

29 August 2022

29 Lodge Street  
Forest Lodge, 2037

Dear Sir/Madam

Re: DA 2 Gregory Place, Harris Park build to rent

The application is to construct 470 apartments in three buildings ranging from 4 to 8 storeys high on the site of the former Wyeth Pharmaceutical factory at 2 Gregory Place Harris Park.

In both the current LEP and the new draft 2022 LEP the land is zoned industrial land and has a 9.2 metre height limit.

The site is located in the area identified in the Parramatta DCP as the Area of National Significance, see Figure 1 below.

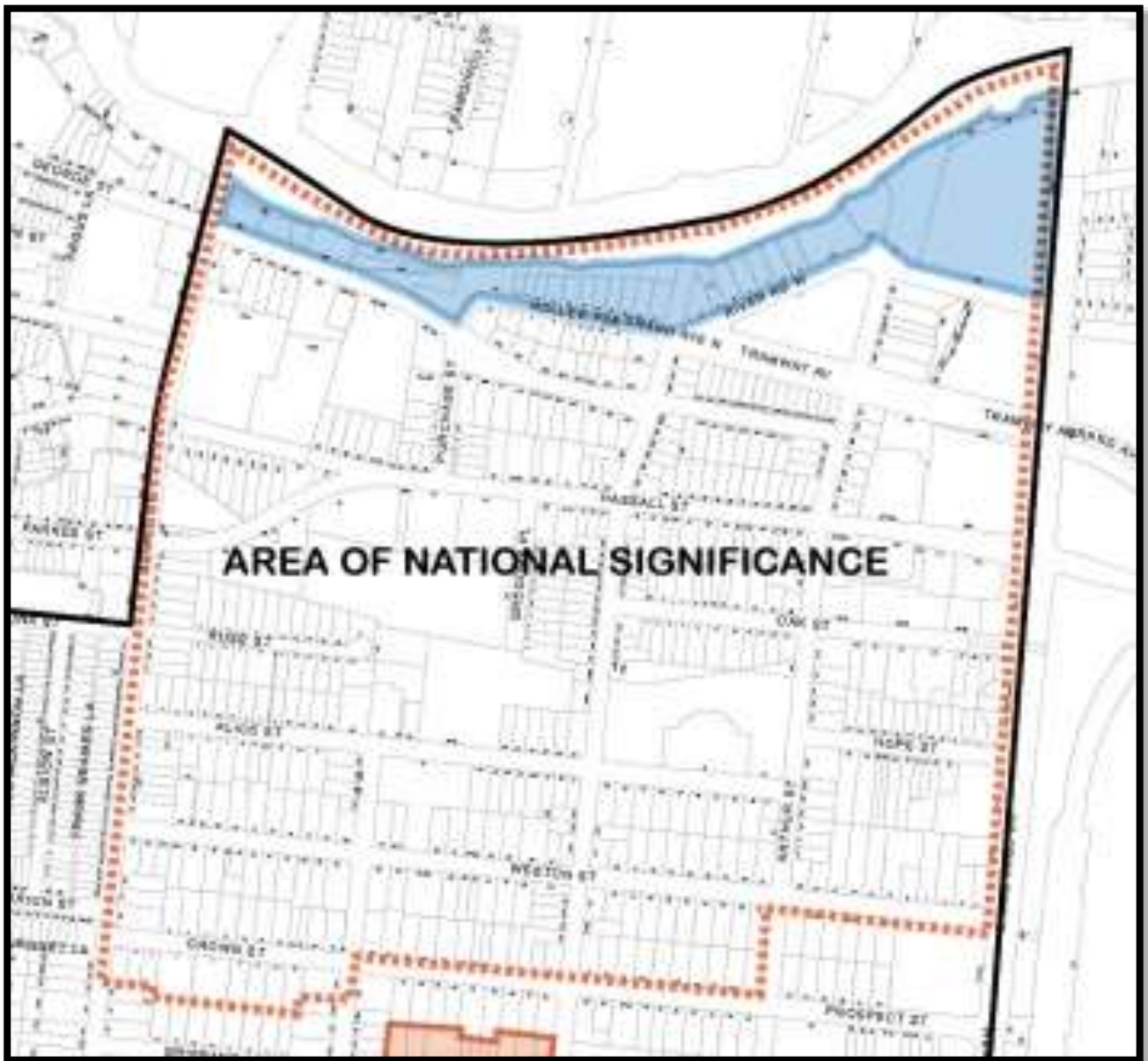


Figure 1 Harris Park, The area of national significance

The Area of National Significance includes five places of major historical significance being:

