to Safety and Security	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The construction of the concrete footpath will not give rise to any unreasonable impact upon safety or security of workers or the general public. The minor extent of works will ensure the safety of works and general public during construction and operation is maintained. Necessary measure (i.e., fencing and lighting) will be undertaken during construction to ensure safety. The amended pathway design and straight alignment will allow for an improved surveillance and CPTED outcome by minimising opportunities for concealment and natural surveillance that the original curved design provided.

The proposed realignment of the path is supported by City of Parramatta’s Universal Access Advisor and Council’s Access Advisory Committee. A concept design for the proposed path indicates it will be able to achieve DDA compliance.

A condition of consent in the Aquatic Centre DA requires:

Alternative layout for a DDA compliant footpath along Governor Avenue connecting directly into the Amos St footpath system and to Park Parade footpath, west of the vehicle entry, and connection to the Aquatic Centre’s west path, that best meets the Mays Hill Master Plan objectives;

Prior to the issue of a construction certificate for these works, detailed Public Domain Construction Drawings to be submitted to and approved by Council’s Development and Traffic Services Unit (DTSU) Manager to ensure it satisfies the requirement above, thereby ensuring the path will be DDA compliant.

Impacts of Natural Hazards on the Activity	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The subject site is not identified as being affected by natural hazards, including bushfire and flooding. As such, the minor nature of proposed works is unlikely to be impacted upon by natural hazards. The pathway will be constructed in accordance with the relevant Australian Standards and safety provisions under the Building Code of Australia.

Impacts to Socio-Economics	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed footpath will provide for an upgrade to the existing footpath improving means of access and transportation through the park and around the soon to be construction ALCP. The footpath will facilitate use of the park by meeting the community needs and interests by improving access and facilitating foot traffic through the park. The minor nature of works is not likely to affect the locality, the park, or any nearby building. It is likely that relevant communities, stakeholders, park visitors, commercial operators, and community facilities (including ALCP) will greatly benefit from the upgraded footpath.

Impacts to Land Use, Utilities and Easements	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

There will be not adverse impact on the future use of the land, utility services, covenants and easements.

Impacts to Access Transport and Parking	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed works will have negligible impact on access, transport, and parking. The proposal will not demand parking, other than for the purposes of construction vehicles, which is anticipated to be minimal. It is not expected that road closures will be required, while pedestrian and cycle movements, as well as public access in this part of the Park may be affected short-term during construction. Any disruption will be minimised, where possible and managed accordingly.

6.4 Physical and chemical impacts

Impacts to Water and Soil	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impacts to water and soil due to construction and operation of the footpath will be minimal. Impacts associated with erosion and sedimentation, runoff, stormwater, acid sulphate soils and general drainage will be minimised and managed through implementation of appropriate mitigation measures.

Impacts of Chemicals and Hazardous Substances	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The nature of proposed works will have negligible impact in relation to chemicals and hazardous substances and does not warrant a contamination report to be prepared.

Impacts to Air Quality	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed works will not generate unwanted dust, fumes, odours and other air pollution during construction or operation, ensuring air quality is not adversely impacted.

Impacts of Noise and Vibration	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The construction of the footpath will generate minor noise and vibration from machinery. As the extent of works are relatively minor, anticipated noise and vibration generated from the work will not be unreasonable. Noise and vibration will not adversely impact on nearby properties, while restricted to hours of construction prescribed under the relevant legislation, thereby assisting in minimising acoustic impacts.

Impacts of Landslip	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The subject site is not identified as being affected by landslip. The nature of works will ensure impacts of landslip are minimised. The pathway will generally be constructed above existing grade with excavation minimised, reducing landslip impacts.

6.5 Natural Resource Impacts

Impacts from Waste	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Waste generation, including storage and disposal will be minimal and carried out in accordance with the relevant requirements and in the context of the objectives of the Waste Avoidance and Resource Recovery Act 2001.

Impacts on Sustainability and Resources	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The construction and operation of the footpath will be undertaken in a sustainable manner to ensure impacts to sustainability and resources is minimised. Due to the minor nature of works, any water and energy required by the construction and operation will not be unreasonable.

Cumulative Impacts on the Environment	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The minor nature of works involving the construction of a footpath are unlikely to result in negative cumulative impacts on the environment. The footpath will provide for a positive outcome for the physical and natural environment by providing for pedestrian infrastructure, while retaining significant native vegetation. It is noted that the approved pathway under DA/277/2020 will not be constructed and it is intended to modify this approval to remove the approved pathway design.

7.0 Mitigation Measures

The table below lists the relevant plans and supporting documents for the proposed activity. The review of environment factors has been prepared and mitigation measures developed based on these plans and documents.

Table 1: Relevant plans and supporting documents

Plan No.	Plan / Document Name	Date	Author
20SUT-15578	Flora and Fauna Assessment Addendum	11/8/2020	Ecological Australia
15578	FFA_Aquatic_Centre_Parramatta_v2	2/4/2020	Ecological Australia
-	Heritage Impact Statement Letter	27/5/2022	Urbis
SK-08	Schematic Design, Materials and Finishes Plan, Rev B	3/05/2022	McGregor Coxall
SK-09	Schematic Design, Materials and Finishes Plan, Rev A	31/03/2022	McGregor Coxall
AHIP 4698	AHIP 4698 - Parramatta Aquatic Leisure Centre	15/1/2021	NSW Government
4256	Parramatta Aquatic Centre_ACHA_F1_REV3	13/10/2020	Niche Environment and Heritage

7.1 Biological Impacts

Impacts to Flora and Fauna with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following safeguards are proposed to mitigate potential impacts to flora and fauna:

During Construction:

- The provision of a temporary bund proposed to traverse through this area will be comprised of compacted fill which will be turfed for the purpose of sediment control during construction and positioned so that there is no impact on tree root zones.
- It is recommended that a suitably qualified arborist is present to mark out the location of the proposed bund to ensure tree root zones are protected.
- A vehicle shakedown grid located at the entrance of the site will reduce the amount of soil taken into and from the site during vehicle movements.
- While exotic species are dominant throughout most of the ground cover of the development site, care should be taken to avoid introducing new weed species into the study area. Plant and equipment operated on the site should be clean prior to entry.

7.2 Heritage Impacts

Impacts to Aboriginal Cultural Heritage with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following safeguards are proposed to mitigate potential impacts to Aboriginal cultural heritage:

Prior Construction - The Heritage consultant will undertake a heritage induction for all contractors at the commencement of the project in accordance with the Trust's Heritage Induction Checklist so they are aware that, it is an offence to disturb or destroy an Aboriginal object without an Aboriginal Heritage Impact Permit (AHIP) under S.90 of the *National Parks and Wildlife Act*. They are also to be briefed on the terms of an AHIP, if issued.

During Construction - If Aboriginal objects are uncovered once works commence, work in the vicinity of the find must cease and the Trust is to be notified immediately

and an archaeologist, the Office of Environment and Heritage and the relevant Local Aboriginal Land Council should be informed.

If skeletal material is uncovered during the proposed activity, work should stop immediately and the NSW Police and Coroner’s Office and the Trust should be informed. If the bones are found to be Aboriginal, the Department of Planning, Industry and the Environment and relevant Local Aboriginal Land Council should be notified and an archaeologist commissioned to undertake further assessment.

Impacts to Post 1788 Cultural Heritage (Aboriginal and non – Aboriginal) with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As previously noted in this assessment, the proposed works are situated well away from identified items of cultural heritage significance. Notwithstanding, appropriate measures will be taken to ensure any impacts are minimised.

The following safeguards are proposed to mitigate potential impacts to post 1788 heritage:

- If an item (or suspected item) of heritage is discovered, cease works and contact Parramatta Park Trust as soon as possible
- Stop work if human remains are found and contact NSW Police
- Comply with the site boundaries as shown in the site plan

Impacts to Views and Settings with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed footpath will be constructed largely at-grade, therefore not resulting in unacceptable visual impact.

7.3 Community Impacts

Impacts to Safety and Security with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The safety of workers and public will be considered through the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP). Hazards and risks associated with the footpath construction will be controlled in accordance with the submitted plan. All workers and contractors will be provided with the necessary tools, supervision, and instruction to manage identified risks. A Work, Health and Safety (WHS) Management Plan will be prepared for the activity. For more information on legal obligations refer to SafeWork NSW.

