



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Referral of proposed action

What is a referral?

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of the environment, especially matters of national environmental significance (NES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of NES without approval from the Australian Government Environment Minister or the Minister's delegate. (Further references to 'the Minister' in this form include references to the Minister's delegate.) To obtain approval from the Environment Minister, a proposed action should be referred. The purpose of a referral is to obtain a decision on whether your proposed action will need formal assessment and approval under the EPBC Act.

Your referral will be the principal basis for the Minister's decision as to whether approval is necessary and, if so, the type of assessment that will be undertaken. These decisions are made within 20 business days, provided that sufficient information is provided in the referral.

Who can make a referral?

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a state or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

When do I need to make a referral?

A referral must be made for actions that are likely to have a significant impact on the following matters protected by Part 3 of the EPBC Act:

- World Heritage properties (sections 12 and 15A)
- National Heritage places (sections 15B and 15C)
- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)
- Protection of the environment from nuclear actions (sections 21 and 22A)
- Commonwealth marine environment (sections 23 and 24A)
- Great Barrier Reef Marine Park (sections 24B and 24C)
- The environment, if the action involves Commonwealth land (sections 26 and 27A), including:
 - actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land);
 - actions taken on Commonwealth land that may have a significant impact on the environment generally;
- The environment, if the action is taken by the Commonwealth (section 28)
- Commonwealth Heritage places outside the Australian jurisdiction (sections 27B and 27C)

You may still make a referral if you believe your action is not going to have a significant impact, or if you are unsure. This will provide a greater level of certainty that Commonwealth assessment requirements have been met.

To help you decide whether or not your proposed action requires approval (and therefore, if you should make a referral), the following guidance is available from:

- the Policy Statement titled Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. Additional sectoral guidelines are also available.
- the Policy Statement titled Significant Impact Guidelines 1.2 - Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies.

- the interactive map tool (enter a location to obtain a report on what matters of NES may occur in that location).

Can I refer part of a larger action?

In certain circumstances, the Minister may not accept a referral for an action that is a component of a larger action and may request the person proposing to take the action to refer the larger action for consideration under the EPBC Act (Section 74A, EPBC Act). If you wish to make a referral for a staged or component referral, read 'Fact Sheet 6 Staged Developments/Split Referrals' and contact the Referral Business Entry Point (1800 803 772).

Do I need a permit?

Some activities may also require a permit under other sections of the EPBC Act or another law of the Commonwealth. Information is available on the Department's web site.

Is your action in the Great Barrier Reef Marine Park?

If your action is in the Great Barrier Reef Marine Park it may require permission under the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act). If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (see section 37AB, GBRMP Act). This referral will be forwarded to the Great Barrier Reef Marine Park Authority (the Authority) for the Authority to commence its permit processes as required under the Great Barrier Reef Marine Park Regulations 1983. If a permission is not required under the GBRMP Act, no approval under the EPBC Act is required (see section 43, EPBC Act). The Authority can provide advice on relevant permission requirements applying to activities in the Marine Park.

The Authority is responsible for assessing applications for permissions under the GBRMP Act, GBRMP Regulations and Zoning Plan. Where assessment and approval is also required under the EPBC Act, a single integrated assessment for the purposes of both Acts will apply in most cases. Further information on environmental approval requirements applying to actions in the Great Barrier Reef Marine Park is available from <http://www.gbrmpa.gov.au/> or by contacting GBRMPA's Environmental Assessment and Management Section on (07) 4750 0700.

The Authority may require a permit application assessment fee to be paid in relation to the assessment of applications for permissions required under the GBRMP Act, even if the permission is made as a referral under the EPBC Act. Further information on this is available from the Authority:

Great Barrier Reef Marine Park Authority

2-68 Flinders Street PO Box 1379
Townsville QLD 4810
AUSTRALIA

Phone: + 61 7 4750 0700

Fax: + 61 7 4772 6093

www.gbrmpa.gov.au

Do I have to pay for my referral or assessment / what are the fees?

Currently the department does not impose fees for environmental impact assessments referred and assessed under the EPBC Act. However, new fees are proposed as part of cost recovery reforms to the EPBC Act from 1 December 2012. Final cost recovery arrangements will be subject to an amending Bill being passed by Parliament and the making of regulations. Fees for environmental impact assessments are proposed to apply to:

- all proposed actions referred after 8 May 2012 that are still undergoing assessment, decision on approval or that may be subject to post approval management plans after 1 December 2012 (fees will only apply to the work undertaken by the department after 1 December 2012); and
- all referrals on or after 1 December 2012.

