



# Revised Architectural Roof Feature and Clause 4.6

163-165 GEORGE STREET  
PARRAMATTA

SEPTEMBER 2019



## QUALITY ASSURANCE

**PROJECT:** Revised Architectural Roof Feature and Clause 4.6

**ADDRESS:** 163-165 George Street Parramatta

**COUNCIL:** City of Parramatta

**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
3 July 2018	Draft Issue	A	SF	AB
26 February 2018	Submission Issue	B	SF	SF
22 May 2019	Revised Scheme	C	SF	SF
20 September 2019	Post Panel Scheme	D	AB	AB

## SUMMARY OF REQUEST

This written request is formulated in two parts:

1. Identification of parts of the building that are architectural roof features pursuant to clause 5.6 of the Parramatta Local Environmental Plan 2014 ('the LEP') and therefore permissible with development consent;
2. Identification of parts of the building that exceed the maximum height standard prescribed by clause 4.4 of the LEP, and a written request to vary the standard pursuant to clause 4.6 of the LEP.

## CLAUSE 5.6 ARCHITECTURAL ROOF FEATURES

Clause 5.6 of the Parramatta LEP 2011 states the following:

1. *“The objectives of this clause are as follows:*
  - a. *to allow roof features that integrate with the building composition and form, where the height of the building also satisfies the objectives of clause 4.3 of this Plan.*
2. *Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.*
3. *Development consent must not be granted to any such development unless the consent authority is satisfied that:*
  - a. *the architectural roof feature:*
    - i. *comprises a decorative element on the uppermost portion of a building, and*
    - ii. *is not an advertising structure, and*
    - iii. *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
    - iv. *will cause minimal overshadowing, and*
  - b. *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.”*

The extracts provided overleaf of the proposed Cathedral Building shows that all habitable floor area is to be located under the building height limit of RL14, however a proportion of the wall and roof exceed RL 14 to provide for the proportions of the internal chamber of the Cathedral. The additional building features that are situated above RL14 comprise of components of proposed architectural roof features.

The proposed Cathedral is purposively designed to be prominent and symbolic for the Greek Orthodox Community, and to make an architectural contribution to the City of Parramatta. The architectural design is not intended to be recessive in the streetscape as the Cathedral is to serve as a landmark building for the locality and the local community. Further detailed discussion about the origins of the built form and design

features are provided in the Urban Design Analysis that accompanies this development application.

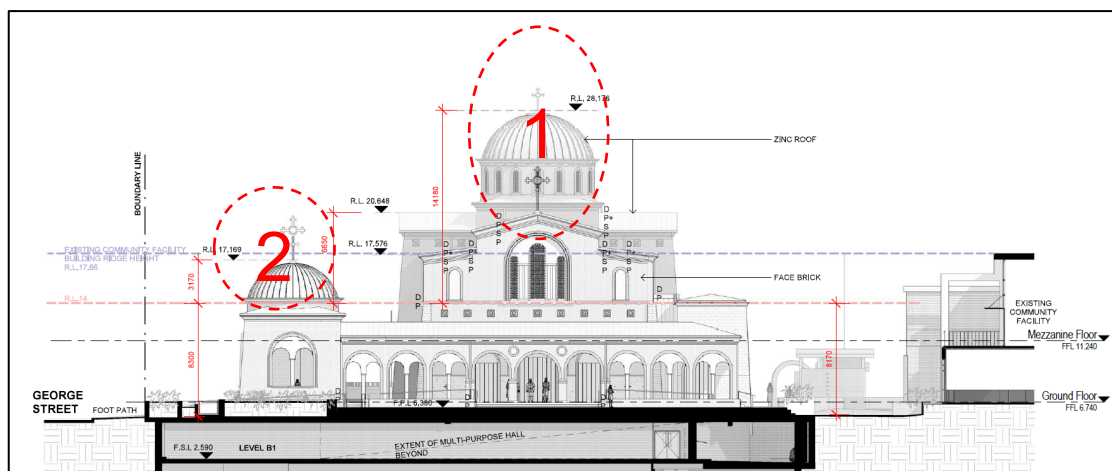
The proposed Cathedral is designed so that as you enter the Church building, the faithful believe they are entering heaven. Orthodox Churches have a more intimate and inward style than those of other Christian denominations. The proposed Cathedral is said to be the embodiment of the geometry of the spherical dome, square base, columns within the square footprint.