Impacts from Natural Hazards with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/A -the site is not identified as being impacted by natural hazards.

Impacts to Socio-Economics with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following safeguards are proposed to mitigate against negative socio-economic impacts:

- Contain all work within the boundaries designated on the site plan
- Restore work sites to as close to their original condition as possible
- Minimise spread of stockpiles, waste, and parking
- Display public information signs until site restoration is complete
- Carry out community and stakeholder consultation before works start
- Notify Parramatta Park Trust immediately of any complaints or any accidental damage to property
- All personnel will exercise courtesy in dealing with the community
- Liaise with other development sites to co-ordinate works and minimise impacts (eg delivery times, parking etc)

Impacts to Land Use, Utility Services and Easements with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	✘	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The minor works will unlikely impact on land use, utility services or easements. Notwithstanding, relevant utility providers will be consulted with during the construction process, where required.

Impacts to Access, Transport and Parking with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	✘	<input type="checkbox"/>	<input type="checkbox"/>

It is unlikely that the proposed works will result in impacts to pedestrian or traffic access to and from the site. However, a Construction Pedestrian and Traffic Management Plan (CPTMP) will be prepared which will detail required mitigation measures which are to be implemented during the construction process.

7.4 Physical and Chemical Impacts

Impacts to Water and Soil with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	✘	<input type="checkbox"/>	<input type="checkbox"/>

The following safeguards are proposed to mitigate against impacts to water and soil:

Soil and erosion

- Prepare and implement an erosion and sediment control map
- Install erosion and sediment control measures before construction commences consistent with ‘the Blue Book’ Managing Urban Stormwater, Soils and Construction Vol 1 and 2A (Landcom, 2004 and DECC 2008)
- Divert surface runoff away from sensitive areas, stockpiles and erodible material.
- Inspect erosion controls weekly and after rainfall. Fix damaged controls immediately
- Install measures to prevent tracking soils/sediments offsite
- Sweep roads/pathways at least daily, and before rainfall
- Keep vehicles in designated areas
- Stabilise disturbed areas as soon as possible

- Develop contingency /incident measures for dealing with unexpected rain

Water quality

- Locate site amenities away from watercourses or drainage lines
- Test excavation water to ensure suitable quality for ground/stormwater disposal
- Discharge any potable water in accordance with Sydney Water’s Discharge Protocols
- Keep a functioning ‘spill kit’ on site at all times for clean-up of accidental spills
- Store chemicals and fuels within designated bunded areas, identified with appropriate signage. Record all stored chemicals on a register.
- Do not use equipment with fuel, oil or hydraulic leaks. Repair or remove equipment immediately
- Develop emergency procedures for chemical/fuel spills

Impacts from Chemicals and Hazardous Substances with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	✘	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

It is not anticipated that chemicals or hazardous substances will be used or encountered during the proposed works. However, should any chemicals or hazardous substances be encountered, appropriate measures will be taken to ensure any associated impacts are minimised.

Impacts to Air Quality with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	✘	<input type="checkbox"/>	<input type="checkbox"/>

Associated impacts to air quality will be minimal and managed appropriately to minimise disturbance to nearby properties. Appropriate measures will be undertaken, including:

- Cover all loads
- Monitor work areas and stockpiles for dust generation and seed/cover/spray to suppress.
- Minimise time maintenance holes are open
- No matter of any kind is to be burnt
- Maintain equipment to ensure no exhaust particulates are visible for more than 10 continuous seconds
- Do not leave vehicles idling
- Odour complaints will be dealt with promptly and the source will be eliminated wherever practicable. Details of the complaint will reported.

Impacts from Noise and Vibration with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following safeguards are proposed to mitigate against impacts from noise and vibration:

- Work and deliveries will only occur during the following times: Monday to Friday 7am to 6pm, Saturday 8am to 1pm. No work or deliveries will occur on Sundays or public holidays (any out of hours work will require agreement between the constructor and Parramatta Park Trust).
- Surrounding residences and businesses will be given reasonable notice of the proposed works (including proposed start date, work methods and duration)
- Equipment will have noise mufflers and be well maintained
- Any work that is performed outside normal work hours is to minimise noise impacts as far as reasonable and practicable.

Impacts from Land Slip with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The site is not identified as being affected by landslip. It is not anticipated that any mitigation measures would be required in this instance.

7.5 Natural Resource Impacts

Impacts from Waste with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following safeguards are proposed to mitigate against impacts from waste:

- Waste will be reused or classified and removed as soon as practicable and disposed of in accordance with the EPA's 2014 waste classification guidelines to a licenced waste disposal facility
- Transport and disposal dockets will be kept as proof of correct disposal for everything that leaves site
- Secure all wastes to avoid pollutants escaping

- Any re-useable and recyclable materials and fittings will be removed and stored safely and securely
- Stop works and notify the Parramatta Park Trust if any contamination (e.g., asbestos, discoloured soil, chemical or petrol odours, refuse or leachate) is discovered

Impacts to Sustainability and Resource Demand with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposal will not result in any adverse impacts to sustainability and resource demand.

Cumulative Impacts to the Environment with Mitigation Measures Implemented	Negligible	Minor	Moderate or greater	Positive
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/A – relevant cumulative impacts to the environment and mitigation measures have been discussed in other sections of this assessment.

8.0 Conclusion

This Part 5 Assessment finds that the proposed footpath will align with the broader strategy of Parramatta Park by improving connectivity and connection through the Park and to wider area beyond the Park. The amended pathway alignment provides for a more sympathetic alignment and design relative to the historic alignment of Governor’s Avenue. It is expected that upon completion, visitors to the Aquatic Leisure Centre Parramatta will use the footpath to provide pedestrian access to and from the site. This assessment includes relevant mitigation measures to ensure the values and integrity of the Park are upheld and impact to the heritage and landscape significance of the park remain intact. The proposed footpath is not considered to constitute a significant adverse environmental impact.