For projects that are referred after 8 May 2012, that may be subject to fees, the department will inform proponents of their liability for potential fees prior to the introduction of cost recovery arrangements on 1 December 2012. Further details on the proposed cost recovery arrangements can be found here <http://www.environment.gov.au/epbc/publications/consultation-draft-cost-recovery.html>.

What information do I need to provide?

Completing all parts of this form will ensure that you submit the required information and will also assist the Department to process your referral efficiently. If a section of the referral document is not applicable to your proposal enter N/A.

You can complete your referral by entering your information into this Word file.

Instructions

Instructions are provided in green text throughout the form.

Attachments/supporting information

The referral form should contain sufficient information to provide an adequate basis for a decision on the likely impacts of the proposed action. You should also provide supporting documentation, such as environmental reports or surveys, as attachments.

Coloured maps, figures or photographs to help explain the project and its location should also be submitted with your referral. Aerial photographs, in particular, can provide a useful perspective and context. Figures should be good quality as they may be scanned and viewed electronically as black and white documents. Maps should be of a scale that clearly shows the location of the proposed action and any environmental aspects of interest.

Please ensure any attachments are below two megabytes (2mb) as they will be published on the Department's website for public comment. To minimise file size, enclose maps and figures as separate files if necessary. If unsure, contact the Referral Business Entry Point for advice. Attachments larger than two megabytes (2mb) may delay processing of your referral.

Note: the Minister may decide not to publish information that the Minister is satisfied is commercial-in-confidence.

How do I submit a referral?

Referrals may be submitted by mail, fax or email.

Mail to:

Referral Business Entry Point
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population and Communities
GPO Box 787
CANBERRA ACT 2601

- If submitting via mail, electronic copies of documentation (on CD/DVD or by email) are appreciated.

Fax to: 02 6274 1789

- Faxed documents must be of sufficiently clear quality to be scanned into electronic format.
- Address the fax to the mailing address, and clearly mark it as a 'Referral under the EPBC Act'.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

Email to: epbc.referrals@environment.gov.au

- Clearly mark the email as a 'Referral under the EPBC Act'.
- Attach the referral as a Microsoft Word file and, if possible, a PDF file.
- Follow up with a mailed hardcopy including copies of any attachments or supporting reports.

What happens next?

Following receipt of a valid referral (containing all required information) you will be advised of the next steps in the process, and the referral and attachments will be published on the Department's web site for public comment.

The Department will write to you within 20 business days to advise you of the outcome of your referral and whether or not formal assessment and approval under the EPBC Act is required. There are a number of possible decisions regarding your referral:

The proposed action is NOT LIKELY to have a significant impact and does NOT NEED approval

No further consideration is required under the environmental assessment provisions of the EPBC Act and the action can proceed (subject to any other Commonwealth, state or local government requirements).

The proposed action is NOT LIKELY to have a significant impact IF undertaken in a particular manner

The action can proceed if undertaken in a particular manner (subject to any other Commonwealth, state or local government requirements). The particular manner in which you must carry out the action will be identified as part of the final decision. You must report your compliance with the particular manner to the Department.

The proposed action is LIKELY to have a significant impact and does NEED approval

If the action is likely to have a significant impact a decision will be made that it is a *controlled action*. The particular matters upon which the action may have a significant impact (such as World Heritage values or threatened species) are known as the *controlling provisions*.

The controlled action is subject to a public assessment process before a final decision can be made about whether to approve it. The assessment approach will usually be decided at the same time as the controlled action decision. (Further information about the levels of assessment and basis for deciding the approach are available on the Department's web site.)

The proposed action would have UNACCEPTABLE impacts and CANNOT proceed

The Minister may decide, on the basis of the information in the referral, that a referred action would have clearly unacceptable impacts on a protected matter and cannot proceed.

Compliance audits

If a decision is made to approve a project, the Department may audit it at any time to ensure that it is completed in accordance with the approval decision or the information provided in the referral. If the project changes, such that the likelihood of significant impacts could vary, you should write to the Department to advise of the changes. If your project is in the Great Barrier Reef Marine Park and a decision is made to approve it, the Authority may also audit it. (See "*Is your action in the Great Barrier Reef Marine Park*," p.2, for more details).

For more information

- call the Department of Sustainability, Environment, Water, Populations and Communities Community Information Unit on 1800 803 772 or
- visit the web site www.environment.gov.au/epbc

All the information you need to make a referral, including documents referenced in this form, can be accessed from the above web site.

