

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	3 March 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Sameer Pandey and Martin Zaiter
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held by public teleconference on 3 March 2021, opened at 12.00pm and closed at 12:47pm.

MATTER DETERMINED

PPSSCC-141 – City of Parramatta - DA/443/2020, 5A Fleet Street, North Parramatta (Lot 3 of DP808447), Alterations and additions to Buildings C104, C104A, C107, part C109 and C111, including demolition/removal of later additions, and the adaptive re-use of Buildings C014, C107 and Part C109 as office premises (Western Sydney Startup Hub - STHUB) (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

The Panel took particular note that the proposal is for buildings located in the ‘historic core’ of the Cumberland District Hospital Group (East Campus), which comprises multiple buildings currently occupied by Health NSW. The Panel also noted the proximity of the proposal to the Parramatta Female Factory and Institutions Precinct, which the Panel recognises as having significant heritage value at Local, State and National levels.

Panel decision:

The Panel determined to **approve** the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined below as well as those detailed in the Council Assessment Report.

The decision was 4 in favour and 1 against, as follows:

For: Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish and Martin Zaiter.

Against: Sameer Pandey.

REASONS FOR THE DECISION

Majority reasons

The majority of the Panel generally agreed with the recommendations and balance of considerations in Council’s report, noting in particular that:

- The Panel is satisfied that the proposed physical works to the buildings that are the subject of this application are sympathetic to their location in the ‘historic core’ of the Cumberland District Hospital Group (East Campus), and notes that the applicant has secured a section 60 Heritage Act approval from Heritage NSW for the proposal.
- The Panel notes that Council has in addition, while not required to do so, taken into account the heritage importance of the site and consulted with the federal Department of Agriculture, Water and Environment (DAWE) regarding the adequacy of the applicant’s assessment relative to the Environment Protection and Biodiversity Conservation Act (EPBC 1999).

In response, DAWE advised that based on the information provided, the impacts of the proposal would be unlikely to have a significant impact on any matters of national environmental significance, including National Heritage places.

- Considering these issues, the majority of the Panel is satisfied that the proposed works will improve and enhance the building fabric, independent of the proposed use, enhancing both the building condition and heritage presentation.
- The Panel was advised that, whilst underway and soon to be issued to Heritage NSW, a Heritage Masterplan and Interpretation Strategy for the site has not yet been finalised or endorsed. Given its heritage attributes, the Panel considers that it would have been beneficial for these documents to have been in place prior to this application being made in order to establish a contextual position for the site and any proposed land uses.
Nevertheless, the Panel notes that the applicant is legally entitled to submit this proposal ahead of the documentation being finalised as the use is permissible within the zoning of the site, and consistent with the objectives of the zone.
- The Panel acknowledges the concerns of objectors to this application with regard to the proposed use for the purposes of a 'start-up hub'.
- The Panel notes that the 'start-up hub' will provide subsidised offices on short term leases only.
- On balance, the majority of the Panel considers that the proposed use is suitable for the following reasons:
 - The proposed internal works allow a great deal of flexibility in the range of potential uses of the building and therefore do not preclude its use for other purposes over time.
 - The proposed external works improve the building fabric.
 - The 'start-up hub' involves only a small number of buildings in the precinct. As such, the hub is to be relatively self-contained and should not be viewed as a precedent for uses across the site.
 - The application has received approval from Heritage NSW, and no objection from the Commonwealth Department of Agriculture, Water and Environment (DAWE)
 - The 'start-up hub' is an appropriate use for stimulating investment and enterprise within the Parramatta North precinct.
- The Panel notes that this is a Crown application and that under the Act, cannot be refused, or conditions imposed upon it without the approval of the applicant or, as relevant, the Minister. The Panel notes that the applicant has agreed to the imposition of conditions together with Council staff.
- On balance, the majority of the Panel considers the conditional approval of the development to be in the public interest.

Minority reasons

Panel member Sameer Pandey advised that while he is in absolute favour of a start-up hub and some of the reconstruction work proposed, he does believe that the location and timing needs reconsideration. In the absence of a masterplan, he finds this application is premature. He also has concerns that this could lead the way for future commercial use of the precinct which is not in the public interest nor guarantees the protection of the heritage nature of this precinct. Having given consideration to all facts presented, including lack of a master plan, it is in his view that the adaptive re-use of building for the proposed start-up hub is not in the best interest of this precinct and the community at large.

CONDITIONS

The development application was approved subject to the conditions Issue B (1 March 2021) put forward by Council that have been agreed with the applicant.