1. The Queens Wharf, Parramatta's original wharf. It was the eastern termination point of the 1790 Dawes plan of Parramatta. The 1790 plan which remains the core of modern Parramatta was the first sophisticated town plan in Australia
2. Hambledon Cottage, which was designed by Henry Kitchen in 1824. Its design with an entrance front, garden front, coved ceilings and beautifully detailed joinery and the fact that it is essentially one build, make it, arguably, Australia's most sophisticated extant early colonial bungalow
3. Elizabeth Farm, Australia's oldest house, erected in 1793
4. The site of the first land grant made in Australia, granted to James Ruse in 1790, and
5. Experiment Farm Cottage which was erected by John Harris in 1834 (it should also be noted that historian Dr Sue Rosen believes the house dates from the 1790s and argues that it is Australia's oldest house)

From the late 19<sup>th</sup> century this precinct has been valued for its historical significance. In 1903 the Royal Australian Historical Society [RAHS] visited the area, they held lectures about it and published many scholarly articles. In 1938 the RAHS erected commemorative markers at Elizabeth Farm and Experiment Farm.

There has been almost 70 years of substantial public investment to conserve and interpret the key buildings and landscapes and provide public access to this important precinct.

A chronology of key actions is provided at Table 1 below.

**Table 1**

1954	Parramatta City Council acquires Hambledon Cottage (then known as Firholme), and its reserve, to protect the house and its curtilage
1950s	Parramatta City Council acquires the Elizabeth Farm Reserve to protect the curtilage of Elizabeth Farm
1961	The National Trust acquires Experiment Farm Cottage
1963	The National Trust opens Experiment Farm Cottage as a house museum
1964	The Parramatta Historical Society opens Hambledon Cottage as a house museum
1973	NSW State Planning Authority acquires Elizabeth Farm
c. 1975	The Commonwealth government uses the National Estate Grant Program to fund the purchase and demolition by Parramatta City Council of 8 cottages to improve the setting of Experiment Farm Cottage
1983	The NSW government opens Elizabeth Farm as an historic house museum
1999	A new Parramatta Regional Environment Plan is gazetted. An important objective is to provide stronger protections for the precinct. It includes the aim in the Harris Park precinct <i>to conserve the significance of heritage items, their settings, historic subdivisions, conservation areas, identified views and sites of national significance, and to facilitate the preservation of those areas and sites and their presentation as an important cultural tourist attraction</i> [Sydney Regional Environment Plan No 28, 1999, Part 4, Precinct 2, Harris Park]
c. 2000	Parramatta City Council acquires property along the river foreshore near George Street to facilitate the Harris Park Heritage Walk from the Charles Street Wharf
c. 2000	Parramatta City Council creates the Harris Park Heritage Walk

2000	The Commonwealth government funds the acquisition and demolition of a further property adjoining Experiment Farm Cottage, and associated landscape works including the closure of Ruse Street, the construction of a new access road and carpark, the reinstatement of the original carriage drive and an improved open space connection between Experiment Farm and Hambledon Cottage. The project was carried out jointly by the National Trust and Parramatta City Council. Parramatta City Council augmented the \$1,000,000 provided by the Commonwealth
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*Figure 2 Seventy years of major public investment in acquiring, conserving and managing these late 18<sup>th</sup> and early 19<sup>th</sup> century buildings and in preserving and recovering their setting has created a precinct where people can move between the sites. The analysis of the impact of the proposed development on views and setting must be based on an analysis of views as people move around the precinct. The construction of a series of three buildings rising to 8 Storeys in height and collectively around 200 metres long will be very obtrusive.*

## Planning Controls for 2 Gregory Place

The 1999 Parramatta Regional Environment Plan recognised the need to protect the important heritage values of this part of Harris Park. Its stated aim included to *conserve the significance of heritage items, their settings, historic subdivisions, conservation areas, identified views and sites of national significance, and to facilitate the preservation of those areas and sites and their presentation as an important cultural tourist attraction.*

These aims have been sustained and supported in subsequent LEPs and DCPs. For 23 years there have been clear planning controls about conserving the significance of the heritage items and their settings in this area and their presentation as an important cultural tourism destination.

In the 2011 LEP and the Draft 2022 LEP the land is zone industrial with a height limit of 9.2 metres.

The 2011 DCP, which remains current, includes a number of more detailed controls about this site including placing it in a heritage conservation zone, including it as a special character area and classifying it as a strategic precinct.