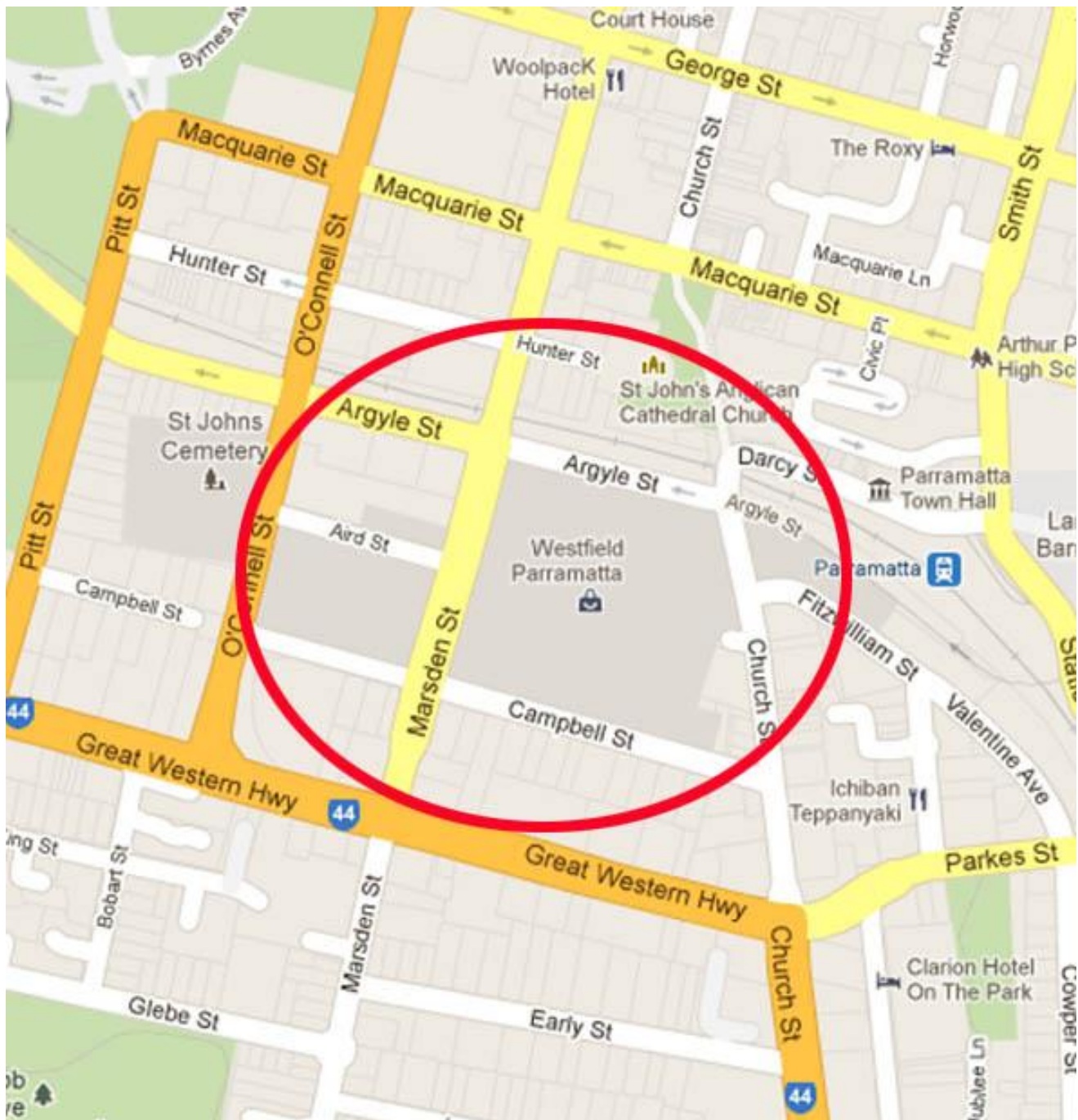
Referral of proposed action

Project title:

Westfield Shopping Centre, Parramatta - Westfield Retail and Commercial Development

1 Summary of proposed action

The subject site is located within the commercial precinct of Parramatta, NSW, bounded by the four (4) blocks of Argyle Street to the north, Church Street, to the east, Campbell Street to the south and O'Connell Street to the west (see map below). Marsden Street runs north-south through the shopping complex.



Location plan showing the subject site circled (Source: Google Maps)

1.1 **Short description**

The proposed works for Westfield Parramatta are as follows:

Stage One Development

- (a) Alterations and Addition of Retail Level 6 and associated car parks as per the architectural drawings and EA report
- (b) The proposed maximum building height of the development is 34.14m above ground level.

