

INNOVATIVE

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| ITEM NUMBER | 17.3 |
| SUBJECT | FOR APPROVAL: Post-Exhibition Outcomes - Planning Proposal for land at 163 – 165 George Street and 1 Purchase Street, Parramatta (St Ioannis Greek Orthodox Church) |
| REFERENCE | RZ/3/2018 - D08206667 |
| REPORT OF | Project Officer Land Use |
| LANDOWNER | The Hellenic Orthodox Community of Parramatta and Districts |
| APPLICANT | Think Planners Pty Ltd |

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL

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

WORKSHOP/BRIEFING DATE

20 October 2021.

PURPOSE

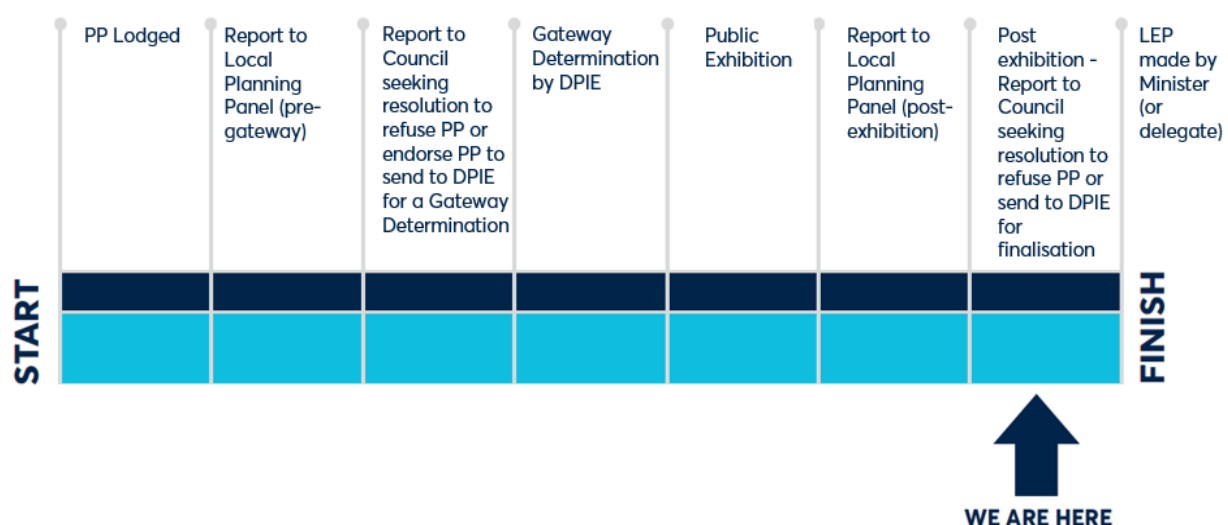
To enable Council to consider the outcomes of the public exhibition of the Planning Proposal for land at 163-165 George Street and 1 Purchase Street, Parramatta (St Ioannis Greek Orthodox Church), and to seek Council's endorsement to forward the Planning Proposal to the Department of Planning, Industry and Environment for finalisation.

RECOMMENDATION

- (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 State agency submission and supplementary responses objecting to the proposal (Transport for NSW).
 - iii. One State agency submission which did not object to the proposal, but did request additional work (Heritage NSW).
- (b) **That** Council approve for finalisation, the Planning Proposal for land at 163-165 George Street and 1 Purchase Street, Parramatta (provided at **Attachment 1**) which amends Parramatta Local Environmental Plan (LEP) 2011 as follows:
 - i. Amend the Height of Buildings Map from RL14m to RL21m only on the part of the site on 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 RL21m 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 include 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) advise Council that the proposed requirement for the public car park 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 amendment that mandates that all access for the public car park 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 amendment.
- (d) **That** Council submit the Planning Proposal to the Department of Planning, Industry and Environment for finalisation.
- (e) **That** Council note the Local Planning Panel's advice (refer to **Attachment 2**) is consistent with the Council Officer's recommendation in this report.
- (f) **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 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).

Figure 1: Subject Site

BACKGROUND

2. 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.
3. 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).
4. In July 2018, a Development Application (DA/469/2018) was lodged for the construction of a Grand Cathedral, public forecourt space, multi-purpose hall and associated basement car parking. To address concerns raised by the Sydney Central City Planning Panel about the height variation, 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 **Attachment 2**.
5. The amended DA/469/2018, was approved on 6 November 2019 by the Sydney Central City Planning Panel.