References

Review of Environmental Factors Report

Parramatta Park Trust

Footpath construction – Amos Street connection

Volume 2 Appendices

6 July 2022

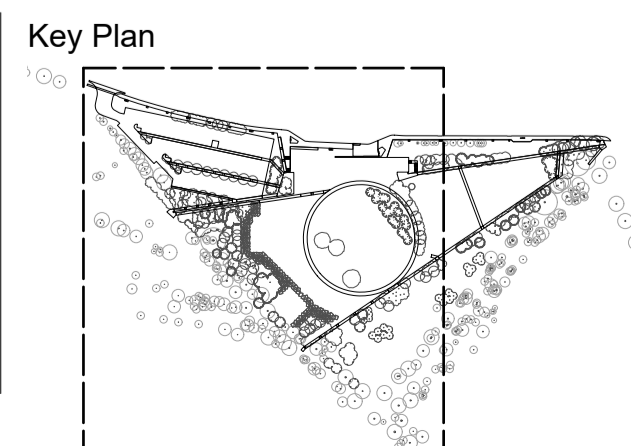
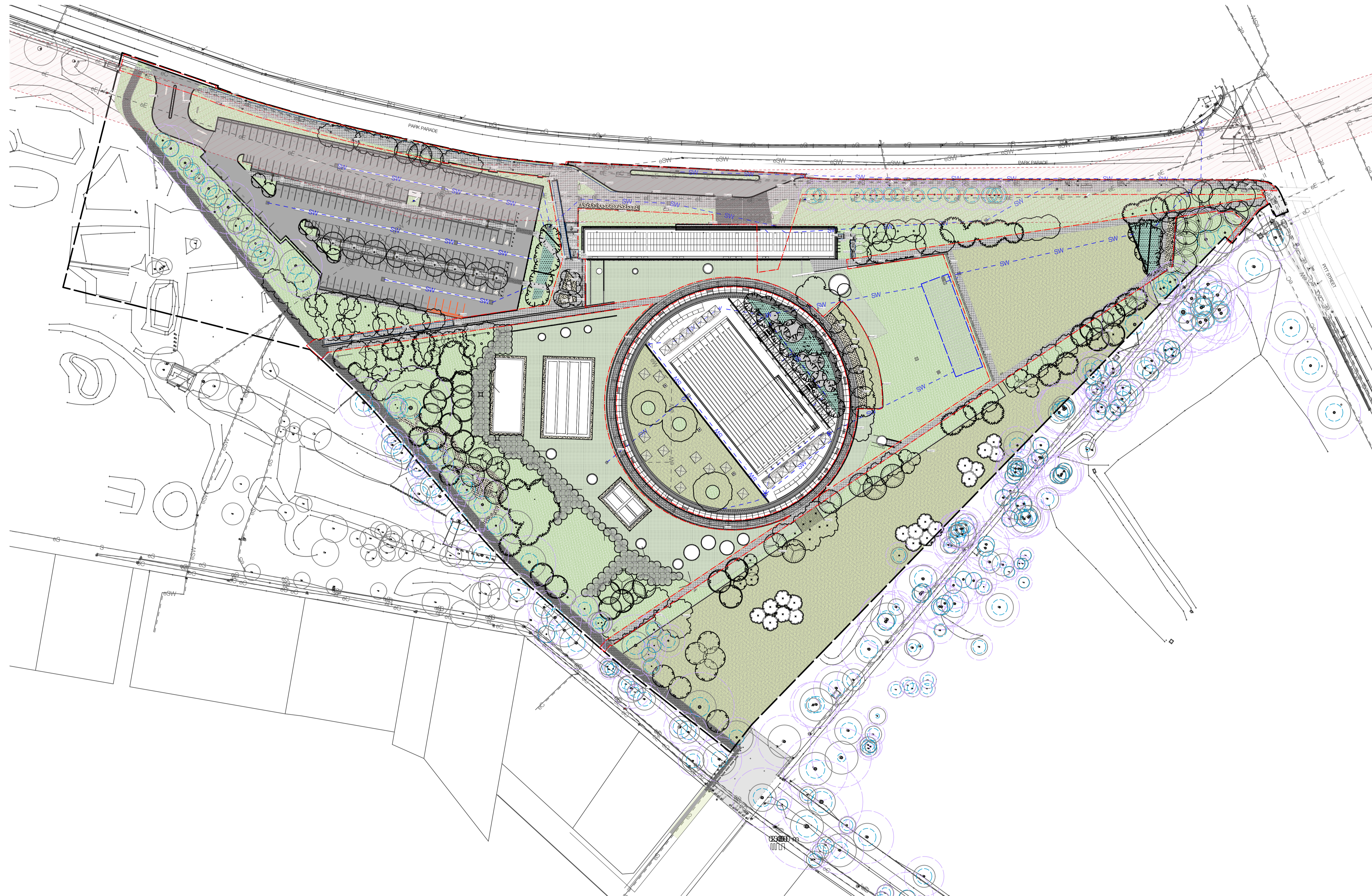


**PARRAMATTA
PARK**



Mecone
Georgia Sedgmen
gsedgmen@mecone.com.au
37 148 846 806

Appendix A: Plans



Issue Log

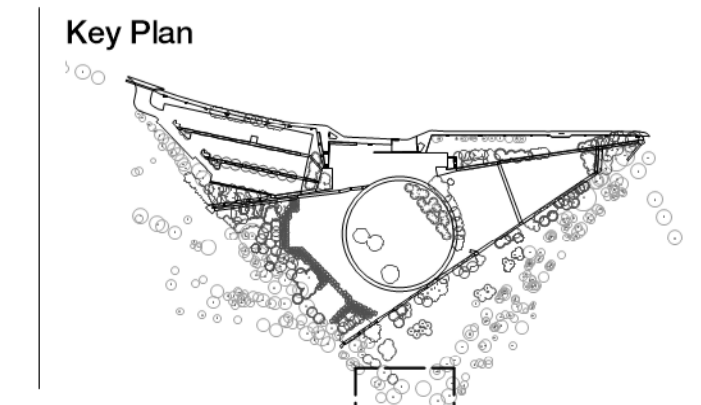
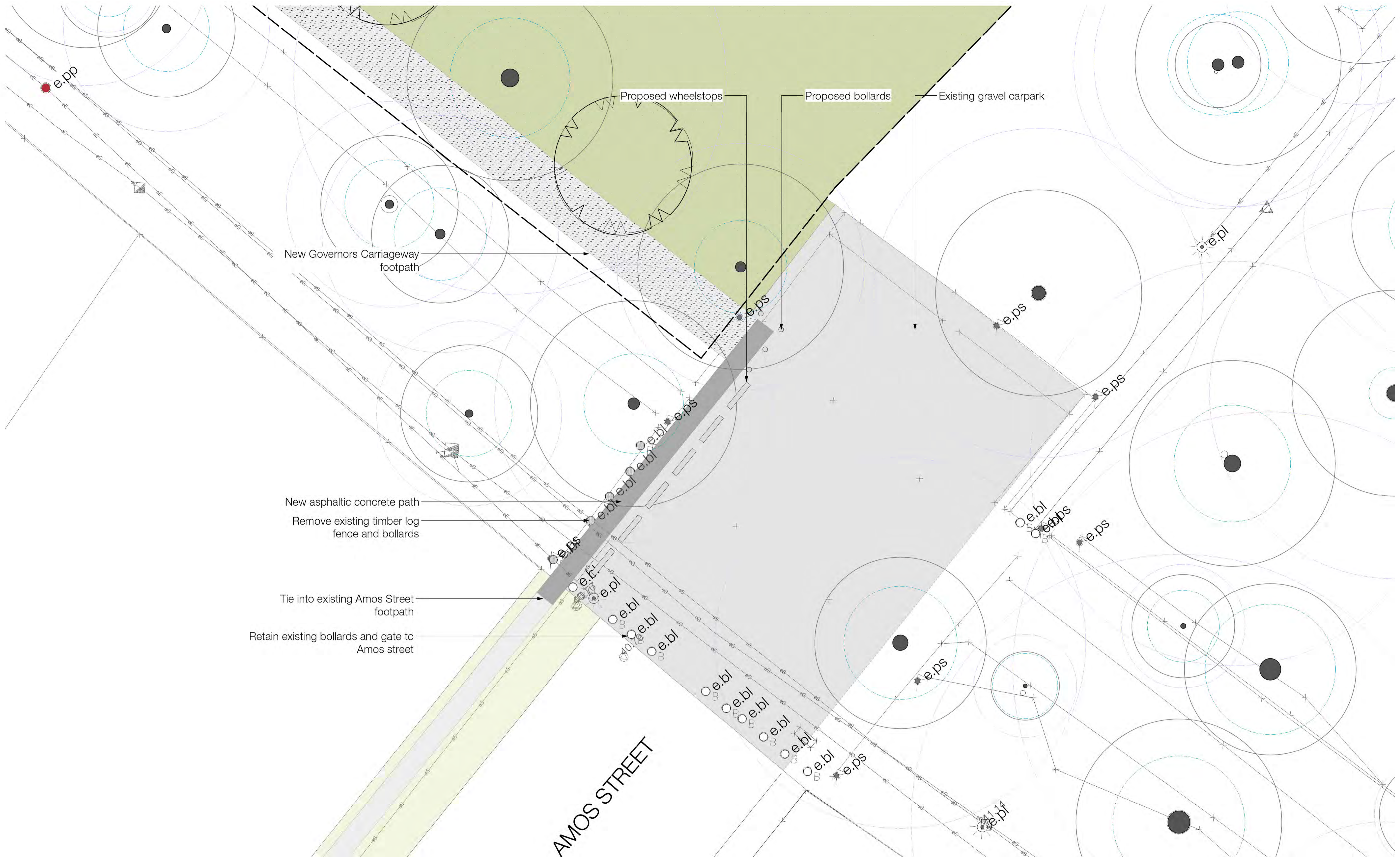
Rev	Revision Description	By / Checked	Date
A	Amos Street Connection	XS/MR	31/03/2022

Scale
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All dimensions are in millimetres unless otherwise noted.
 Do not scale from this drawing.



Phase
 Schematic Design
 Sheet Title
 Materials & Finishes Plan
 Sheet No.
 SK-09



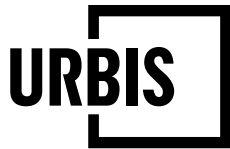
Issue Log

Rev	Revision Description	By / Checked	Date
A	Amos Street Connection	XS/MR	31/03/2022
B	Revised Amos Street Connection	XS/MR	3/05/2022

Scale
 1:100 @ A1

All dimensions are in millimetres unless otherwise noted.
 Do not scale from this drawing.