Stage Two Development

- (a) Construct high rise commercial tower on the south-western corner of Argyle Church Streets (approximately 100m above ground level) to be constructed above Retail 4 and Public Domain improvements to Argyle Street.

1.2 **Latitude and longitude**

| Latitude | Longitude |
|---------------|-----------|
| 33 49'4"South | 151 0'5" |

1.3 **Locality and property description**

The property forms the Westfield Parramatta complex. The subject site is located within the commercial precinct of Parramatta, NSW, bounded by the four (4) blocks of Argyle Street to the north, Church Street, to the east, Campbell Street to the south and O'Connell Street to the west (see map below). Marsden Street runs north-south through the shopping complex. The alignment of Parramatta Railway is located immediately north of the Westfield Parramatta complex and divides the subject retail outlet from the main CBD and civic precinct.

Westfield Parramatta opened in 1975 and was one of Australia's largest shopping centres. The shopping centre and associated carparks have been redeveloped over the past three decades.

1.4 **Size of the development footprint or work area (hectares)**

6.6104 hectares

1.5 **Street address of the site**

Westfield Shopping Centre, Church and Argyle Streets, Parramatta NSW

1.6 **Lot description**

Lot 2, DP 851525

1.7 **Local Government Area and Council contact (if known)**

Parramatta City Council

1.8 **Time frame**

It is anticipated construction be undertaken in two stages with the following programme:

- **Stage 1 - Retail Extension** - pre-construction to commence in February 2013 with constructions works commencing in late-2014 and completion by mid-2018.
- **Stage 2 – Office Tower** – pre-construction to commence in February 2017 with construction works commencing March 2020 and completed by mid-2024.

1.9 **Alternatives to proposed action**

Were any feasible alternatives to taking the proposed action (including not taking the action) considered but are not proposed?



No



Yes, you must also complete section 2.2

1.10 **Alternative time frames etc**



No

| | | | |
|------|---|---|--|
| | Does the proposed action include alternative time frames, locations or activities? | | Yes, you must also complete Section 2.3. For each alternative, location, time frame, or activity identified, you must also complete details in Sections 1.2-1.9, 2.4-2.7 and 3.3 (where relevant). |
| 1.11 | State assessment Is the action subject to a state or territory environmental impact assessment? | | No |
| | | ✓ | Yes, you must also complete Section 2.5 |
| 1.12 | Component of larger action Is the proposed action a component of a larger action? | ✓ | No |
| | | | Yes, you must also complete Section 2.7 |
| 1.13 | Related actions/proposals Is the proposed action related to other actions or proposals in the region (if known)? | ✓ | No |
| | | | Yes, provide details: |
| 1.14 | Australian Government funding Has the person proposing to take the action received any Australian Government grant funding to undertake this project? | ✓ | No |
| | | | Yes, provide details: |
| 1.15 | Great Barrier Reef Marine Park Is the proposed action inside the Great Barrier Reef Marine Park? | ✓ | No |
| | | | Yes, you must also complete Section 3.1 (h), 3.2 (e) |

2 Detailed description of proposed action

2.1 Description of proposed action

Construction of an additional retail level, a high-rise commercial office building, additional carparking and activation of the Argyle Street facade at ground level to the existing Westfield Parramatta complex.

Stage One Development

- (a) Alterations and Addition of Retail Level 6 and associated car parks as per the architectural drawings and Environmental Assessment report; and
- (b) The proposed maximum building height of the development is 34.14m above ground level.

Stage Two Development

- (b) Construct high rise commercial tower on the south-western corner of Argyle Church Streets (approximately 100m above ground level) to be constructed above Retail 4 and Public Domain improvements to Argyle Street.

The proposed action is a Major Project with the NSW Department of Planning & Infrastructure's reference of Westfield Shopping Centre, Parramatta - Westfield Retail and Commercial Development (Application Number MP10_0068). For further description and the environmental assessment, refer to the Major Project Application of the NSW Department of Planning and Infrastructure's Major Project Register using the following link to the internet:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3942

2.2 Alternatives to taking the proposed action

Not applicable

2.3 Alternative locations, time frames or activities that form part of the referred action

Not applicable

2.4 Context, planning framework and state/local government requirements

Refer to the Major Project Application and associated environmental assessment referred to at 2.1 above.

2.5 Environmental impact assessments under Commonwealth, state or territory legislation

Refer to the Major Project Application and associated environmental assessment referred to at 2.1 above.

