

MINUTES OF THE LOCAL PLANNING PANEL VIA AUDIO-VISUAL LINK ON  
TUESDAY, 21 SEPTEMBER 2021 AT 3:30PM

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PRESENT

Stephen O'Connor (Chair), Paul Berkemeier, Steve Driscoll and Ian Gilbertson.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Chairperson, acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

WEBCASTING ANNOUNCEMENT

The Chairperson advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

APOLOGIES

There were no apologies made to this Local Planning Panel.

DECLARATIONS OF INTEREST

There were no declarations of interest made to this Local Planning Panel.

6.2        SUBJECT        PUBLIC MEETING: Post-Exhibition: Planning Proposal  
for land at 163-165 George Street and 1 Purchase  
Street, PARRAMATTA (St Ioannis Greek Orthodox  
Church)

REFERENCE   RZ/3/2018 - D07481993

REPORT OF   Project Officer Land Use

The Panel considered the matter listed at Item 6.2 and attachments to Item 6.2.

**PUBLIC FORUM**

- Mr Adam Byrnes of Think Planners spoke in support of the recommendation at Item 6.2.

**RECOMMENDATION TO COUNCIL**

- (a) **That** Council notes the submissions made to the public exhibition of the Planning Proposal at 163-165 George Street and 1 Purchase Street, Parramatta, namely:
- i. One community submission in support of the proposal

- ii. One agency submission and supplementary responses objecting to the proposal (Transport for NSW)
  - iii. One agency submission which did not object to the proposal, but did request additional work (Heritage NSW).
- (b) **That** Council endorse for finalisation the Planning Proposal for land at 163-165 George Street and 1 Purchase Street (provided at **Attachment 1**) which amends Parramatta LEP 2011 as follows:
- i. amend the Height of Buildings Map from RL14m to RL21m only on the part of the site at which the proposed Cathedral is to be built, and insert provisions such that the Height of Buildings control for the part of the site with a mapped height of RL 21 can be exceeded for the purposes of a steeple or similar, but only subject to certain conditions; and
  - ii. amend Schedule 1 subclause 10 of the Parramatta LEP 2011 to permit an additional permitted use for public car parking subject to ensuring that there is no vehicular access to this car park from George Street.
- (c) **That**, in the event the Department of Planning Industry and Environment (DPIE) advises Council that the proposed requirement for the public carpark to only be accessed from Purchase Street cannot be included in the amendment without re-exhibition of the Planning Proposal, Council shall:-
- i. Advise DPIE that the amendment should proceed to be finalised without the Purchase Street access requirement being included; and
  - ii. Delegate responsibility to the Chief Executive Officer to immediately prepare and endorse for exhibition a Draft Development Control Plan that mandates that all access for the public carpark to be from Purchase Street. The exhibition outcomes should be reported to Council to allow Council to endorse the finalisation of the Draft Development Control Plan.
- (d) **That**, Council submit the Planning Proposal to the Department of Planning, Industry and Environment for finalisation.
- (e) **Further, that** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process.

The Panel decision was unanimous.

The meeting terminated at 4:58 pm.

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S. O'Brien

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Chairperson

## INNOVATIVE

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<b>ITEM NUMBER</b>	6.2
<b>SUBJECT</b>	PUBLIC MEETING: Post-Exhibition: Planning Proposal for land at 163-165 George Street and 1 Purchase Street, PARRAMATTA (St Ioannis Greek Orthodox Church)
<b>REFERENCE</b>	RZ/3/2018 - D07481993
<b>REPORT OF</b>	Project Officer Land Use
<b>LANDOWNER</b>	The Hellenic Orthodox Community of Parramatta and Districts
<b>APPLICANT</b>	Think Planners Pty Ltd

## DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL

DA/469/2018 – Construction of a place of public worship comprising a Grand Cathedral, public forecourt space and associated basement parking. Approved on 6 November 2019 by the Sydney Central City Planning Panel.

### PURPOSE:

The purpose of this report is to seek the Local Planning Panel's advice to Council on the outcome of the public exhibition of the Planning Proposal for land at 163-165 George Street and 1 Purchase Street, Parramatta (St Ioannis Greek Orthodox Church).