Appendix B: Heritage Impact Statement



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

27 May 2022

Ben Chaplin
Assistant Development Manager
City of Parramatta
126 Church Street, Parramatta NSW

Dear Ben,

AQUATIC LEISURE CENTRE PARRAMATTA - REVIEW OF ENVIRONMENTAL FACTORS MODIFICATION, HERITAGE IMPACT STATEMENT LETTER

BACKGROUND

Urbis has been engaged by the City of Parramatta for the preparation of this heritage impact statement letter, to satisfy the requirements of a Review of Environmental Factors (REF) Part 5 modification to the Aquatic Leisure Centre Parramatta (ALCP). The ALCP is located within the Mays Hill Precinct on the southern domain of Parramatta Park. This letter should be read in conjunction with the *Heritage Impact Statement, Aquatic Leisure Centre Parramatta, Parramatta Park*, prepared by Urbis (2020).

SITE LOCATION AND BRIEF DESCRIPTION

The subject site is situated at 7 Park Parade, Parramatta, within the Local Government Area (LGA) of Parramatta. The subject site is located within the Mays Hill Precinct on the southern domain of Parramatta Park. This precinct is delineated from the Old Government House and the northern section of Parramatta Park by the Western Railway Line and Park Parade. The southern domain of Parramatta is bound by Park Parade to the northeast, Great Western Highway to the south, Good Street to the west, and Pitt Street to the east (Figure 1).

Parramatta Park is one of the earliest in Australia since it was gazetted as a People's Park in 1858. Comprising 85 hectares of green open space, Parramatta Park features historic sites and attractions such as the Old Government House, sports fields and ovals, established gardens and remnant bushland, picnic areas and playgrounds, memorials, monuments, waterways and wildlife, cycleways and walking tracks. Parramatta Park include ten precincts, with the subject site forming part of the Mays Hill precinct at the south of the Park and on the southern side of the Western Railway Line and Park Parade. The subject site was previously occupied by the Parramatta Golf Course.



Figure 1 – Location of the subject site

Source: SixMaps 2020

HERITAGE CONTEXT

Heritage Listings

Under Schedule 5 of the *Parramatta Local Environmental Plan (LEP) 2011*, the subject site is identified to form part of an item of state heritage significance, being 'Parramatta Park and old government house' (Item No. I00596).

It is also listed under the State Heritage Register as 'Parramatta Park including Old Government House' (SHR 00596).

In addition, Parramatta Park is listed on the National Heritage List as 'Old Government House and Government Domain, Parramatta' (NHL I005957) and forms part of the UNESCO World Heritage List (WHL) item of the eleven satellite sites comprising the 'Australian Convict Sites' item. It is noted however that the subject site is located outside of the NHL and WHL curtilages.

The subject site is within the Mays Hill Precinct of Parramatta Park, with Mays Hill Gatehouse, Park Parade Gatehouse, and Governors Avenue situated within the vicinity of the subject site and which are listed on the Parramatta Trust Section 170 (s170) Heritage and Conservation Register.

The subject site is also located on the boundary of the Cumberland Council and as such there are several vicinity items administered under the Holroyd LEP 2013. These items include:

- "Allengreen", Federation bungalow at 1 Amos Street, Westmead (Item No. 145)

- Federation residence at 20 Lichen Place, Westmead (Item No. 155)
- Attached residence at 29 Parkside Lane, Westmead (Item No. 164)
- Attached residence at 30 Parkside Lane, Westmead (Item No. 165)
- Inter-War (Mediterranean influences) apartment block at 15-17 The Park (Item No. 166)

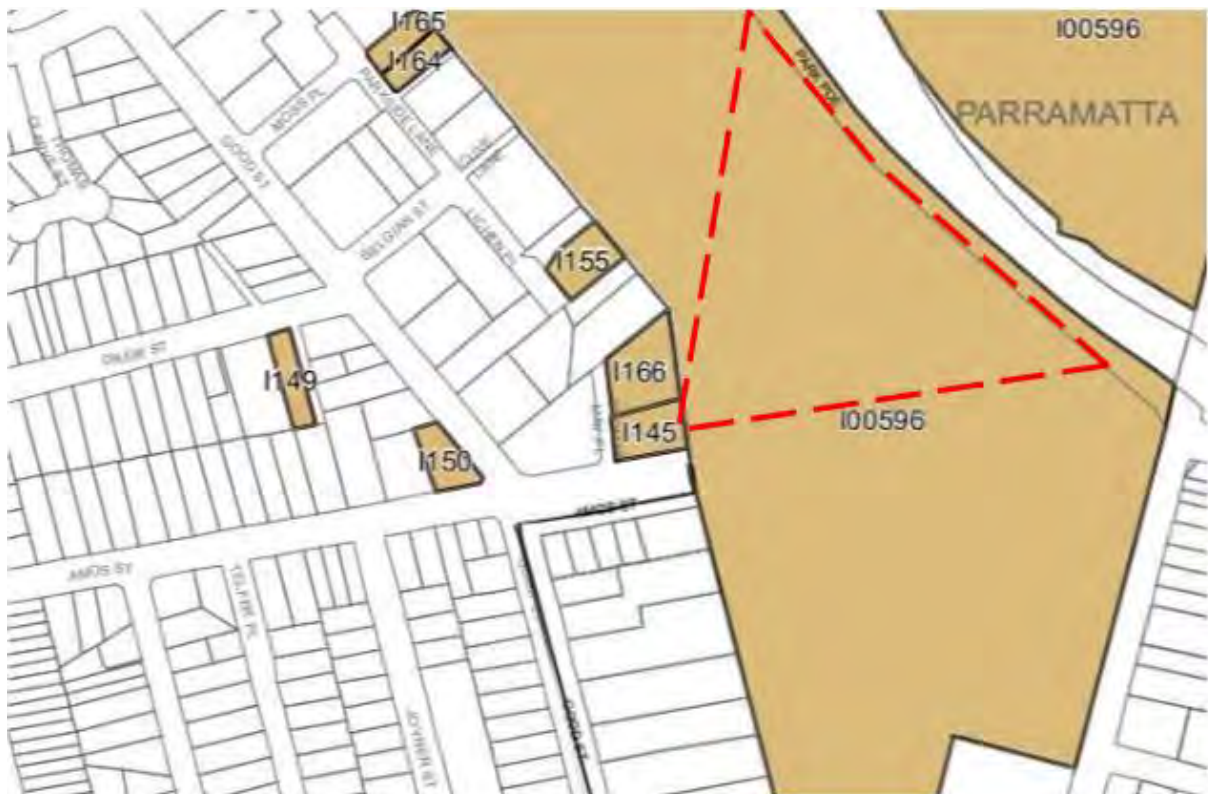
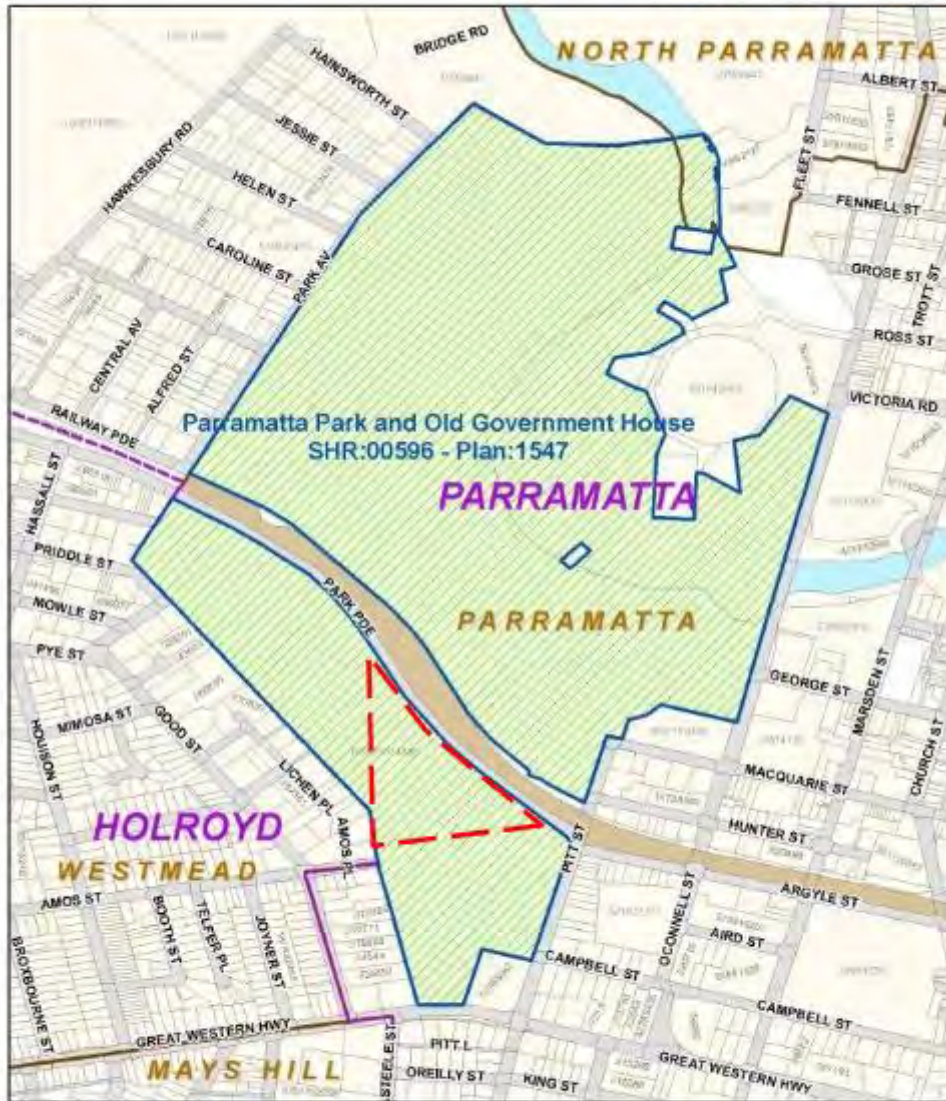