Old Government House and the Domain are included in both the National and World Heritage List as one of 11 sites known collectively as the Australian Convict Sites. The World Heritage Committee recommended that the Commonwealth investigate measures for managing the landscape values of the sites, by studying the visual impact of any projects liable to affect those values. In particular, the Committee emphasised the need to protect the landscape characteristics of

A Draft Environmental Assessment for Stage 1 and Concept Plan for the commercial tower (Stage 2) was submitted to the NSW Department of Planning and Infrastructure. Subject to amendments, the EA will be ready for public exhibition following submission by 30 October 2012. Amendments to the EA are required to respond to the following:

"In order to quantify the extent of the impacts on the Concept Plan and Stage 1 project application you should have regard to the significance impact criteria contained in the *Matters of National Environmental Significance Significant Impact Guidelines 1.1*. In addition, the department requests that you refer the proposal to the Australian Minister for Sustainability, Environment, Water, Population and Communities to determine whether the project requires formal assessment and approval under the EPBC Act."

The assessment contact officer at the NSW Department of Planning and Infrastructure is:

| | |
|-----------------------|-----------------------------------|
| Contact: | Mr Thomas Mithen |
| Phone: | (02) 9228 6415 |
| Fax: | (02) 9228 6399 |
| Email: | thomas.mithen@planning.nsw.gov.au |
| Department Reference: | MP10_0068 |

2.6 Public consultation (including with Indigenous stakeholders)

The Westfield Parramatta site is located within the "Parramatta Archaeological Management Unit (AMU) 2871 – Church Street" identified as having no significance. Therefore, no Aboriginal or historical preliminary archaeological impact assessment was prepared as part of the environmental assessment as the subject site. Consultation with Indigenous stakeholders is not anticipated.

2.7 A staged development or component of a larger project

Not applicable

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

3.1 (a) World Heritage Properties

Description

Old Government House and Domain, Parramatta, lies at the western margin of the Parramatta Central Business District. The Old Government House and Domain, Parramatta, Management Plan describes the significance of the place as follows:

“Old Government House and Domain, Parramatta Park, is of Local, State and National heritage significance for its unique evidence of the convict period in the history of Parramatta, New South Wales and Australia, particularly its associations with the survival of the first colonial settlement in 1788 and the subsequent establishment of European-style agriculture in Australia, the vice-regal control of the convict system, especially under governors Phillip, Macquarie and Brisbane, and their activities associated with consolidating Imperial power, notably botanical collecting, astronomical observations, and the economic development of colonial New South Wales, the Georgian-style architecture of Old Government House and its outbuildings (of which it is a key Australian exemplar), the multi-layered cultural landscape embracing the vice regal residence, the parklands and the town of Parramatta, its development as one of Australia’s earliest dedicated public parks, and the extent of the known and potential archaeological resources within the landscape. The Place is also significant for illustrating the associations between the Burramatta clan of the Dharug People and their pre-contact lifestyle as well as the continuing connections of their contemporary descendants with the site.

Old Government House and Domain, Parramatta Park is also highly significant for its contribution to the serial inscription of eleven Australian Convict Sites on the World Heritage List, illustrating in its built forms, archaeological sites and the overall topographical form of the whole site as a cultural landscape, its role as a command centre within the Imperial convict system, and the reforming activities of Governor Macquarie; and reflecting ideas and beliefs in the punishment and reformation of convicts and the projection of British Imperial power in the South Pacific.

Old Government House is associated with the use of convicts to expand British geo-political interests in the Asia Pacific. The initial survival of the penal settlement in 1788-89 can be attributed to the successful establishment of farming in what became the Domain, which assured the subsequent development of the convict system in Australia. Government House was continually expanded with convict labour, and mirrors the increasing complexity of the convict system. By Governor Macquarie’s time the House had become a key destination for international travellers, especially French, Spanish and Russian, who all reported upon the success of the penal colony and the use of the colony to project British power in the South Pacific. Governor King’s establishment of botanic gardens on the site, using convict labour, contributed to British prestige and authority in the scientific world. Governor Brisbane’s operation of the observatory, constructed with convict labour, helped maintain British naval power through accurate charting of the stars for maritime navigation, and provided the basis for surveying the colony and expanding settlement, much of it associated with the increased use of assigned convict labour, and the settling of convicts whose sentences had expired. The expansion of penal stations to western and northern Australia, partly to forestall French and Dutch colonial ambitions, was planned from Old Government House by Governor Darling.”