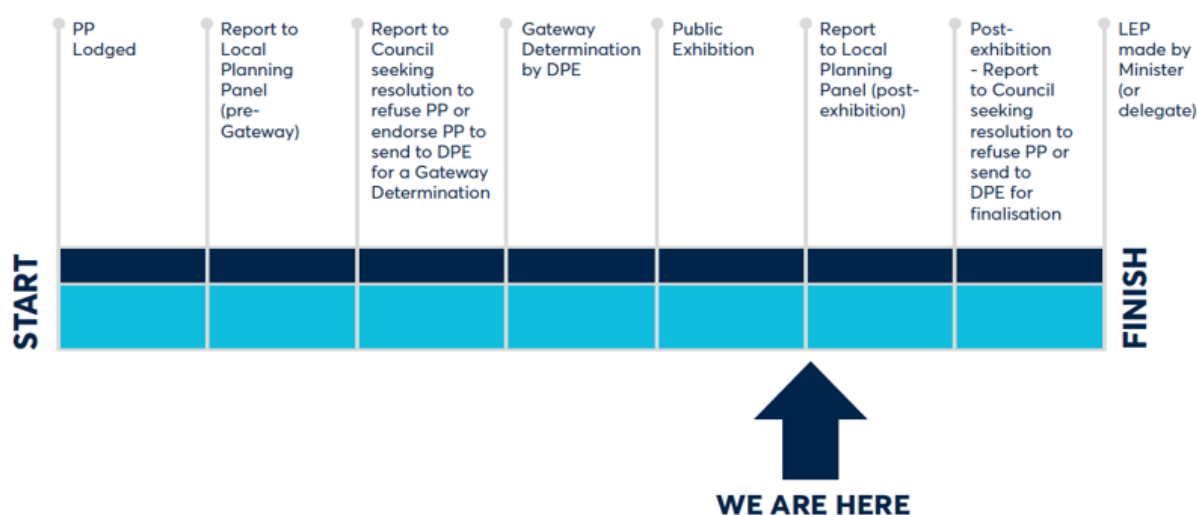
### RECOMMENDATION

That the Local Planning Panel consider the following Council officer recommendation in the Panel's advice to Council:

- (a) **That** Council notes the submissions made to the public exhibition of the Planning Proposal at 163-165 George Street and 1 Purchase Street, Parramatta, namely:
  - i. One community submission in support of the proposal
  - ii. One agency submission and supplementary responses objecting to the proposal (Transport for NSW)
  - iii. One agency submission which did not object to the proposal, but did request additional work (Heritage NSW).
- (b) **That** Council endorse for finalisation the Planning Proposal for land at 163-165 George Street and 1 Purchase Street (provided at **Attachment 1**) which amends Parramatta LEP 2011 as follows:
  - i. amend the Height of Buildings Map from RL14m to RL21m only on the part of the site at which the proposed Cathedral is to be built, and insert provisions such that the Height of Buildings control for the part of the site with a mapped height of RL 21 can be exceeded for the purposes of a steeple or similar, but only subject to certain conditions; and
  - ii. amend Schedule 1 subclause 10 of the Parramatta LEP 2011 to permit an additional permitted use for public car parking subject to ensuring that there is no vehicular access to this car park from George Street.

- (c) **That**, in the event the Department of Planning Industry and Environment (DPIE) advises Council that the proposed requirement for the public carpark to only be accessed from Purchase Street cannot be included in the amendment without re-exhibition of the Planning Proposal, Council shall:-
- i. Advise DPIE that the amendment should proceed to be finalised without the Purchase Street access requirement being included; and
  - ii. Delegate responsibility to the Chief Executive Officer to immediately prepare and endorse for exhibition a Draft Development Control Plan that mandates that all access for the public carpark to be from Purchase Street. The exhibition outcomes should be reported to Council to allow Council to endorse the finalisation of the Draft Development Control Plan.
- (d) **That**, Council submit the Planning Proposal to the Department of Planning, Industry and Environment for finalisation.
- (e) **Further, that** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process.

## PLANNING PROPOSAL TIMELINE



## THE SITE

1. The site is legally described as Lot 1 in DP 78716, Lot 1 DP 113513, Lot 1 DP 650704, and Lot 3 in DP 10735. It is located at 163-165 George and 1 Purchase Streets, Parramatta and has an area of approximately 13,425 square metres (Refer to **Figure 1** below). The site was formerly used as the Parramatta Workers Club and contains a large two-storey building and associated at-grade car parking. The site is currently owned by The Hellenic Orthodox Community of Parramatta and Districts and the existing building has recently been repurposed for use as a Place of Public Worship with associated community uses. A heritage listed dwelling and Robin Thomas Reserve adjoin the site to the west and 1-2 storey medium-density dwellings adjoin the site to the south.

**Figure 1: Subject Site**

### COMPARISON OF PLANNING CONTROLS (EXISTING VS. SITE-SPECIFIC PLANNING PROPOSAL)

2. **Table 1** outlines changes proposed under the site-specific Planning Proposal to the existing provisions of *Parramatta LEP 2011*. It is noted that the current zoning of the site, that is not proposed to be changed, is SP1 Educational Establishment/Place of Public Worship.

