

29 August 2022

Mr Stephen Dobbs
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Submitted online:

<https://www.planningportal.nsw.gov.au/major-projects/projects/gregory-place-build-rent>

Dear Mr Dobbs,

Parramatta Regional Branch OPPOSITION to SSD-31179510 Gregory Place Build-to-Rent

Introduction

This submission is lodged on behalf of the Parramatta Regional Branch (the Branch) of the National Trust of Australia (NSW). I am the Chair of the Branch, and the submission is supported by the members of the Executive Committee.

The Branch strongly opposes the Concept Proposal (CP) to construct three large scale buildings to offer 483 build-to-rent dwellings on the site of industrial land located at 2A Gregory Place, Harris Park.

While the Branch is principally interested in the heritage aspects of the CP, several other important issues have been raised that question the ability of the Department of Planning and Environment to legally consider this CP.

Our submission will deal with these legal issues first, and if the Branch is incorrect in the advice received on these, the Branch will address the significant detrimental impacts on the three nearby State Heritage listed items. We believe that the CP's heritage impacts on Elizabeth Farm, Experiment Farm and Hambleton Cottage are sufficient to refuse this proposal.

The Parramatta Regional Branch represents the local views of the Parramatta Region heritage community

The reasons given to oppose this CP are that:

- the Site Compatibility Certificate (SCC) has expired and cannot be considered and “residential flat buildings” on this site must be refused;
- the current site zoning as IN1 General Industrial does not allow “residential flat buildings”;
- the maximum building height on this site under the City of Parramatta Council Local Environmental Plan 2011 (LEP 2011) is 9.2 metres;
- the impact of the proposal on Hambledon Cottage is misrepresented in the applicant’s Visual Impact Assessment;
- the proposal will change the mostly low-rise character of Harris Park area;
- the proposal will destroy the setting of Hambledon Cottage (owned by the City of Parramatta Council); and
- the increased building footprint will significantly impact on the settings of Experiment Farm (owned by National Trust (NSW) and Elizabeth Farm (owned by Sydney Living Museum).

Legal issues

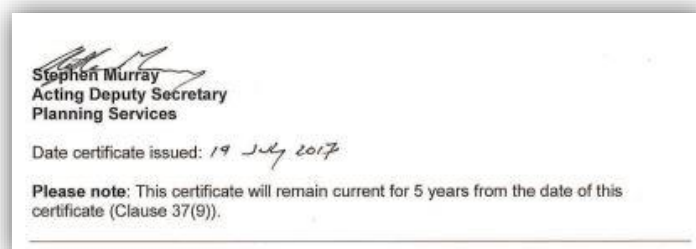
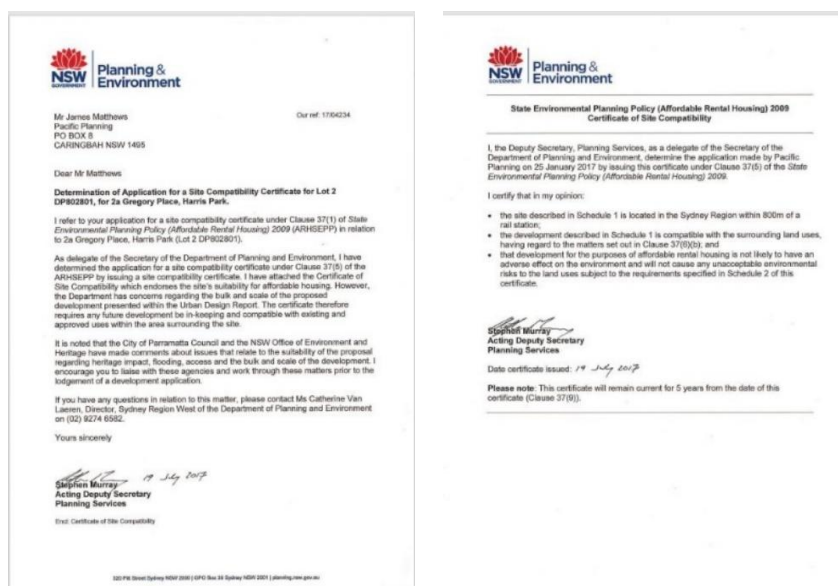
Firstly, the Branch notes that the site is currently zoned IN1 General Industrial under City of Parramatta Council Local Environmental Plan 2011 (LEP 2011). As such, a ‘residential flat buildings’ and ‘shop top housing’ are not allowed in the IN1 zoning. This proposal only gained the opportunity for approval by the granting of a Site Compatibility Certificate (SCC). This SCC by the Department of Planning and Environment is allowed under the provisions of Division 5 of the State Environmental Planning Policies - Affordable Rental Housing (SEPP ARH).