Significant views associated with Old Government House and Domain, are shown on page 11 of the Parramatta Park Management Plan and shows that significant views are not directed at nor do they extend to the site on which the action is proposed to take place. Refer image below.



Figure 2: Current plan showing general layout of Parramatta Park, with significant views(pink arrows) and former colonial roads (red lines) and carriageways (brown and yellow lines) (source: Parramatta Park Trust)

Nature and extent of likely impact

In its decision to list the Australian Convict Sites (WHC 34COM 8B.16), the World Heritage Committee recommended that the State Party 'pay attention to managing the landscape values of the sites in or close to urban areas by studying the visual impact of their current environment and any projects liable to affect those values.'

The proponent does not believe there to be likelihood of significant impacts on the World Heritage values of Old Government House and Government Domain as:

- The fabric of Old Government House and Government Domain will not be damaged or altered;
- Archaeological deposits of Old Government House and Government Domain will not be damaged or altered;
- No activities are proposed within the World Heritage Property;
- The action to construct a commercial tower development at Westfield Shopping Centre, Church and Argyle Streets, Parramatta, is not within, adjacent to or within important sightlines of Old Government House and Government Domain as identified in its management plan;
- The action will not make changes to the garden, landscape or immediate and buffer settings of Old Government House and Government Domain; and
- Although the development arising from the action will be visible from within the World Heritage property, the impacts on it will not be significant impacts. A views and vista assessment was undertaken from the world heritage listed Old Government House and Domain site. This assessment indicates the proposed Westfield tower is not readily visible when viewed from principal areas within the world heritage listed site. Existing high-rise tower development within the commercial district of Parramatta and mature plantings within the grounds of Old Government House and Domain obscure views to the proposed Westfield development (see the figures below).

The proposed tower would not impact detrimentally on views from Old Government House and Domain and would be an acceptable development within the urban context.



Existing view south-east from the Main Entry to Old Government House to the proposed location of the subject site (Source: NSW Dept of Planning, October 2012)



Photomontage showing view south-east from the Main Entry to Old Government House. The arrow indicates the proposed Westfield tower apparent through the foliage (Source: Westfield Design and Construction, October 2012)

3.1 (b) National Heritage Places

Description

Old Government House and Domain, Parramatta, is also a National Heritage Place.

Nature and extent of likely impact

See 3.1 (a) above

3.1 (c) Wetlands of International Importance (declared Ramsar wetlands)

Description

Not applicable

Nature and extent of likely impact

Not applicable

3.1 (d) Listed threatened species and ecological communities

Description

Not applicable

Nature and extent of likely impact

Not applicable

3.1 (e) Listed migratory species

Description

Not applicable

Nature and extent of likely impact

Not applicable

3.1 (f) Commonwealth marine area

(If the action is in the Commonwealth marine area, complete 3.2(c) instead. This section is for actions taken outside the Commonwealth marine area that may have impacts on that area.)

Description

Not applicable

Nature and extent of likely impact

Not applicable

3.1 (g) Commonwealth land

(If the action is on Commonwealth land, complete 3.2(d) instead. This section is for actions taken outside Commonwealth land that may have impacts on that land.)

Description

Not applicable

Nature and extent of likely impact

Not applicable

3.1 (h) The Great Barrier Reef Marine Park

Description

Not applicable

Nature and extent of likely impact

Not applicable

3.2 Nuclear actions, actions taken by the Commonwealth (or Commonwealth agency), actions taken in a Commonwealth marine area, actions taken on Commonwealth land, or actions taken in the Great Barrier Reef Marine Park

| | | | |
|---|--|-------------------------------------|-----------------------------|
| 3.2 (a) | Is the proposed action a nuclear action? | <input checked="" type="checkbox"/> | No |
| | | | Yes (provide details below) |
| If yes, nature & extent of likely impact on the whole environment | | | |
| 3.2 (b) | Is the proposed action to be taken by the Commonwealth or a Commonwealth agency? | <input checked="" type="checkbox"/> | No |
| | | | Yes (provide details below) |
| If yes, nature & extent of likely impact on the whole environment | | | |
| 3.2 (c) | Is the proposed action to be taken in a Commonwealth marine area? | <input checked="" type="checkbox"/> | No |
| | | | Yes (provide details below) |
| If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(f)) | | | |
| 3.2 (d) | Is the proposed action to be taken on Commonwealth land? | <input checked="" type="checkbox"/> | No |
| | | | Yes (provide details below) |
| If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(g)) | | | |
| 3.2 (e) | Is the proposed action to be taken in the Great Barrier Reef Marine Park? | <input checked="" type="checkbox"/> | No |
| | | | Yes (provide details below) |
| If yes, nature & extent of likely impact on the whole environment (in addition to 3.1(h)) | | | |

3.3 Other important features of the environment

Refer to the Major Project Application and associated environmental assessment referred to at 2.1 above.