PLANNING PROPOSAL

6. The Planning Proposal, as Council resolved on 12 August 2019, 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 on 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 public car parking as an additional permitted use on the site. An additional provision has been included to ensure there is no vehicular access to the public car park from George Street as a result of a submission from TfNSW.
7. It should be noted that under the approved DA the majority of the Cathedral was approved at a height just under RL 21m, with the north western tower, excluding the cross element, approved at RL 28.176m. The amended controls in the Planning Proposal allow for the south west tower (proposed height of RL34m), which was removed from the approved DA plans, to be potentially reintroduced via an amendment to the existing DA or a new DA.
 8. The taller tower with the proposed height of RL 34m was removed from the approved DA plans arising from concern expressed by the Sydney Central Planning Panel (refer to paragraph 4 of this report). The majority of the building was allowed at a height of RL 21m with the tower at approximately RL 28m because, as outlined in the assessment report for the approved DA, it was considered that the proposed heights satisfied the necessary criteria for a variation request under Clause 4.6 of Parramatta LEP 2011 for a departure to the maximum height standard.
 9. The Department of Planning, Industry and Environment (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. The Gateway determination requires the Planning Proposal to be finalised by 25 November 2021.

PUBLIC EXHIBITION

10. The Planning Proposal was publicly exhibited from 22 January 2020 to 21 February 2020. The exhibition was conducted in accordance with Council's resolution, the Environmental Planning and Assessment Regulation 2000 and Council's Community Engagement Strategy. Extensive consultations undertaken in order to resolve the TfNSW objection have delayed reporting the exhibition outcomes to Council.
11. Three (3) submissions were received comprising two from State agencies and one community response. A summary of key issues and Council officers' responses are provided in **Table 1** below, with detailed responses in **Attachment 2** in Table 2.

Table 1: Key Issues and Council officer responses

| Issues Raised | Council Officer Responses |
|-------------------|---------------------------|
| Transport for NSW | |

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| Opposes the car park from an operational perspective for reasons detailed below. | Noted – Reasons for objection addressed below. |
| The additional use is not an ancillary use as the car parking will be predominantly commercially operated and will provide parking beyond what is reasonably required to support the principal purpose on the site for public worship. | The Planning Proposal allows the quantum of parking already approved for church use to be made available to the public when demand associated with a place of public worship and related uses is low. This use of parking on the edge of the CBD is of strategic merit and supports the additional use for public car parking of the Planning Proposal. |
| A more accurate description of the proposed parking is a commercial car park rather than public car park. | Neither terms are legally defined in Parramatta LEP 2011. The exact language used in the amendment will be determined at drafting stage. |
| The commercial car park would likely result in potentially unmanageable impacts on the Parramatta Light Rail operations. | To minimise impact on light rail, vehicular access to the public car park will be restricted to Purchase Street. Further impacts on the operation of light rail and surrounding road network will be properly assessed as part of a Development Assessment process. |
| The proponent intends to pursue the option with Council of providing ceremonial vehicle entry from the proposed Robin Thomas Reserve Car Park. | Council officers do not support the use of Robin Thomas reserve for vehicular access as this would be an inappropriate use of publicly owned land. |
| Concern that a future Development Application for the public car park could be approved without referral to TfNSW to allow them to assess the impact on PLR and the operation of the road network. | A future Development Application would be referred to TfNSW and ultimately there may also be a concurrence role for TfNSW. |
| Heritage NSW (delegate of Heritage Council of NSW) | |
| The site is not heritage listed but is immediately adjacent to the State Heritage Register listed 'Ancient Aboriginal and Early Colonial Landscape' located at Robin Thomas Reserve. | Noted |
| The proposed use could result in increased excavation that may disturb significant archaeology at the site. | The Planning Proposal, with the intention to allow for increased height and site use for a public car park, should not increase the amount of excavation of the site. Any archaeological impacts can be managed through a DA process and the necessity of additional reports and referrals requested by Heritage NSW can be considered at that stage. |
| The proposed Grand Cathedral is confined to the north-eastern corner of the site that should minimise visual impacts to adjacent heritage items. The proposed steeples/domes should not have a significant heritage impact. However, further design refinement should aim to minimise overshadowing and visual impacts on nearby heritage items. | This Planning Proposal will guide the assessment of any application for a second steeple to be approved through an amendment to the existing DA or through a new DA. Controls to be introduced by the Planning Proposal (Table 1 of Attachment 2) include criteria to assess future applications and consideration of heritage impacts. |
| Prior to finalisation, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken. procedures have been followed. | Noted. |
| Community Submission | |
| Planning Proposal supported. | Noted. |