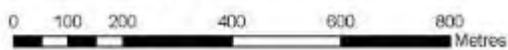
Figure 2 – Extract of combined heritage map with approximate location of subject site outlined in red, showing vicinity items on Holroyd LEP at left of image, and Parramatta LEP at right of image.

Source: Parramatta LEP 2011 (HER_005) and Holroyd LEP 2013 (HER_008)



State Heritage Register

Gazettal Date: 2 April 1999



Scale: 1:9,000

Produced by: Naomi Nelson

Legend

- SHR Curtilage
- LGAs
- Suburbs
- Land Parcels
- Water
- Roads
- Railways
- NSW Reserves

Figure 3 – State Heritage Register curtilage of Parramatta Park and Old Government House (SHR 00596)

Source: NSW State Heritage Inventory

Statement of Significance (SHR)

The below statement of significance for 'Parramatta Park and Old Government House' (SHR 00596) has been sourced from the State Heritage Inventory:

Parramatta Park demonstrates continuous cultivation and land-use from the management of the Cumberland Plain grasslands by the Burramatta clan of the Dharug Aboriginal people and later through the processes of colonisation, from exploration to occupation, including land clearing and building. The first farm to produce sufficient food to feed the penal colony was established here beside the river in 1788, saving the settlement from starvation.

Following Governor Phillip's establishment of the Governor's Domain in 1790 the area contained agricultural land, stockyards, lumber yards, and most significantly, the governor's residence and vice-regal offices. Old Government House at Parramatta demonstrates the growth of the Colony, from an impermanent cottage, built with the limited material available, into a grand residence with some of the finest extant plaster and joinery from the Georgian period.

A landmark site, the Park and House retains historical association with successive governors, and was the location for significant interaction between Aboriginal and European people. It demonstrates early town planning and landscaping and features strategic and picturesque views and vistas, created to frame Old Government House and enforce the status of the Governor over the convicts and free settlers inhabiting the township below. As such it is a conscious recreation of English landscapes of control.

The Domain was used for botanic and astronomical scientific research, and the Park is considered both a European and Aboriginal archaeological resource of national significance.

The park has evolved from being one of the earliest successful agricultural sites of the colony, including the site of the only 18th century vice-regal residence and seat of colonial government remaining intact today, to one of the most important and earliest open spaces dedicated for public use. The Park has continuously operated as a public park since 1857, reinforced by its gazettal as a National Park in 1917. Old Government House was used by Governors until 1855, tenanted by the King's School and other organisations, and then operated by the National trust since 1970 as a house museum. Parramatta Park retains strong associations with the local Aboriginal community.

The whole site is a unique and rare demonstration of the evolution of New South Wales and Australian Society since 1788.

IMPACT ASSESSMENT

The approved development (IDA/020/069) includes the provision of an accessible path from Amos Street (southwest of the subject site) to Park Parade (north of the subject site). This pathway traverses the western boundary of the subject site.

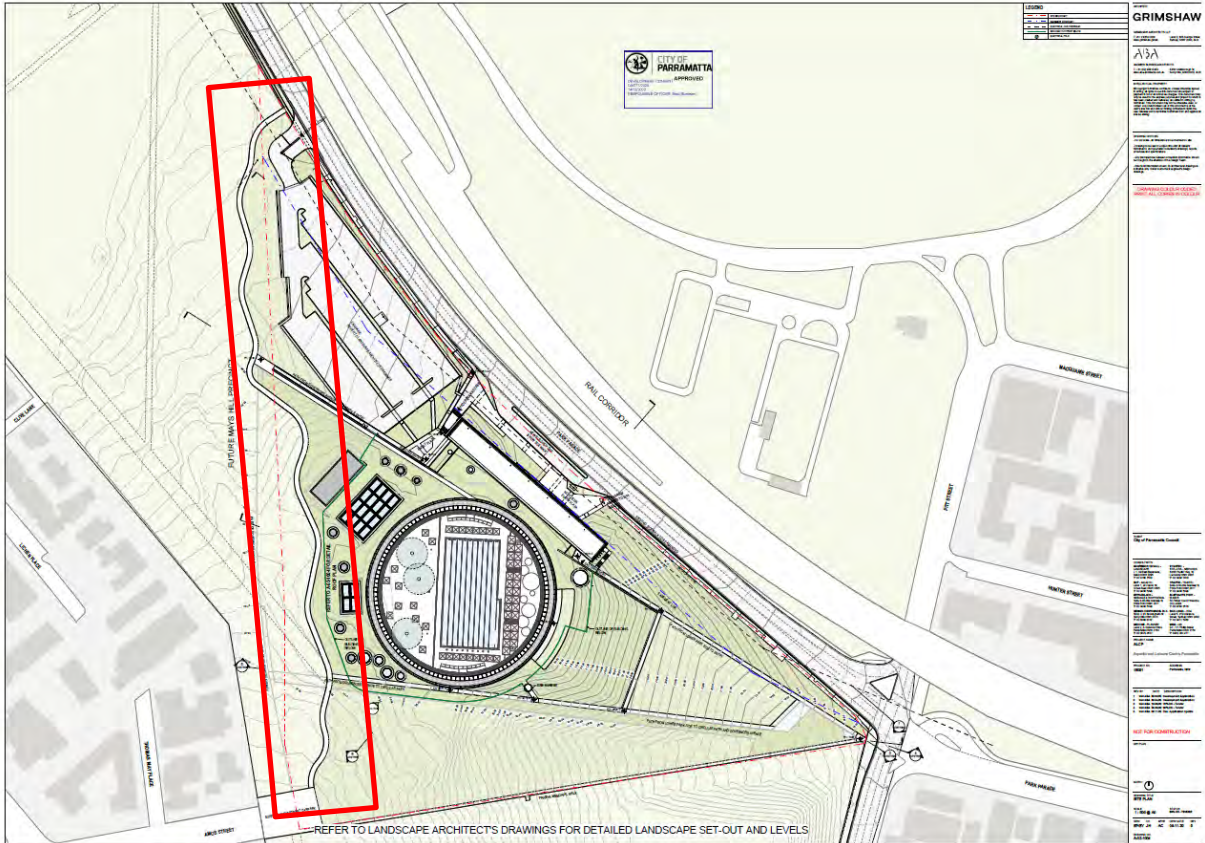


Figure 4 – Approved (Stamped) Plans showing approved alignment of the accessible path at left of image

Source: Grimshaw

Following approval of the IDA, the City of Parramatta are now proposing to undertake a minor realignment of this pathway to connect Amos Street and Park Parade as a Part 5 approval under the Review of Environmental Factors. This would see the pathway commence at the same location at the northeast of the existing Amos Street carpark and the same location on Park Parade, however it is now intended to modify the pathway alignment into a straighter alignment.