3.3 (a) Flora and fauna

3.3 (b) Hydrology, including water flows

3.3 (c) Soil and Vegetation characteristics

3.3 (d) Outstanding natural features

3.3 (e) Remnant native vegetation

3.3 (f) Gradient (or depth range if action is to be taken in a marine area)

3.3 (g) Current state of the environment

Include information about the extent of erosion, whether the area is infested with weeds or feral animals and whether the area is covered by native vegetation or crops.

3.3 (h) Commonwealth Heritage Places or other places recognised as having heritage values

The place is not a Commonwealth Heritage Place, nor is it listed as a local heritage item. The place is located in close proximity to heritage listed items of local and state significance. Refer to Statement of Heritage Impact within the Environmental Assessment.

3.3 (i) Indigenous heritage values

3.3 (j) Other important or unique values of the environment

The action is being referred as it has been suggested as there may have a visual impact on the World Heritage Listed Old Government House and Domain (see figure below).

3.3 (k) Tenure of the action area (eg freehold, leasehold)

3.3 (l) Existing land/marine uses of area

3.3 (m) Any proposed land/marine uses of area



Figure 18: Old Government House and Domain World Heritage Property (unshaded) and its proposed Buffer Area (hatched area). (Source: Department of Planning, 2008).

Old Government House and Domain outlined with associated buffer zone hatched and the subject site circled in red (Source: taken from the Old Government House and Domain, Parramatta Park, Management Plan)

4 Measures to avoid or reduce impacts

Nil

5 Conclusion on the likelihood of significant impacts

5.1 Do you THINK your proposed action is a controlled action?

- ☒ No, complete section 5.2
- ☐ Yes, complete section 5.3

5.2 Proposed action IS NOT a controlled action.

The action is being referred as it has been suggested that there may be negative heritage visual impacts on the World Heritage Listed Old Government House and Government Domain.

We believe the proposed action is NOT LIKELY to have significant impacts on a matter protected under the EPBC Act due to the following reasons:

- The site is not in close proximity to Old Government House and Government Domain, Parramatta but is three street blocks away and outside of identified significant sightlines;
- Development of towers on the site, though they may be partly visible from within the World Heritage listed area and its buffer zone, do not impact on views identified as significant in the management plan for the site; and,
- Future development of Parramatta's central business district to its highest and best use will result in buildings taller than those which now exist and these are likely to be visible from within the grounds of Old Government House. Visibility from within the World Heritage Site listed site, such as in the proposed action, will have little detrimental impact on the cultural significance of Old Government House and Government Domain, because views are screened by existing built development within the CBD and existing plantings within the grounds of Old Government House and Government Domain.

5.3 Proposed action IS a controlled action

Matters likely to be impacted

| | |
|--------------------------|--|
| <input type="checkbox"/> | World Heritage values (sections 12 and 15A) |
| <input type="checkbox"/> | National Heritage places (sections 15B and 15C) |
| <input type="checkbox"/> | Wetlands of international importance (sections 16 and 17B) |
| <input type="checkbox"/> | Listed threatened species and communities (sections 18 and 18A) |
| <input type="checkbox"/> | Listed migratory species (sections 20 and 20A) |
| <input type="checkbox"/> | Protection of the environment from nuclear actions (sections 21 and 22A) |
| <input type="checkbox"/> | Commonwealth marine environment (sections 23 and 24A) |
| <input type="checkbox"/> | Great Barrier Reef Marine Park (sections 24B and 24C) |
| <input type="checkbox"/> | Protection of the environment from actions involving Commonwealth land (sections 26 and 27A) |
| <input type="checkbox"/> | Protection of the environment from Commonwealth actions (section 28) |
| <input type="checkbox"/> | Commonwealth Heritage places overseas (sections 27B and 27C) |

6 Environmental record of the responsible party

| | Yes | No |
|---|-----|----|
| <p>6.1 Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>Provide details</p> | | ✓ |
| <p>6.2 Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application - ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</p> <p>If yes, provide details</p> | | ✓ |
| <p>6.3 If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</p> <p>If yes, provide details of environmental policy and planning framework</p> | | ✓ |
| <p>6.4 Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p> <p>Provide name of proposal and EPBC reference number (if known)</p> | | ✓ |