ISSUES

- In order to resolve the objection from TfNSW concerning the proposed additional use for public car parking, a provision has been added to the Planning Proposal to ensure that there will be no access to the public car park

from George Street. Council officers have consulted with DPIE and TfNSW staff regarding this matter. TfNSW supports the intent of the restriction of vehicular access from George Street, but seek consultation on exact wording of the LEP amendment. DPIE were generally of the view that this provision does not give rise to a need for re-exhibition, and indicated that the matter will be considered when the Planning Proposal is submitted for finalisation.

13. Recommendation (c) has been included in this report that if DPIE decides that the restriction on vehicular access cannot be included without re-exhibition, the Chief Executive Officer should be delegated responsibility to immediately prepare and endorse for exhibition a Draft Development Control Plan amendment that mandates that all access for the public car park be from Purchase Street.
14. Whilst Council was authorised by the Gateway determination to be the plan making authority this cannot be exercised for the following reasons:
 - The State agency objection from TfNSW relating to the proposal for public car parking.
 - A Gateway condition to address mapping visibility was not met, however this did not affect the outcome of the exhibition and DPIE staff have advised the Planning Proposal does not need to be re-exhibited.

PARRAMATTA LOCAL PLANNING PANEL

15. The Local Planning Panel considered this matter at its meeting on 21 September 2021 and issued advice to Council in accordance with the Council officer recommendation (refer to Local Planning Panel Report and minute at **Attachment 2**).

CONCLUSION AND NEXT STEPS

16. As discussed in this report, Council officers consider that Council cannot exercise its delegation for plan-making and therefore DPIE will be the plan-making authority.
17. It is recommended that Council endorse and forward the Planning Proposal to DPIE for finalisation.

CONSULTATION & TIMING

Stakeholder Consultation

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

| Date | Stakeholder | Stakeholder Comment | Council Officer Response | Responsibility |
|------|-------------|---------------------|--------------------------|----------------|
|------|-------------|---------------------|--------------------------|----------------|

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|---|---|--|--|---------------|
| 22 January 2020 to 21 February 2020 (public exhibition) | Public exhibition summary provided in paragraphs 10 to 11 of this report. | Refer to Attachment 2 for submission table. | Refer to Attachment 2 for submission table. | City Planning |
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Councillor Consultation

19. The following Councillor consultation will be undertaken in relation to this matter.

| Date | Councillor | Councillor Comment | Council Officer Response | Responsibility |
|--|------------|--------------------|--------------------------|----------------|
| 20 October 2021 (Councillors will be briefed on this matter in the standard pre-Council meeting briefing session) | | | TBD | City Planning |

LEGAL IMPLICATIONS FOR COUNCIL

20. There are no legal implications for Council associated with this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

21. 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 as is shown in the table below.

| | FY 21/22 | FY 22/23 | FY 23/24 | FY 24/25 |
|-------------------------------|----------|----------|----------|----------|
| Revenue | | | | |
| Internal Revenue | | | | |
| External Revenue | | | | |
| Total Revenue | | | | |
| Funding Source | | | | |
| Operating Result | | | | |
| External Costs | | | | |
| Internal Costs | | | | |
| Depreciation | | | | |
| Other | | | | |
| Total Operating Result | Nil | | | |
| Funding Source | NA | | | |
| CAPEX | | | | |
| CAPEX | | | | |
| External | | | | |
| Internal | | | | |
| Other | | | | |

| | | | | |
|--------------------|-----|--|--|--|
| Total CAPEX | Nil | | | |
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Paul Kennedy
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Executive Director City Planning and Design

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Chief Executive Officer

ATTACHMENTS:

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|---|-----------------------|----------|
| 1 | Planning Proposal | 84 Pages |
| 2 | LPP minute and report | 18 Pages |

REFERENCE MATERIAL