**Table 1: Comparison of Planning Controls**

	Parramatta LEP 2011	Site-specific Planning Proposal
<b>Schedule 1: Additional Permitted Uses</b>	Centre-based child-care facilities, community facilities, function centres, office premises and restaurants or cafes.	<p>Amend Schedule 1 subclause 10 of the Parramatta LEP 2011 to permit an additional permitted use for public car parking.</p> <p>This will be achieved via a site-specific clause which allows the car parking provided in association with any other approved use of the site to be used by other patrons as a public car park outside the peak car parking usage times for the church and ancillary uses.</p> <p>This purpose of this site-specific clause is to not permit any additional car parking over and above the rates permitted for the other permissible uses. It promotes dual use of approved parking, not provision of additional parking. Please note that this Planning Proposal does not propose any change to existing parking rates.</p> <p>A control is also proposed to ensure that there is no vehicular access to this public car park from George Street as a result of the submissions received.</p>

<b>Height of Buildings</b>	RL 14m across the whole site (noting that the height of the current building on the site is 18m, thus exceeding the existing height control by 4m or 29%).	<p>Amend the Height of Buildings Map from RL 14m to RL 21m only on the part of the site at which the proposed Cathedral is to be built, and insert a sub-clause in Clause 4.3 so that the Height of Buildings control for the part of the site with a mapped height of RL 21m can be exceeded for the purposes of a steeple or similar, but only if the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>• The part of any structure that exceeds RL 21m must relate to the use of the site as a Place of Public Worship</li> <li>• There is no detrimental impact on heritage items in the locality</li> <li>• Only comprises of decorative elements on the uppermost portion of the building including a steeple, dome and spire</li> <li>• Will cause minimal overshadowing</li> <li>• The height is no greater than RL 40m.</li> </ul>
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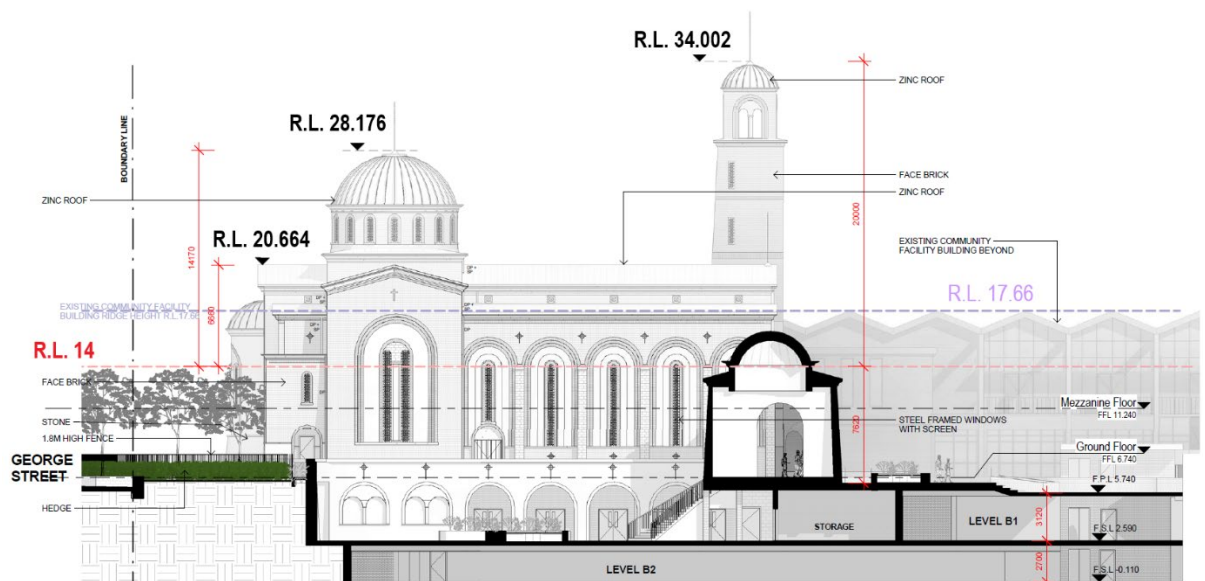
## BACKGROUND

3. Since 2016, the Hellenic Orthodox Community of Parramatta and Districts has used the subject site as a place of public worship, childcare centre, school community hall and other ancillary community uses.
4. In March 2018, the Applicant lodged a Planning Proposal seeking to permit 'car parking' as an additional permitted use on the subject site. This would make permissible a commercial car park when the place of public worship experiences low parking demand (that is, mainly during weekdays).
5. In July 2018, a Development Application (DA/469/2018) was lodged for the construction of a Grand Cathedral, public forecourt space, multipurpose hall and associated basement car parking. Following concerns raised by the Sydney Central City Planning Panel with the height variation sought as part of the DA, the Applicant submitted:
  - a revised DA which (amongst other things) removed the tallest element of the proposed development (the south-western tower), significantly reducing the overall height of the proposal; and
  - an addendum to their original Planning Proposal which sought to vary the height controls as described in Table 1 of this report.
6. A comparison of the original and amended DA plans with deleted tallest tower is shown in Figure 1 and 2.
7. The amended DA/469/2018, was approved on 6 November 2019 by the Sydney Central City Planning Panel. It is noted that under the DA the majority of the approved cathedral was approved at a height just under RL 21m with part of the building, the north western tower, excluding the cross element, approved at RL 28.176m (refer to Figure 2). As a result the proposed increase in height from RL 14m to RL 21m in the Planning Proposal has become a less critical matter as approval of the DA with a height greater than the current height controls of RL 14m has already been approved. The approved DA also

provides for a tower element that is consistent with the proposed clause that seeks to allow tower elements above RL 21m in certain circumstances.