On 19 July 2017, under the provisions of Clause 37 of Division 5 of the SEPP ARH, a SCC was issued by the Department of Planning and Environment, which certified that the development described as:

“Residential flat development with a minimum of 50% of all residential product being made available for affordable rental housing for a minimum of 10 years” is “compatible with the surrounding land uses, having regard to the matters set out in Clause 37(6)(b)”

What is not included in the documentation for the proposal is that the validity of the SCC has a time limit of five years from the date of signing on 19 July 2017. While the proposal may have been submitted prior to 19 July 2017, the date must relate to the determination of the CP. Put simply, the SCC as presented, and relied upon by the applicant, no longer exists as it expired on 19 July 2022. The consequence of this expired document for the CP, which seeks approval to build ‘residential flat buildings’ in the IN1 zone of LEP 2011 must be considered without the help of the SCC and **must** be refused as it is not a permissible use in that zone.

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Our second concern relates to the cl 4.6 written request to vary the maximum building height in cl 4.3 of LEP 2011. Putting aside that the cover sheet for the cl 4.6 written request was submitted to Sutherland Shire Council, the maximum building height map shows the maximum height as 9.2 metres while the maximum height proposed in the CP is 27.9 metres. The cl 4.6 written request (and other information put forward with the CP contains a notation stating a 67% increase in height for the proposed development. It is not clear what this figure relates to, but it cannot represent the percentage increase in height from the building height map from 9.2 metres to the proposed 27.9 metres which is over 300%. If the 67% figure represents a change compared to an existing building on the site, then it is simply an incorrect use of the cl 4.6 process.

The use of the 67% figure is confusing or, at worst, misleading. This misrepresentation is of great concern if the general public were aware that the actual height increase sought is 300% when compared to the current 9.2 metre building height standard for the site.

The cl 4.6 written request is unsound as it does not address the objectives of the IN1 zone, and it is not sufficient to simply state (at page 13):

"The objectives of the IN1 zoning are of little assistance given a different use is proposed, and the site does not adjoin any other industrial site."

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The National Trust of Australia (New South Wales) ABN 82 491 958 802

The cl 4.6 written request sets out what is required for a cl 4.6 written request and then proceeds to ignore the specific requirement of the IN1 zone objectives. It may well be that the IN1 zone objectives are of minimal relevance for the proposed development however, they still need to be identified and be addressed.

The Branch also does not accept that the variation to the height standard,

“the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out “.

The Branch sincerely believes that the development is not in the public interest because of the unacceptable impacts that a 300% height increase will have on nearby State Heritage listed items - Elizabeth Farm, Experiment Farm; and Hambledon Cottage – either individually or collectively.

Heritage issues

This CP site is in an extremely sensitive location midway between three significant historic houses in Australia, all listed on the NSW State Heritage Register and all in public ownership in recognition of their important cultural values.



Figure 1: The proposal significantly increases the built footprint of the site and is at the intersection of arguably the most important grouping of houses in Australia. (Source: SixMaps with National trust overlay)

From: National Trust of Australia (NSW) submission

These three important properties tell the story of British settlement in the colony of New South Wales. All three buildings and surrounds have been acknowledged as a large part of our heritage and remain in public ownership:

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- Elizabeth Farm c1793 – The first item listed on both the Register of the NSW National Trust and the State Heritage Register, and the oldest surviving European construction in Australia.
- Experiment Farm – the site of the first European land grant in Australia (c1789) and the birthplace of agriculture in this country. The State Heritage listed cottage was constructed in c1835.
- Hambledon Cottage c.1824 – this State Heritage listed cottage provided additional accommodation for the Elizabeth Farm Estate.