The proposed new alignment is consistent with the historic alignment of ‘Governor’s Avenue’, a track/informal road which connected Park Parade and Amos Street. The modification would also include new wheelstops; new bollards; removal of existing timber log fence and bollards; and new asphaltic concrete path.

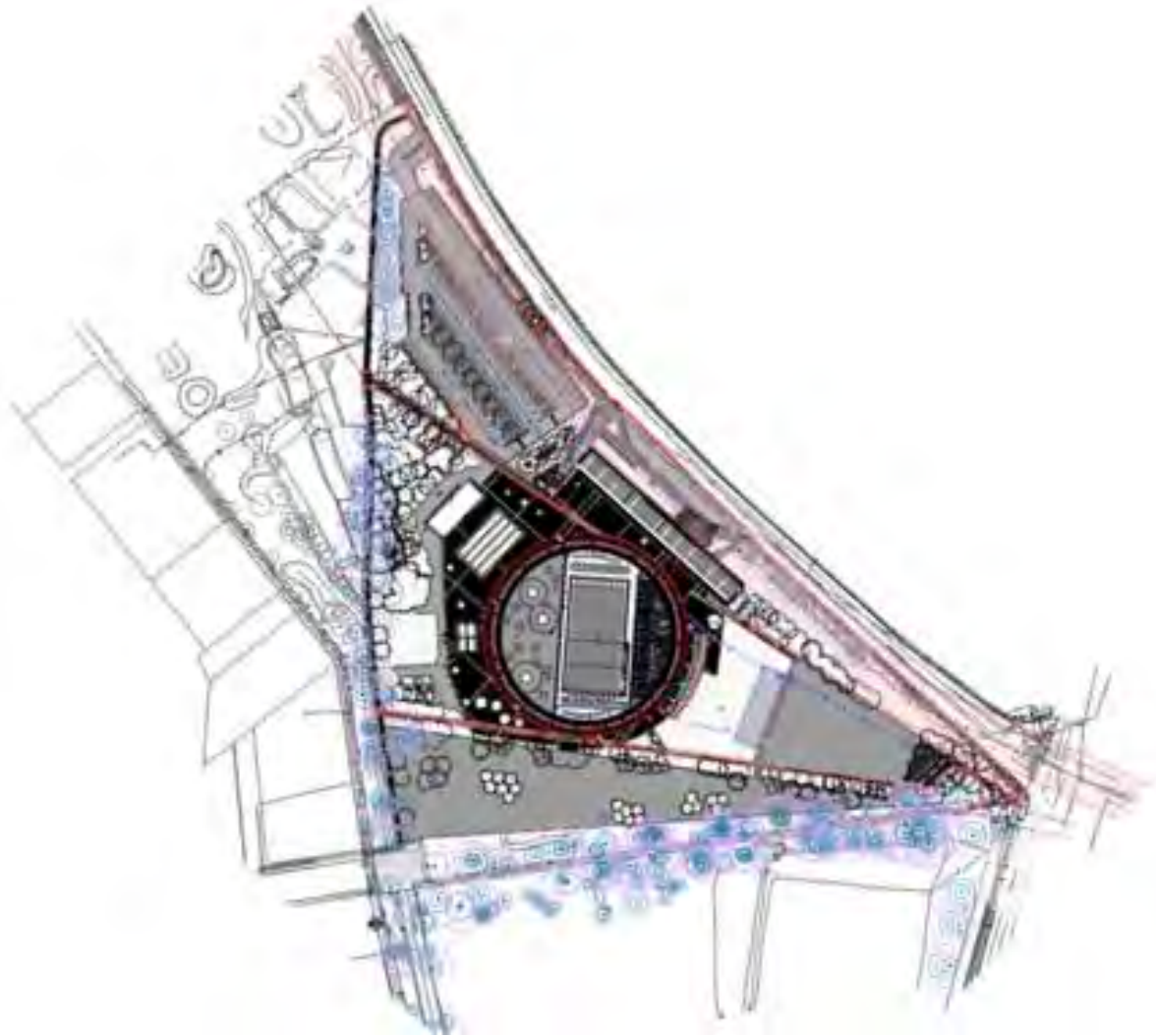


Figure 5 – Proposed new design for ALCP, with rerouted 'Governor's Avenue' outlined in red.
Source: McGregor + Coxall

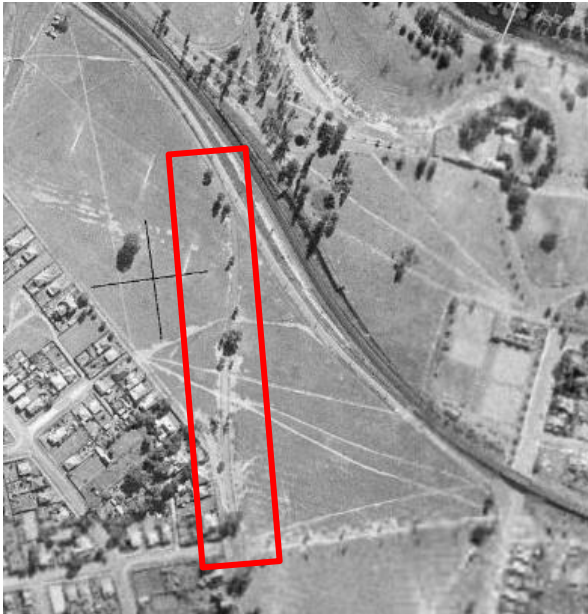


Figure 6 – 1943 aerial imagery showing track route in red

Source: SixMaps



Figure 7 – 1883 map of Parramatta showing track route

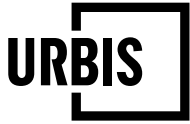
Source: McKinnon, G. & Gibbs, Shallard & Co, 1883.

The proposed realignment of Governor's Avenue has been separately assessed by a Biodiversity consultant as an acceptable action which would have no adverse impact to any significant biodiversity communities. From a heritage perspective, the realignment of Governor's Avenue to the proposed new alignment would ensure it is consistent with the original alignment of the track and as such, serve as an appropriate reinterpretation of the original roadway. This is a positive heritage outcome which improves on the approved plans and is furthermore consistent with the endorsed documents *Mays Hill Masterplan* and *Your Parramatta Park*. The proposed realignment would have no additional visual or physical heritage impact on any significant views, cultural landscapes, or fabric associated with the heritage significance of the subject site and as such is accepted from a heritage perspective.



Figure 8 – Endorsed plan of management *Your Parramatta Park 2030*, showing alignment of Governor's Avenue.

Source: *Your Parramatta Park 2030. Conservation Management Plan and Plan of Management. NSW Government & Parramatta Park Trust.*



CONCLUSIONS

In summary, the proposed realignment of the Governor's Avenue track under a Part 5 modification would have a positive heritage outcome as it would be a faithful representation and reinterpretation of the original alignment of the Governor's Avenue. As such, this modification is considered acceptable from a heritage perspective.

Please do not hesitate to contact the undersigned if you should have any questions.

Kind regards,

Sarah Hawkins

Sarah Hawkins
Consultant
+61 2 8233 7614
shawkins@urbis.com.au

Appendix C: Flora and Fauna Assessment Addendum

11/8/2020

Our ref: 20SUT-15578

Parramatta City Council
126 Church Street,
Parramatta
NSW 2150

Attention: Ben Chaplin

Dear Ben,

Addendum to Flora and Fauna Assessment – Aquatic Leisure Centre Parramatta

This addendum has been prepared to address City of Parramatta Council's request for additional information (dated 16 July 2020) in relation to the proposed aquatic leisure centre at 7 Park Parade Parramatta (development applications DA/197/2020 and DA/277/2020).

Council have requested that:

The ecological report is to be updated to assess the impact of the proposed concrete pavement. In particular, the impact of the pathway on NSW native vegetation within the polygon mapped on the Biodiversity Values Map (screen-print below) is to be determined and its implication for the need of a Biodiversity Development Assessment Report (BDAR) outlined.

Eco Logical Australia (ELA) prepared a Flora and Fauna Assessment (FFA) report (dated 2 April 2020) to assess the impacts to biodiversity likely to result from the proposed works. This assessment concluded that the proposed development would not impact native vegetation within the area mapped under the Biodiversity Values Map (BVM). The temporary bund proposed to traverse through this area (shown in Figure 1) will be comprised of compacted fill which will be turfed for the purpose of sediment control during construction and positioned so that there is no impact on tree root zones.