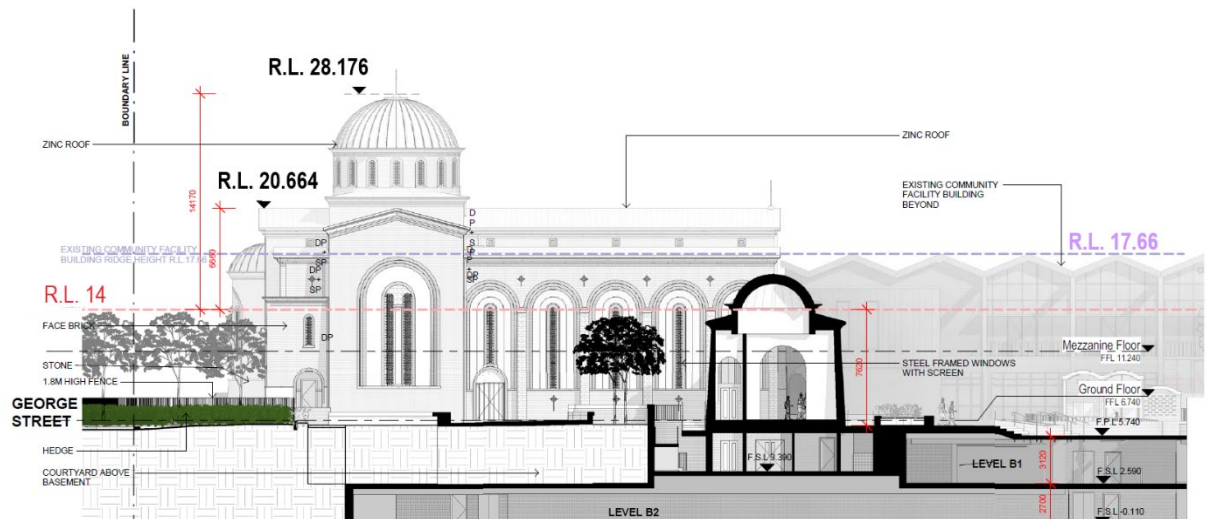
8. Therefore the amended controls in the Planning Proposal will effectively allow for:-
  - southwest tower element (proposed height of RL 34m) which was removed from the previous DA (included in Figure 1 but removed in the approved plans in Figure 2) to potentially be reintroduced via an amendment to the existing DA or a new DA.
  - for the car parking (or some proportion of it) approved as part of this DA to be used as a public carpark in periods where the parking is not required to satisfy parking demand for existing approved uses of the site.
9. No commuter/public car parking was approved under the DA. The DA determination notice included a provision that required the submission of a car park management plan illustrating that the car park would be used exclusively for the development's occupants.

**Figure 1:** Extract of Northern Elevation (George Street) showing exceedance in building height (Original Plans) with





**Figure 2:** Extract of Northern Elevation (George Street) showing exceedance in building height (amended and approved DA Plans)



10. At its meeting of 12 August 2019, Council resolved to endorse the Planning Proposal which seeks to amend *Parramatta Local Environmental Plan 2011* by:
  - i. Amending the Height of Buildings map from RL 14 metres to RL 21 metres, but only on the part of the site at which the proposed Cathedral is to be built;
  - ii. Inserting a clause so that the Height of Buildings control on the site can be exceeded for the purposes of a steeple or similar, but only if the consent authority is satisfied that the heritage impact is acceptable and the height is no greater than RL 40m; and
  - iii. Add car parking as an additional permitted use on the site.
11. The Planning Proposal was forwarded to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway Determination. With the Applicant's agreement, the Planning Proposal that was forwarded to DPIE included a clarification that the additional permitted use for 'car parking' is not to permit any car parking over and above the rates permitted for the other permissible uses. This is so the Planning Proposal can facilitate the dual-use of approved car parking, but not provide for any additional car parking.
12. DPIE issued a Gateway determination on 25 November 2019 that authorised Council to be the plan-making authority. The Planning Proposal was subsequently exhibited. This report addresses the outcomes of that public exhibition and makes recommendations about progressing this Planning Proposal.

## PUBLIC EXHIBITION

13. The Planning Proposal was publicly exhibited from 22 January 2020 to 21 February 2020. The documents exhibited were:
  - Planning Proposal
    - Appendix 1: Traffic Statement
    - Appendix 2: Heritage Referral
  - Report and Minute: Council's August 2019 Meeting
  - Report and Minute: Local Planning Panel's June 2019 Meeting

- Gateway Determination, November 2019.
14. The exhibition materials were available online at Council's website, as well as in hard-copy at Council's Customer Contact Centre at 126 Church St and Council's main library at 1-3 Fitzwilliam Street.
  15. Adjacent and nearby non-Council owned properties were advised of the exhibition.
  16. Three submissions were received in response to the exhibition, comprising two from State agencies and one community response. A summary of submissions and Council officers' response are provided in **Table 2** below.