The Cathedral floor is raised 1m above natural ground level, although there is no ecclesiastical requirement to elevate a church in this manner it provides several benefits as it gives the Cathedral additional presence as it hovers above street level, requiring participants to make an additional psychological/spiritual journey upwards before entering.

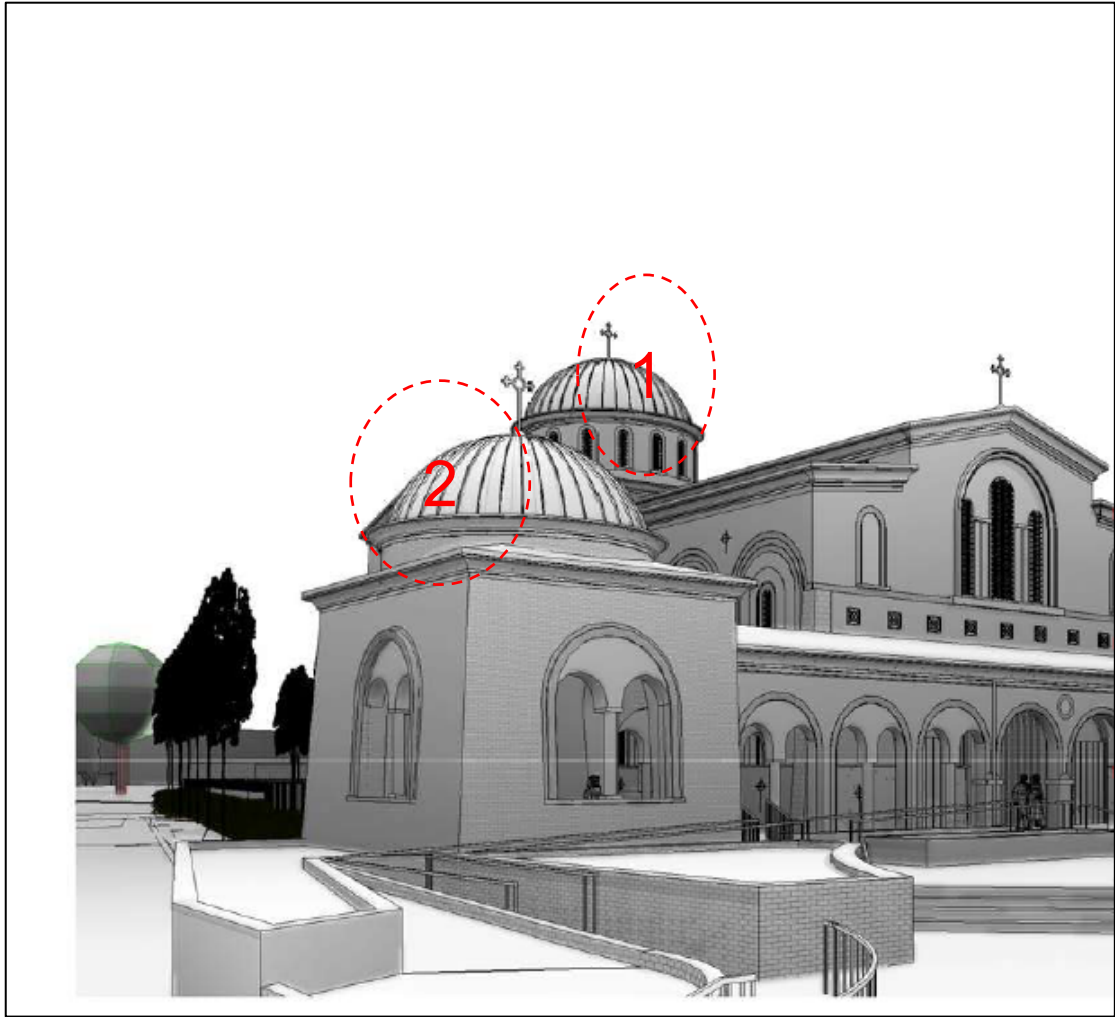
The proposed Cathedral is to be a significant landmark with high end materials and ornate detailing externally and internally, all of which has been significantly influenced by the 200-year history of the Orthodox Christian Church.