The Biodiversity Offset Scheme (BOS) and the requirement for a Biodiversity Development Assessment Report (BDAR) is triggered if native vegetation within areas mapped on the BVM area is cleared. Clause 7.1 (1b) of the *Biodiversity Conservation Regulation 2017* states that:

Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.

Clause 6.1 addresses impacts to biodiversity that may result from impacts to threatened species habitat that are not related to vegetation removal, including caves, rocks and other geological features, human made structures and non-native vegetation, connectivity, species movements, water bodies and hydrological processes, wind-turbine strike and vehicle strike. None of these impacts have relevance to the proposed development. However, the issue of clearing native vegetation within the area mapped on the BVM needs to be addressed.

Since our report was submitted, the proposed plans have been updated to include an access pathway from the carpark at Amos, through the area mapped on the BVM and down to the proposed aquatic centre. McGregor Coxall have overlaid the polygon from the BVM over the updated plans for the pathway (Figure 2). We have liaised with the study team, including Anna Hopwood (treeIQ), to determine whether construction of this pathway will require the removal of native vegetation.

The addendum report by treeIQ (dated 5 August 2020) and Figure 1 demonstrates that all native trees within the BVM can be retained. treeIQ have recommended the following measures to ensure these trees will not be adversely impacted by the construction of the pathway, including:

- The encroachment into the tree protection zone (TPZ) area varies from tree to tree. However, the pathway is generally to be constructed above existing grade.
- Excavation should be undertaken by non-destructive methods and sub-base layers should either be thinned, or finished pavement levels modified to enable the retention of roots (>25mm ϕ) as required by the Project Arborist.
- The sub-grade area within the TPZ areas should be lightly compacted with a pedestrian plate compactor only.
- Where battering is required to raise adjacent soil level to the new path, the imported soil should be an 80/20 washed river sand/screen topsoil blend.
- New soil should be gently graded out to within no closer than 1.5 m from the base of any tree.

There is no native shrub layer within that area mapped under BVM and the native ground cover is dominated by exotic grasses and forbs. In addition, we understand that the proposed pathway will follow the alignment of an existing gravel track that is required to be sealed in order to meet accessibility requirements.

In summary, construction of the access path through the area mapped under the BVM is not expected to require the removal of native vegetation and as such, will not trigger the Biodiversity Offset Scheme. Therefore, the existing Flora and Fauna Assessment report (ELA 2020) and this addendum report provides the required level of assessment of impacts to biodiversity and a BDAR is not required.

Kind regards,



Karen Spicer
Senior Ecologist, Accredited BAM Assessor BAAS18141

Proposed early works DA

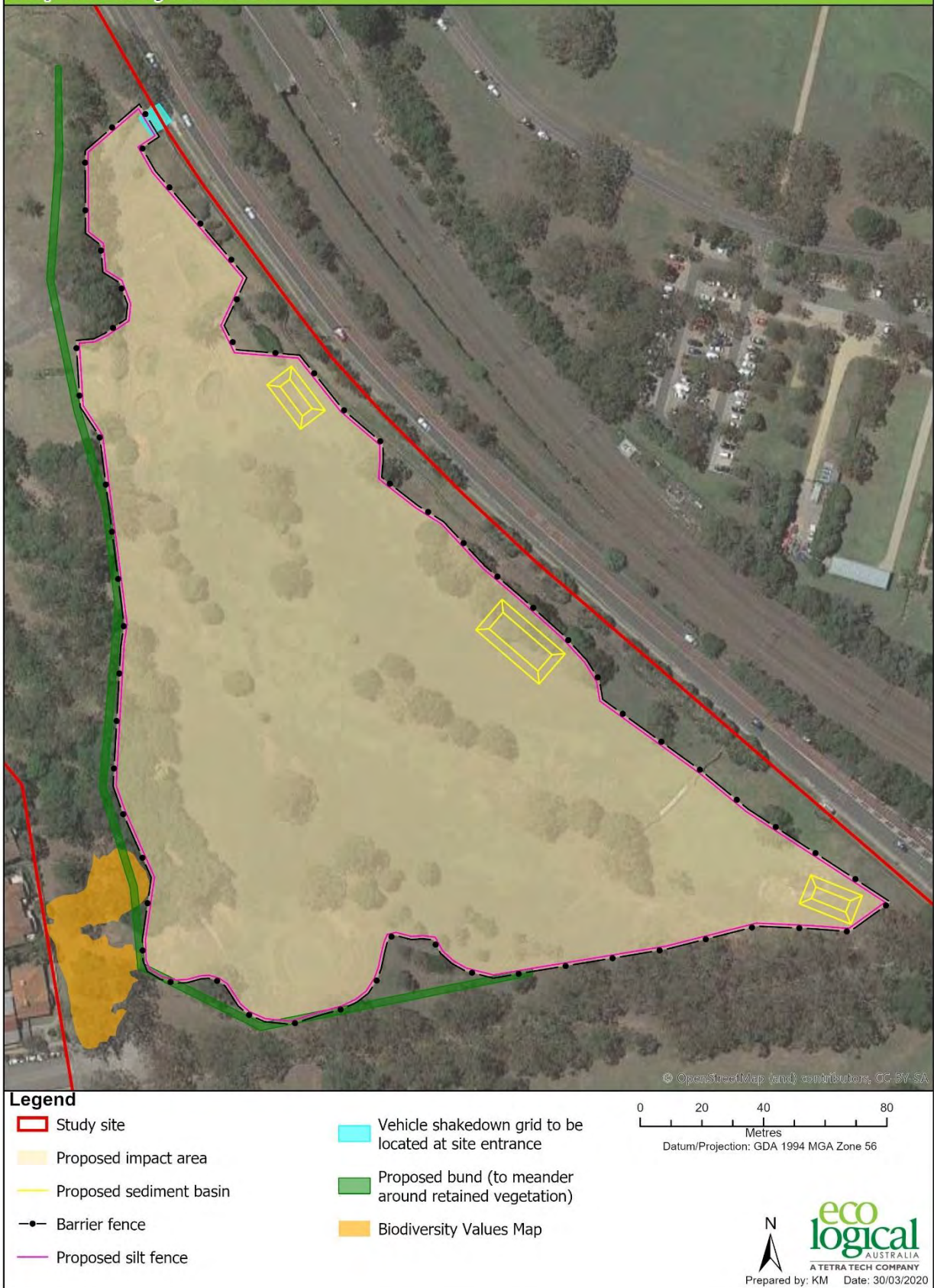


Figure 1: Proposed early works and the location of Biodiversity Values Map



Figure 2: Area mapped under the Biodiversity Values Map (BVM) (shown in yellow) and proposed pathway demonstrating that all trees within the BVM can be retained (McGregor Coxall 2020)

Appendix D: AHIP

Aboriginal Heritage Impact Permit

AHIP ID Number: #4698

AHIP Issued To:

NOTICE ISSUED TO
City of Parramatta Council
126 Church Street
Parramatta NSW 2150

Heritage NSW Office issuing this AHIP
Aboriginal Cultural Heritage Regulation - North
Heritage NSW
Locked bag 5020
Parramatta NSW 2124
Telephone number: (02) 9873 8500
Email: heritagemailbox@environment.nsw.gov.au

Additional details for public register

a) Name of development or project	Aquatic Leisure Centre Parramatta
b) Location	Mays Hill Precinct, bound by Jubilee Avenue, the Governors Drive and Park Parade 7a Park Parade Parramatta NSW 2150 (Lot 7055 DP 1074336)
c) Local Government Area(s)	City of Parramatta
d) Description of harm authorised	Harm to certain Aboriginal objects through the proposed works
e) AHIP commencement date and duration	<i>Commencement:</i> 15 January 2021 <i>Duration:</i> 10 years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 27 October 2020 an application was made to the Secretary of Department of Premier and Cabinet for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act). The application was to allow harm to Aboriginal objects associated with AHIMS site #45-5-5010 Parramatta Park PAD_1 through the proposed development of the Aquatic Leisure Centre Parramatta, 7 Park Parade (Lot 7055 DP 1074336), Parramatta NSW 2150.
- (ii) AHIP C0003568 (AHIMS #4256) was issued by the Office of Environment and Heritage (OEH) on 25 May 2018 to allow for an archaeological test excavation within AHIMS site #45-5-5010. Test excavations were completed over two weeks in July and August 2018.
- (iii) The test excavations found AHIMS site #45-5-5010 to be a low-density artefact scatter and no further investigation was deemed warranted.
- (iv) Development consent (DA/277/2020) for the project was approved on 10 December 2020.
- (v) Aboriginal consultation requirements for the project have been satisfied through ongoing Aboriginal engagement and consultation as part of the Aboriginal cultural heritage assessments undertaken for this current AHIP #4698 and the previous testing AHIP C0003568, as well as through the Heritage Interpretative Strategy and Plan prepared for the project.
- (vi) Heritage NSW considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for **10 years** from the date of commencement.