**Table 2: Summary of submissions and Council officers' response**

Issues Raised	Council Officer Response
<p><b>Transport for NSW</b></p> <p>Transport considers that the nature of this additional use is not an ancillary use to the dominant use of the site as the car parking will be predominantly commercially operated and provides parking beyond what is reasonably required to support the dominant use and principal purpose of the future development on site (place of worship).</p> <p>It is also noted from the indicative architectural drawings that the proposed car park would be intended to occupy a substantial proportion of the site.</p> <p>In such circumstances, the development could be described as a mixed use development which may not be aligned with the objectives of the zone. Council may wish to refer to practice note <i>PS 13-001: How to characterise development</i> issued by DPIE.</p>	<p>The quantum of car parking has already been approved via a DA process associated solely with the already-permissible uses onsite. The car parking under the current approval cannot be used as a public car park because this is not currently a permitted use of the site.</p> <p>The Planning Proposal allows for this parking to be made available to members of the public at times when demand for parking associated with the Place of Public Worship and related uses is low.</p> <p>It is acknowledged that using the already-approved spaces on additional days of the week (i.e. weekdays) would introduce new traffic impacts. However, a future DA process will examine those impacts, and, therefore, the quantum of spaces which may be appropriately used in this dual manner.</p> <p>It is acknowledged that the nature of this additional use for public car parking is not an ancillary use to the dominant use of the site. However, the Planning Proposal seeks an additional permitted use. It is not necessary with any additional permitted use that it be deemed ancillary. Instead the test is that the additional permitted use has strategic merit.</p> <p>The use of parking that will exist to service peak demand for the cathedral at times where it is under utilised by the uses of the cathedral is an efficient use of the parking provided. One of the actions of Council's Draft CBD Parking Strategy is to seek secondary car parking sites outside the CBD in locations with public transport links to the CBD. It is considered that this proposal is consistent with the principle that underpins this action and therefore is considered to have strategic merit.</p> <p>Concern would be raised about the creation of a standalone commercial parking station</p>

	<p>on the site due to the precedent that could result in unsatisfactory amenity impacts in the form of increased noise and traffic. However, allowing dual use of church parking so it can be used by the public at times of low church demand (i.e. weekdays) is considered appropriate.</p> <p>Maximising the efficiency of use of the car park is appropriate as the subject site is in close proximity to a future Parramatta Light Rail stop. Due to this, the public can avoid driving into the core of the CBD as the proposed public car park fosters park-and-ride options and helps to reduce congestion in the CBD core.</p> <p>The use of the site for weekday car parking is not considered to be contrary to zone objectives. This use does not result in any increased parking space being provided on site. The proposed public carpark site will use only spaces approved for other permitted uses of the site. It will not conflict with the special character of the site or its intended special use. The scale at which the car park can operate will be determined after assessing the impacts on adjoining land and the local road network in a future DA process.</p> <p>Given the strategic merit and the ability to determine the appropriate scale and impacts at DA stage the additional permitted use is considered appropriate in this case.</p>
<p>The description of public car park does not reflect the intended nature of the car parking development. An accurate description of the proposed car parking is a commercial car park.</p>	<p>Neither “public car park” or “commercial car park” are legally-defined land use terms in PLEP 2011. The exact language used in the amendment will be determined at drafting stage, and this drafting language should reflect the intent of the Planning Proposal.</p>
<p>The proximity and configuration of the predominantly commercial car park that would be facilitated by the Planning Proposal would likely result in direct and potentially unmanageable impacts on the Parramatta Light Rail (PLR) operations, including safety.</p> <p>The proposed additional use of a car park of this scale will fundamentally alter traffic and pedestrian activity in the vicinity of the PLR.</p> <p>There would be significant increases in flows of vehicular traffic adjacent to and across the PLR. This traffic is proposed to be uncontrolled at the George Street entry/exit.</p> <p>The traffic and parking assessment report has not taken into consideration the future road network changes and traffic condition changes – especially in relation to the PLR currently under construction.</p> <p>Furthermore, proposed vehicular access will need to consider access management principles of ISEPP 2007; that is access should be from a road other than the classified road. It is noted that the</p>	<p>It is intended that this issue be addressed by imposing a requirement that all access for vehicles utilising the “public car park” can only be from Purchase Street to minimise the direct impact on light rail from the additional permitted use.</p> <p>The remainder of the impacts on the road network surrounding the site and the operation of light rail needs to be properly assessed as part of a Development Assessment process. It is possible if the impacts are sufficient that the capacity of the public car park would be restricted to ensure the impacts of the public car park operation are appropriate.</p> <p>The application of this control without re-exhibition of the Planning Proposal was discussed with Officers from the Department of Planning Industry and Environment who advised that this could be considered. In the circumstances that the Department consider this issue and determine that re-exhibition is</p>