The existing factory on the site (c1950s) and later alterations were built at a time prior to LEP 2011 and are clearly now an unacceptable building height due to its proximity to significant heritage. Surrounding development is predominately low-rise dwellings in this area and the LEP 2011 considers a maximum building height of 9.2 metres under the current IN1 zoning to be acceptable. This current CP is particularly damaging to the setting of Hambledon Cottage.

The Branch wholeheartedly agrees with the National Trust (NSW) submission that the Visual Impact Assessment provided by the applicant (below) is misleading in its demonstration of the visual impact on Hambledon Cottage.



Figure 2: Viewpoints 1 and 2 from the Visual Impact Assessment – taken from across a road with four lanes of traffic – are supposed to illustrate the visual impact of this proposal on Hambledon Cottage. They are not sufficient for this purpose.

From: National Trust of Australia (NSW) submission

The Trust (NSW) representations that follow show the true impact of the proposed development on Hambledon Cottage. The Branch calls on the applicant to undertake a comprehensive examination of the true visual impact assessment that the proposed development will have on Hambledon Cottage.

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Figure 3: Current (left) and proposed (right) views of Hambledon Cottage show the true impact of this proposal. It in no way can be considered Low/Moderate as claimed by the Visual Impact Assessment. The Trust call for an accurate and comprehensive view impact assessment to be produced.

From: National Trust of Australia (NSW) submission

In 1961 National Trust (NSW) acquired Experiment Farm Cottage and it was the first property to be bought by the Trust. Since that time the National Trust and Parramatta City Council have funded the acquisition of seven surrounding properties to enhance the settings of Experiment Farm and Hambledon Cottage in recognition of their significance to Australia. Buildings on the seven acquired sites were demolished to provide a greater open space to the north and south of the Experiment Farm to reflect the original land grant and setting for the cottage. This area is now in public ownership and adjoins the CP site.

This proposal to increase the building footprint westward will impact on previous investments to celebrate the site and significantly destroy the sight lines of Experiment Farm. Additionally,

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Experiment Farm sits within the State listed Archaeological site and locally listed Heritage Conservation Area.

State Heritage listed Elizabeth Farm sits within its own State Heritage listed Public Reserve and is a State listed Archaeological site and surrounded by a locally listed Heritage Conservation Area.

Adjacent to all three heritage properties is the watercourse of Clay Cliff Creek. Clay Cliff Creek was a vital freshwater stream for first nations people who inhabited the land and a significant reason early buildings were erected in this location. The creek flowed through John Macarthur's property (Elizabeth Farm) and was the reason why James Ruse selected his historic first land grant (Experiment Farm) here. Unfortunately, parts of this creek are now a concrete stormwater drain but further improvements to the watercourse that traverses these sites has long been sought to return the creek to its original course. Major efforts to improve the setting of these three houses over time will be severely impacted by this proposal, and possibilities for further improvement of the historic sites and any future possible restoration of Clay Cliff Creek will be stymied.

In summary, the reasons the Branch opposes this CP are that the:

- Site Compatibility Certificate (SCC) has expired;
- current site zoning is 1NI General Industrial;
- maximum building height under LEP 2011 is 9.2 metres;
- impact on Hambledon Cottage is misrepresented in the applicant's Visual Impact Assessment;
- mostly low-rise character of Harris Park will change;
- proposal will destroy the setting of Hambledon Cottage (owned by the City of Parramatta Council); and
- increased building footprint will significantly impact on the setting of Experiment Farm (owned by National Trust (NSW), and Elizabeth Farm (owned by Sydney Living Museum)).

Conclusion

The Branch strongly opposes this proposal as it undermines the visual setting for two of the three highly significant heritage sites in Australia – Elizabeth Farm c1793 (the oldest surviving European structure in Australia) and Experiment Farm (the first European land grant in Australia c1789). The third highly significant heritage site, Hambledon Cottage c1824 on the Elizabeth Farm grant will have its setting totally destroyed.

The Branch calls for this proposal to be rejected.

Yours sincerely,



Cheryl Bates OAM
Chair, Parramatta Regional Branch

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