7 Information sources and attachments

7.1 References

The project application and environmental assessment held on the NSW Department of Planning & Infrastructure's Major Project Register at the following link to the internet:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3942

Goddard, Levins, et al. (The National Trust of Australia (NSW) and Parramatta Park Trust), *Old Government House and Domain, Parramatta Park – Management Plan*, 2009. This document is available at the following link:

http://www.ppt.nsw.gov.au/park-management/pdf-plans-of-management/V2%20OGHD_MP_Nov%2008_FINAL%20.pdf/view

7.2 Reliability and date of information

The information is taken from the Environmental Assessment prepared as part of the Project Application for the action and on supplementary heritage impact assessment by heritage consultants, NBRS+PARTNERS.

The information was prepared in 2012 to accompany the current project application.

The reliability of the information was tested by the NSW Department of Planning & Infrastructure's 'test of adequacy' for environmental assessments for 'major projects' and found to be adequate for preliminary assessment purposes. In light of submissions received during exhibition, additional assessment information has been requested in relation to impacts specifically to Old Government House and Government Domain.

The proponent and its consultants are not aware of any uncertainties in the information or matters of fact contained in the environmental assessment that are not identified therein. The degree of any likely impacts of having development on the site visible from within the listed area of Old Government House and Government Domain includes matters of opinion.

7.3 Attachments

| | | ✓ attached | Title of attachment(s) |
|------------------------|--|---------------|---|
| You must attach | figures, maps or aerial photographs showing the project locality (section 1) | ✓ | http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3942 |
| | figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3) | ✓ | http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3942 |

| | | | |
|----------------------------|---|---|--|
| If relevant, attach | copies of any state or local government approvals and consent conditions (section 2.5) | | |
| | copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6) | ✓ | http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3942 |
| | copies of any flora and fauna investigations and surveys (section 3) | | |
| | technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4) | ✓ | http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3942 http://www.ppt.nsw.gov.au/park-management/pdf-plans-of-management/V2%20OGHD_MP_Nov%2008_FINAL%20.pdf/view |
| | report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3) | | |

8 Contacts, signatures and declarations

NOTE: Providing false or misleading information is an offence punishable on conviction by imprisonment and fine (s 489, EPBC Act).

Under the EPBC Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action¹.

Project title: **Westfield Shopping Centre, Parramatta - Westfield Retail and Commercial Development**

8.1 Person proposing to take action

Name XXXXX
Title Ms / Mr
Organisation Westfield Design and Construction Pty Ltd
ACN / ABN (if applicable) XXXXX
Postal address XXXXX
Telephone XXXXX
Email XXXXXX
Declaration
I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.
I understand that giving false or misleading information is a serious offence

Signature _____ Date
XX November 2012

8.2 Person preparing the referral information (if different from 8.1)

Individual or organisation who has prepared the information contained in this referral form.

Name Lynette Gurr, Senior Heritage Consultant
Title Ms
Organisation NBRS+PARTNERS
ACN / ABN (if applicable)
Postal address Level 3, 4 Glen Street, MILSONS POINT NSW 2061
Telephone 02 9922 2344
Email lynette.gurr@nbrsap.com.au
Declaration
I declare that the information contained in this form is, to the best of my knowledge, true and not misleading
.
Signature _____ Date
19 November 2012

¹ If the proposed action is to be taken by a Commonwealth, state or territory government or agency, section 8.1 of this form should be completed. However, if the government or agency is aware of, and has administrative responsibilities relating to, a proposed action that is to be taken by another person which has not otherwise been referred, please contact the Referrals Business Entry Point (1800 803 772) to obtain an alternative contacts, signatures and declarations page.

REFERRAL CHECKLIST

NOTE: This checklist is to help ensure that all the relevant referral information has been provided. It is not a part of the referral form and does not need to be sent to the Department.

HAVE YOU:

- ✓ ☐ Completed all required sections of the referral form?
- ✓ ☐ Included accurate coordinates (to allow the location of the proposed action to be mapped)?
- ✓ ☐ Provided a map showing the location and approximate boundaries of the project area?
- ✓ ☐ Provided a map/plan showing the location of the action in relation to any matters of NES?
- ☐ Provided complete contact details and signed the form?
- ✓ ☐ Provided copies of any documents referenced in the referral form?
- ☐ Ensured that all attachments are less than two megabytes (2mb)?
- ☐ Sent the referral to the Department (electronic and hard copy preferred)?