<p>architectural drawings, as an appendix to the traffic report accompanying the subject proposal, indicate a new vehicular access located at the northwest corner of the subject site on George Street which is in conflict with these principles. Should the planning proposal proceed, despite TfNSW's concerns, we request a site specific Development Control Plan (DCP) is prepared to set out the access arrangements to align with ISEPP 2007; the vehicular access should be on Purchase Street towards the southern end of the site to prevent vehicles queuing back to the intersection with George Street.</p>	<p>necessary then Officers recommend that a Draft DCP be pursued to ensure the TfNSW request is ultimately pursued in some format.</p> <p>With access limited to Purchase Street the suitability of the site to operate the public carpark to align with ISEPP 2007 can be considered as part of the DA. It is possible that in order to ensure the impacts on the road network and operation of the PLR that the number of spaces able to be used for public parking may be limited as part of that approval process.</p> <p>An alteration to the Gateway determination issued by DPIE on 26 March 2021 requires the Planning Proposal to be finalised by 25 November 2021.</p> <p>Council Officers support this amendment to the Planning Proposal, for further consideration by DPIE, without re-exhibition in this case given:-</p> <ul style="list-style-type: none"> <li>the timeframe that has been set for completion of the Planning Proposal by DPIE</li> <li>because a more detailed assessment of the impacts of the public car park can be advertised to relevant stakeholders and considered as part of the Development Application process.</li> </ul>
<p>The traffic and parking assessment has also not provided an adequate assessment on the local infrastructure requirements such as footpath widths, crossing points and increased waiting areas on footpaths at nearby intersections. It is important to understand these issues considering the future light rail and other enabling infrastructure works immediately adjacent to the subject proposal</p>	<p>As above, these matters would need to be considered as part of a DA process associated with introducing the additional use.</p>
<p>The subject site fronts George Street that forms part of the PLR network. The subject section of George Street and a section of Purchase Street have been declared a Transitway under the <i>Roads Act 1993</i>. Any future development applications on the subject site, would need to take into account the construction and operational phase of the PLR project (particularly relating to vehicular access), as there will be intermittent, short and long term road closures and changes to the road network operation.</p>	<p>Noted. As indicated previously a control is proposed to be included requiring access to any public car parking to be via Purchase Street to minimise impact on the PLR project from the proposed public car parking use.</p>
<p>Transport for NSW objects to the subject proposal being finalised in its current form.</p> <p>Subject to outstanding issues (addressed in a detailed attachment to the submission) being resolved, TfNSW would be willing to reconsider this position.</p>	<p>Noted.</p>
<p><b>Supplementary 1:</b> TfNSW and the proponent have discussed the proposal. The proponent has indicated an intention to continue discussion with Council pursuing the option of having the ceremonial vehicle entry via the proposed Robin</p>	<p>As indicated above, access for the use the subject of this Planning Proposal (ie the public carpark) will be limited to Purchase Street consistent with the TfNSW request.</p>