CONSIDERATION OF COMMUNITY VIEWS






In coming to its decision, the Panel has taken account of verbal submissions at the public meeting of 3 March 2021. The Panel also notes that there were 34 written submissions received during the public exhibition. Overall, submissions included issues related to:

- The buildings should be used for public purposes that directly relate to the significance of the site such as a museum. The uses should enhance the interpretation of the site's significance through public access, tours, education, research and museum experience.

- The commercial nature of the proposal limits the potential for public use of a public site.
- The STHUB is an inappropriate use of the building/precinct, as it prevents the ability to interpret and communicate the significance of the Parramatta Female Factory.
- The funding for the project is money which was allocated for repairs to heritage buildings and archaeological works in the precinct as part of the original PNUT program.
- The proposal for STHUB is premature given the extent of public interest in the site and the interpretation of its history as evidenced by petitions to State and Federal government seeking World Heritage listing, which are still under consideration.
- The STHUB does not comply with the Heritage Management Principles in the endorsed Conservation Management Plan for the precinct.
- The parking required to service the STHUB will impact the ability to provide appropriate interpretation, and adversely impact open space and building curtilages.
- The demolition of building C111 will result in a loss of heritage values;.
- The Female Factory Friends who are involved in research and interpretation of the site; and the North Parramatta Resident Action Group (NPRAG) who have put forward a business case to interpret the site, have not been consulted about this DA.
- The proposal for a STHUB is premature given the State government is yet to complete its "Registration of Interest" process.

The Panel has carefully considered the issues raised by submitters, and the majority generally agrees with the responses to those issues contained in the Council's staff's report and considers that in relation to some matters, they are adequately addressed by the conditions recommended by Council and Heritage NSW.

In particular, it is important to note that the Panel must deal with the application before it and cannot consider other, what some may consider, preferable uses not proposed by this application. The majority of the Panel believes the issues raised in submissions do not warrant refusal of the application.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Gabrielle Morrish	 Sameer Pandey
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-141 – City of Parramatta - DA/443/2020
2	PROPOSED DEVELOPMENT	Alterations and additions to Buildings C104, C104A, C107, part C109 and C111, including demolition/removal of later additions, and the adaptive re-use of Buildings C014, C107 and Part C109 as office premises (Western Sydney Startup Hub - STHUB)

3	STREET ADDRESS	5A Fleet Street, North Parramatta (Lot 3 of DP808447)
4	APPLICANT/OWNER	Applicant – Urbis on behalf of the Department of Planning Industry and Environment Owner – Property NSW
5	TYPE OF REGIONAL DEVELOPMENT	Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • Environment Protection and Biodiversity Conservation Act 1999 • State Environmental Planning Policy No 19 – Bushland in Urban Areas • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Heritage Act 1977 • State Environmental Planning Policy No 55 – Remediation of Land • Parramatta Local Environmental Plan 2011 <ul style="list-style-type: none"> • Draft Environment State Environmental Planning Policy: Nil <ul style="list-style-type: none"> • Draft environmental planning instruments: Draft Consolidated Parramatta Local Environmental Plan • Development control plans: <ul style="list-style-type: none"> • Parramatta Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: [Nil] • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: February 2021 • Attachment 1 - Draft conditions Issue B dated 1 March 2021 • Architectural Plans • Heritage Act Approval • National Heritage Impact Statement • Written submissions during public exhibition: 34 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Catherine Whittaker, Ian Stephenson, Gay Hendriksen

		<p>(President Parramatta Female Factory Friends) and Finbar O'Donoghue (North Parramatta Residents Group).</p> <ul style="list-style-type: none"> ○ On behalf of the applicant – Samantha Wilson, Nicholas Johnston and Megan Jones. • Brad Roeleven - Executive Planner, City Significant Development, Myfanwy McNally - City Significant Development Manager.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Papers were circulated electronically on 17 February 2021. • Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. Councillor S Pandey and Councillor M Zaiter conducted a site inspection on 1 March 2021. • 3 March 2021 - Council Briefing <u>Attendees:</u> <ul style="list-style-type: none"> • Panel Members - Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Sameer Pandey and Martin Zaiter (Suzie Jattan and George Dojas in attendance on behalf of the Panel Secretariat) • Council Assessment Staff - Brad Roeleven - Executive Planner, City Significant Development, Myfanwy McNally - City Significant Development Manager <p><u>Points discussed –</u></p> <ul style="list-style-type: none"> • Heritage consideration s • Heritage Act approval • Consultation regarding the EPBC Act 1999 • Traffic and parking issues • Status of Place Strategy • Crown application issues
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attachment 1 - Draft conditions Issue B dated 1 March 2021.