### 4.3.2 Harris Park

The Desired Future Character for Harris Park [Section 4.3.2] includes the statement that:

*Harris Park contains some of the most important parts of Parramatta's heritage. Of particular note are Australia's first land grant and oldest European building, Elizabeth Farm House, as well as two other important colonial houses, Experiment Farm and Hambeldon Cottage. The preservation and enhancement of Harris Park's historic fabric is essential.*

Objective 1 is to *conserve the heritage character of the locality and preserve those areas and sites that present as important cultural/tourist attractions*

Section 4.3.2.1 places 2 Gregory Place within the *Area of National Significance*

Before granting consent for development within the Area of National Significance, the consent authority must be satisfied *that*

- a) *the scale, form, siting, materials and use of new development will not adversely affect the heritage significance of the Area of National Significance*
- c) *the original course of Clay Cliff Creek (as shown on the Harris Park Precinct Design Control Map) will be re-established*
- d) *that development does not impact upon or adversely affect the existing views into and out of the sites of Elizabeth Farm House, Experiment Farm Cottage and Hambeldon Cottage*

The former Wyeth site (2 Gregory Place) is identified in the DCP as Key Block One:

It is identified in the DCP as having *the potential to be a 'linchpin' site in terms of appreciating the colonial history of the area. In the event of any redevelopment of this site, opportunities should be taken up to improve links between the three key historic sites of Hambledon Cottage, Experiment Farm and Elizabeth Farm House, and provide improved interpretation of Clay Cliff Creek. Any redevelopment of the site for purposes other than light industrial (such as residential development) would require site rezoning. A decision about rezoning would be critically dependent on an appropriate design response to the identified flooding constraints and would also have to be preceded by a close examination of the general suitability of*

the land for the proposed purposes. Some important issues that would influence future development of the site are outlined below.

**Issues:**

**Flooding** - Clay Cliff Creek (now in the form of an open concrete channel) runs through the site and Council's current information indicates that most of the site is within the 1 in 100-year flood zone.

**Vehicular Traffic** - Access to this site can only be from Gregory Place, which in turn is only accessible from Hassall Street. Hassall Street is an RTA road, and it needs to be shown that traffic can come and go from the site without having an adverse impact on the efficient functioning of Hassall Street.

**Heritage** - Hambledon Cottage sits immediately to the north of the site and there would be concerns about the scale of new development and its proximity to Hambledon.

**Views** - There are identified views between Elizabeth Farm and Hambledon Cottage, and from Experiment Farm and nearby sites to the north.

**Harris Park Cultural Landscape Master Plan** - An interpretive walk has recently been completed as part of the implementation of this plan. New development on the Wyeth site has the potential to have both a positive and negative impact on the experience of people taking this walk.

As figure 3, below, demonstrates the development proposal satisfies none of these controls



Figure 3 The proposed development

As well as not complying with the 2011 LEP, the 2022 Draft LEP and the 2011 DCP, given:

- the remarkably high heritage significance of the area,
- the recognition of its significance for over a century,
- the very substantial and continuing public investment over a period of 70 years by Commonwealth, State and Local governments and not-for-profits to conserve, and interpret the significance of the historic buildings, their setting and the landscape of the area and share it with the public

it does not Comply with Objects 1.3 c), (f) and (g) of the NSW Environmental Planning and Assessment Act, 1979 which are:

- (c) to promote the orderly and economic use and development of land,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment

### **The Section 4.6 Variation**

The application relies on a section 4.6 variation, exception to development standards, to change the existing height limit for the site from 9.2 metres to 27.9 metres.

There is an unusually high level of detailed planning controls applying to this site, key points of which have been outlined above.

The applicant fails completely to demonstrate, as is required by Section 4.6.3 (a) of the EPA Act, that compliance with the development standard, that is height of buildings, is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard that [4.6 3(b)].

### **The Housing SEPP**

The proposal also relies on the State Environmental Planning Policy (Housing) 2021, the Affordable Housing SEPP.

The SEPP includes the principle that:

*(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—*

*(a) the desirable elements of the character of the local area*

For over 100 years this has been seen as a place of high heritage significance – an area of National Heritage Significance. Since 1999 with the passage of Sydney Regional Environment Plan No 28, 1999, Part 4, Precinct 2, Harris Park, there have been carefully considered special controls and objectives for development in this area.

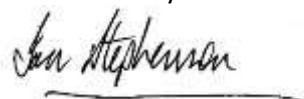
Number 2 Gregory Place is identified within the DCP as a key block requiring careful management because it is *a linchpin site* within the Area of National Significance.

The proposal is clearly not compatible with the desirable elements for the character of the local area and the Housing SEPP therefore does not apply.

### **Conclusion**

The application cannot be improved by amendment, it is irredeemable. Under no circumstances should it be approved.

Yours sincerely



Ian Stephenson