<p>Thomas Reserve car park. The option for all vehicles to access via Purchase Street was not considered acceptable by the proponent and the proponent has not agreed to the same. TfNSW's objection remains unchanged.</p>	<p>TfNSW have made it clear they will not allow access from George Street to this site notwithstanding the Development Application Approval.</p> <p>The applicant had suggested to Council that to satisfy TfNSW concerns there may be an option to access their site from George Street via the Council owned Robin Thomas reserve adjoining the site. This option has been unequivocally dismissed by senior Council Officers as it would be an inappropriate use of publicly owned land and for reasons outlined as follows:</p> <ul style="list-style-type: none"> <li>• Loss of five spaces in what is already a small public car park</li> <li>• Not acceptable to have funeral vehicles and vehicular processions at Cathedral scale using and occupying the same space as reserve visitors. Informal, passive and family use of the park is not compatible with processional, Cathedral use.</li> <li>• The fixed phase of the PLR signals and proposed give way to Cathedral vehicles means that all other vehicle using a public car park will be delayed by Cathedral vehicles having first right turn egress. This is not acceptable.</li> <li>• The church is not a local parish church, it is a major cathedral of great importance. If permanent access is granted, there is likely to be significant growth in use, and continuing pressure for the Council to allow a higher intensity of access, exacerbating the matters raised here.</li> <li>• There is no broad public benefit in Council creating a permanent easement for Cathedral access over Robin Thomas Reserve. The reserve has been dedicated for public recreation and private access is not compatible with the reserve function or purpose.</li> </ul>
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<p><b>Supplementary 2:</b> TfNSW reconfirms the previous submission and reiterates their objections. The approved DA was not referred to Roads and Maritime Services (now TfNSW), nor were ISEPP matters applied. If this process had been followed, alternative access via the local road network (Purchase St) would have been identified and no concurrence would have been given.</p> <p>The DA requires submission of a driveway crossing application, which would require concurrence. This is unlikely to be granted, so TfNSW suggests a modified DA is pursued that reflects revised access. TfNSW is concerned that the approval of the Planning Proposal would mean that the proponent could seek development approval for a change of use with minimal or no other changes to the approved DA, meaning that TfNSW would have</p>	<p>Objection noted and DPIE will need to finalise plan. These concerns repeat those in previous submission and have been addressed in preceding sections. Note objection and that DPIE will need to finalise plan (i.e. we can't even though the Gateway said we could be the plan making authority)</p> <p>The statement that the approved DA was not referred to TfNSW is not considered correct. TfNSW in a letter dated 21 October 2019 advised that having undertaken an assessment of the information provided in accordance with the provisions outlined in the ISEPP had decided to grant concurrence to the subject development.</p> <p>The letter of concurrence included the</p>
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<p>little influence in the process.</p> <p>If a DA (either a modification of existing or new) were approved, it would exacerbate matters to be considered under the ISEPP at the George St driveway where it impacts safety, efficiency and operation of the classified road associated with PLR.</p>	<p>statement that:</p> <p><i>The proposed development is located within 25m of the Parramatta Light Rail and includes excavation deeper than 2m, which requires concurrence from TfNSW in accordance with Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). Clause 86 of the ISEPP requires TfNSW to take into consideration: (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on: i. the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and ii. the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects</i></p> <p>The concurrence letter was one of the actions that led to finalising of the DA. TfNSW have since advised that their concurrence did not cover the PLR Transitway corridor. Notwithstanding TfNSW have not challenged the validity of the approval. TfNSW have however advised the applicant of the DA as well as Council that they will not be supporting the use of George Street for access to this site.</p> <p>The newly expressed concern that a future Development Application for the public car parking could be approved without the matter having to be referred to TfNSW to allow them to assess the impact on PLR and the operation of the road network is not considered valid. It is the opinion of Council's Development Assessment Planning team that the matter would be referred to TfNSW. Depending on the nature and the detail of the application ultimately lodged there may also be a concurrence role for TfNSW.</p>
<b>Heritage NSW (delegate of Heritage Council of NSW)</b>	
<p>Although there are no heritage items of State or Local significance on the subject site, the site is immediately adjacent to the State Heritage Register listed 'Ancient Aboriginal and Early Colonial Landscape' (SHR 01863) located at Robin Thomas Reserve. This site is a highly significant cultural landscape which has contributed to an understanding of pre-colonial Aboriginal occupation.</p>	<p>Noted.</p>
<p>The proposed use and increase in height on the site are likely to result in increased excavation, which is likely to cause disturbance and removal of any rare and significant archaeology which might survive at this location.</p> <p>While review of the Parramatta Historical Archaeological Landscape Management Study (PHALMS) indicates this land allotment has no archaeological potential, more recent findings at a nearby site showed both Aboriginal archaeological evidence and evidence of early colonial military occupation. This suggests that PHALMS may need</p>	<p>The existing planning controls at this site already allow for significant ground excavation and, therefore, potential disturbance of archaeology. To illustrate, the approved DA for the Cathedral development allows for 6 levels of basement car parking to be constructed (approximately 17m depth from ground level on approved plans). It is also noted that this DA contains as a condition the following:</p> <p><u><i>"89. If any European archaeological relics are discovered (or are believed to be discovered)</i></u></p>

<p>to be updated.</p> <p>Heritage NSW requests that Council ask the proponent to prepare both historical and Aboriginal archaeological assessments at Planning Proposal stage.</p> <p>Heritage NSW also requests that the proposal be referred to the Greater Sydney Planning Team (DPIE) for review under the <i>National Parks and Wildlife Act 1974</i> in relation to Aboriginal archaeology.</p>	<p><u>during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act.</u></p> <p><u>If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW National Parks and Wildlife Service Act."</u></p> <p>The Planning Proposal facilitates two changes: firstly, dual-use of already permissible parking spaces, and secondly, an increase in height on a limited portion of the site.</p> <p>To the first issue, making already-permissible parking spaces useable more of the time by facilitating dual-use is not considered to introduce any notable new impacts on archaeological matters. This is because construction of these parking spaces is already permissible under existing controls (and, as noted above, already approved via a DA process).</p> <p>To the second issue, the additional height made possible by the proposal is only allowable on a limited portion of the site and only for decorative elements – i.e. no additional density is permissible. The area of the site on which the Applicant is seeking to build a taller tower (refer Figure 2 of this report) is situated above six levels of basement car parking which is already approved for construction. Therefore, it is not considered that this would introduce any notable new impacts on archaeological matters. While there is a chance that the building design could change such that the tower is not entirely situated above car parking, this would be examined through a new DA process which would consider any potential archaeological impacts in light of the specific development being proposed.</p> <p>Due to the above considerations, it is considered that any archaeological impacts can be managed considered through a DA process, and the necessity of the additional reports and referrals requested by Heritage NSW can be considered at that stage.</p>
<p>The proposed grand cathedral would occupy a prominent corner location along George and Purchase Streets, in the north-eastern corner of the site. The height increase would be limited to this portion of the site, which would minimise visual impacts to adjacent heritage items to the west. The current design scheme includes two steeples/domes with a maximum height of RL 34, excluding the spire on the dome. As cathedral steeples are typically narrow in form and do not</p>	<p>As indicated previously in this report a Development Approval has been granted for a Cathedral at this site with one of the steeple structures removed.</p> <p>The real impact of this Planning Proposal will be to guide the assessment of any application for the second steeple to be approved via an amendment to the existing approved DA or via a new DA.</p>