D. Proposed Works

All works associated with the development and construction of the proposed Aquatic Leisure Centre.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

Decision maker:



Dr Samantha Higgs

**Senior Team Leader – Aboriginal Cultural Heritage Regulation - North
Heritage NSW, Community Engagement**

Department of Premier and Cabinet

Date decision made: 15 January 2021

CONTENTS

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Aboriginal Heritage Impact Permit

LAND TO WHICH THIS AHIP APPLIES

Land as shown in **Attachment 1: Land to which this AHIP applies (outlined in purple)**.

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A project manager must be appointed who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, Heritage NSW must be notified of their contact details within **14 days** of this appointment.

Any required approvals under the *Heritage Act 1977* must be in place and complied with

5. No actions can commence on the land until any approval(s) required under the Heritage Act 1977 have been obtained.
6. All actions authorised by this AHIP must also be undertaken in accordance with any approval(s) required under the Heritage Act 1977 (once obtained).

Actions must be in accordance with AHIP application

7. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

8. All human remains in, on or under the land must not be harmed.

Harm of certain Aboriginal objects through the proposed works

9. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').

Notification and Reporting Conditions

Notification of commencement and completion of actions

10. Written notice must be provided to Heritage NSW at least **7 days** prior to the commencement of actions authorised by this AHIP.
11. Written notice must be provided to Heritage NSW within **7 days** of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

12. A copy of this AHIP must be provided to each Registered Aboriginal Party, within **14 days** of receipt of the AHIP from Heritage NSW.
13. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within **14 days** of receipt of the notice.

Human remains

14. If any human remains are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and DPIE's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by Heritage NSW.

Incidents which may breach the Act or AHIP

15. The AHIP holder must notify the Heritage NSW office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

16. Where Heritage NSW suspects that an incident has occurred which may have breached the Act or AHIP, Heritage NSW may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.

Aboriginal Heritage Impact Permit

17. The incident report must be provided to the Heritage NSW office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

18. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for the AHIMS site identified in Schedules C, within **4 months** of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the website:
<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>
- (ii) Contact details for the AHIMS Registrar can be found on the website:
<https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/>

General Conditions

Indemnity

19. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
 - (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

20. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, and, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
 - (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

21. Any requirement to provide written notice to Heritage NSW in this AHIP may be complied with by emailing the notice to Heritage NSW email address or by sending by registered post to the Heritage NSW address. The Heritage NSW's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed.

A2 Aboriginal objects that are identified on AHIMS

N/A

A3 No-harm areas

N/A

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

N/A

B2 Test/Salvage excavations

N/A

B3 Community collection

N/A

B4 Other

N/A

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	45-5-5010	Artefact scatter & PAD	Parramatta Park PAD_1	N	314440	6256580	GDA 56

C2 Areas where harm of Aboriginal objects is authorised

AHIP number: #4698

Document Ref No: DOC20/1041925

Application Ref No: EF20/32272

Printed: 2:44:47 PM 15/01/2021

Heritage NSW | Department of Premier and Cabinet | Locked Bag 5020 Parramatta NSW 2124 | Phone: 02 9873 8500

Email: heritagemailbox@environment.nsw.gov.au | www.heritage.nsw.gov.au



Aboriginal Heritage Impact Permit

All objects in, on or under the lands as shown on **Attachment 1: Land to which this AHIP applies (outlined in purple)**.

AHIP number: #4698

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Document Ref No: DOC20/1041925

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Heritage NSW | Department of Premier and Cabinet | Locked Bag 5020 Parramatta NSW 2124 | Phone: 02 9873 8500

Email: heritagemailbox@environment.nsw.gov.au | www.heritage.nsw.gov.au

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by Heritage NSW, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading “AHIP issued to”.
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
DPC	means the Department of Premier and Cabinet
Heritage NSW office	means the office listed on the cover page of this AHIP.
No-harm areas	means those areas described in Schedule A3.
Proposed works	means the works described under the heading “D. Proposed Works” at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by Heritage NSW, as described under the heading “Information about this AHIP”.
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.
Test excavation	means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
Test excavation area	means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, Heritage NSW is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at <https://www.heritage.nsw.gov.au/protecting-our-heritage/aboriginal-heritage-impact-permit-public-register/>

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. Heritage NSW can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Secretary of DPC under s.89A of the Act using the form available online at www.heritage.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the Heritage NSW office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.heritage.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

Aboriginal Heritage Impact Permit

The conditions of an AHIP may be varied at any time by the Secretary of DPC in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Secretary of DPC to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.heritage.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.heritage.nsw.gov.au. The surrender must be approved by the Secretary of DPC and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Secretary of DPC . Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in Heritage NSW's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that Heritage NSW can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

Heritage NSW is able to make copies of any reports provided to Heritage NSW under this AHIP.

Attachment 1: Land to which this AHIP applies (outlined in purple)



Appendix E: Aboriginal Cultural Heritage Assessment

Appendix F: Consideration of Environmental Factors – s171(2) of EP&A Regulation 2021

Environmental Factors	Comment
the environmental impact on the community	The proposed pathway will result in a positive environmental impact on the community by providing a straight alignment that is consistent with the original Governors Avenue alignment, while retaining existing trees for the community.
the transformation of the locality	Along with the recently approved Aquatic Leisure Centre Parramatta, which will transform the locality, the proposed pathway will provide safe and convenient infrastructure for the locality to access the ALCP and wider area.
the environmental impact on the ecosystems of the locality	The proposed pathway alignment results in a positive environmental impact by ensuring the retention of existing trees within vicinity of the pathway, while ensuring an alignment consistent with the original Governors Avenue alignment.
reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality,	Due to the minor scale of the pathway, the pathway will not diminish the aesthetic, recreational, scientific, or other environmental quality or value of the locality.
the effects on any locality, place or building that has— <ul style="list-style-type: none"> - aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or - other special value for present or future generations 	
the impact on the habitat of protected animals, within the meaning of the <i>Biodiversity Conservation Act 2016</i>	The proposed design and alignment of the pathway will ensure no adverse impact on protected animals within the meaning of the Biodiversity Conservation Act 2016.
the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air	As above, the alignment and design of the pathway has been duly considered to ensure minimal impact on endangered species of animal, plant or other form of life. The proposal is supported by a Flora and Fauna Assessment Addendum confirming this.
long-term effects on the environment	The pathway will have no long-term effects on the environment, while continuing to provide a pathway which considers the sensitivities of the site and wider area, by providing much-needed infrastructure that will align with the Parramatta Park Plan of Management 2030.
degradation of the quality of the environment	The low scale of the pathway will ensure there will be no degradation of the quality of the environment.

risk to the safety of the environment	There will be no adverse risk to the safety of the community. Appropriate measures will be implemented during the construction of the pathway to ensure the safety of the environment.
reduction in the range of beneficial uses of the environment	There will be no reduction in the range of beneficial uses of the environment.
pollution of the environment	The pollution generated by the construction of the pathway will be minimal and minimised accordingly.
environmental problems associated with the disposal of waste	The disposal of waste during construction will be managed accordingly through the preparation of a suitable waste management plan.
increased demands on natural or other resources that are, or are likely to become, in short supply	It is not expected that there will be increased demands on natural or other resources as a result of the pathway.
the cumulative environmental effect with other existing or likely future activities	The pathway will provide opportunity for future activities within the Mays Hill precinct by providing a safe method of transport for pedestrian and cyclists. The cumulative environmental impact on existing or likely future activities is considered minimal.
the impact on coastal processes and coastal hazards, including those under projected climate change conditions	N/A
applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1	The proposed pathway has considered the LSPS, regional strategic plans and district strategic plans relevant to the site.
other relevant environmental factors	It is considered that there are no other relevant environmental factors.