dominate view corridors, we do not consider that this would have a significant heritage impact. However, further design refinement should aim to minimise overshadowing and visual impacts on nearby State and Local heritage items and Heritage Conservation Areas.	As indicated in Table 1 the controls to be introduced to guide future decision making include criteria that will be used to assess future applications and the criteria include consideration of heritage impacts.
Prior to finalisation of the planning proposal, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.	Noted.
<b>Community Submission</b>	
The submission supported the Planning Proposal, expressing the view that development in the area associated with community participation, inclusion and social value was preferred over a block or units or tower office block.	Noted.

17. While preparing this post-exhibition report, Council officers identified that they had previously given an undertaking to the National Trust to notify them of the exhibition of the Planning Proposal. Council officers wrote to the National Trust in June 2021 and provided them 28 days to comment on the exhibited materials. No response has been received from the National Trust.

## OTHER ISSUES

### *Exhibition issue*

18. The Gateway Determination required that prior to community consultation the Planning Proposal was to be amended to ensure two maps were legible. Due to an administrative oversight, this did not occur. Nonetheless, Council officers recommend this Planning Proposal for progression for the following reasons:
- One map with visibility issues related to the existing *PLEP 2011* Height of Buildings controls. The existing controls are described in the Planning Proposal document, and a map showing these controls was also included in the Local Planning Panel report exhibited alongside the Planning Proposal. In addition, *PLEP 2011* maps are always available for public viewing via the NSW legislation website.
  - The other map with visibility issues related to a map illustrating the extent of flooding at this site. However, no changes to any flood-related controls or maps are proposed as part of this Planning Proposal. Furthermore, the flood affectation of the site was generally described in the Planning Proposal, and a map extracted from Council's internal GIS system showing the flood affectation was also included in the Local Planning Panel report exhibited alongside the Planning Proposal.
  - None of the submissions raised any issues with mapping visibility.
  - As the Gateway condition relating to mapping visibility was not met, Council is not able to exercise its delegation for plan-making. Plan-making responsibility will lie with DPIE, and DPIE will need to consider this issue as part of its plan-making. However, Council officers have already consulted with DPIE officers relating to these issues, and DPIE officers have advised that in their view re-exhibition is not required.

### *Identification of potential drafting issue*

19. The exhibited Planning Proposal's *Objectives or Intended Outcomes* section states that the objective is to establish a "**commercially operated car park**".



The Planning Proposal's *Explanation of Provisions* section includes a discussion of permitting an additional use for "**public car parking**".

20. Parramatta LEP 2011 does not contain formal land use definitions for the terms "commercially operated car park" or "public car parking". Therefore, appropriate drafting language that meets the objectives of the Planning Proposal will need to be resolved when that stage in the plan-making process is reached.

## CONCLUSION AND NEXT STEPS

21. As discussed in this report, Council officers consider that Council cannot exercise its delegation for plan-making, due to the agency objection from TfNSW as well as the administrative error relating to map legibility in the exhibited Planning Proposal. Therefore, DPIE will be the plan-making authority.
22. It is recommended that the Local Planning Panel consider the Council officer recommendation to Council to endorse and forward the Planning Proposal to DPIE for finalisation in the Panel's advice to Council.

## CONSULTATION & TIMING

### Stakeholder Consultation

23. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
22 January 2020 - 21 February 2020	Public and agency consultation	As described in this report	As described in this report	City Planning
Q2 2021	Follow-up consultation with TfNSW	As described in this report	As described in this report	City Planning
8 June 2021 (providing 28 days)	National Trust	As described in this report	As described in this report	City Planning

### Councillor Consultation

24. The following Councillor consultation has been (or will be) undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Standard briefing approx. one week prior to Council meeting	TBD	TBD	TBD	City Planning

## FINANCIAL IMPLICATION FOR COUNCIL

25. There is no accompanying Planning Agreement for this Planning Proposal, as it does not include an increase to permissible density at the subject site. There are no direct financial implications for Council as a result of this Planning Proposal.

Paul Kennedy

**Project Officer Land Use**

Robert Cologna

**Land Use Planning Manager**

David Birds

**Group Manager, City Planning**

Jennifer Concato

**Executive Director City Planning and Design**

**ATTACHMENTS:**

**1** Planning Proposal 27 Pages