The proposed Cathedral is designed with several components of architectural roof feature that seek to deliver a magnificent building set within a large area of public space.

When the proposed building height is broken down into the following key elements of the architectural roof features, the following considerations arise.





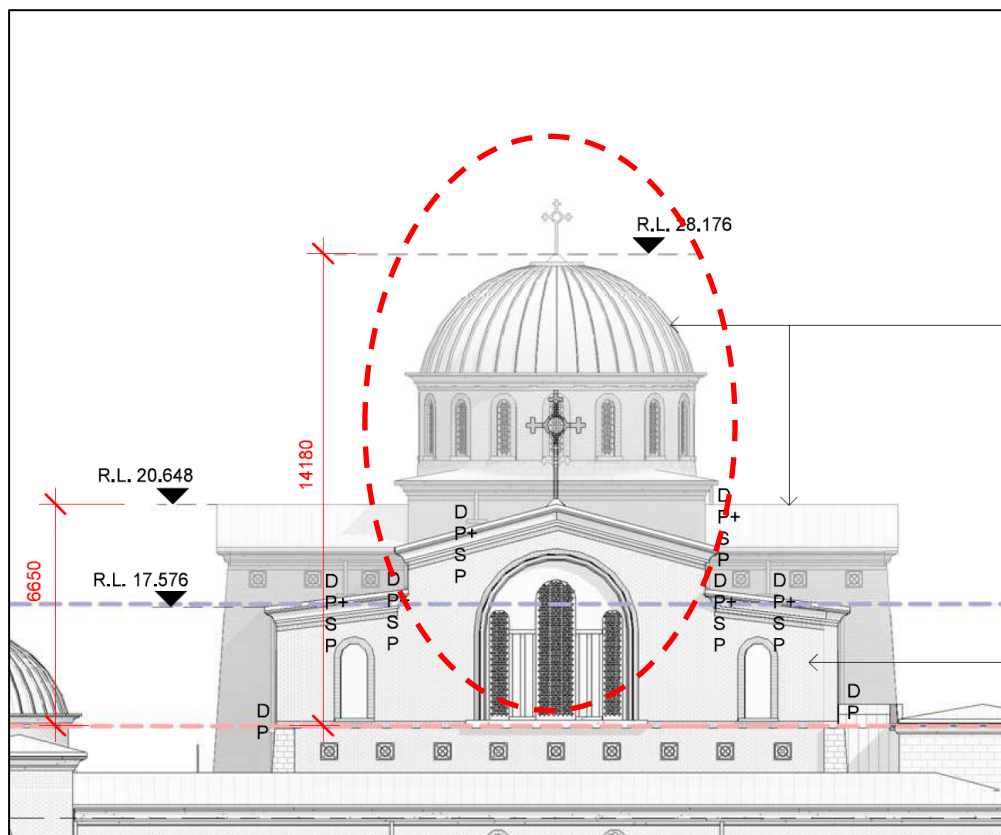




## ARCHITECTURAL ROOF FEATURE 1

The proposed dome shaped raised roof area located above the Solea (as highlighted in the red dash below) is an architectural roof feature as it is a decorative element of the upper most portion of the building, that does not include floor space, will cause minimal over shadowing and is not an advertising structure.

This portion of the proposed Cathedral is therefore not included in a calculation of maximum building height.



## ARCHITECTURAL ROOF FEATURE 2

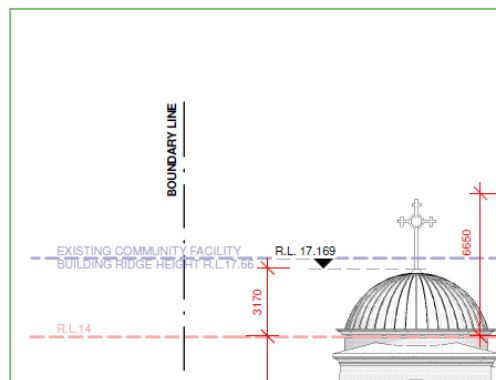
The uppermost portion of the front building (as highlighted in the red dash below) falls within the prescription of an architectural roof feature under clause 5.6 of the LEP as this it is a decorative element of the upper most portion of the building, that does not include floor space, will cause minimal over shadowing and is not an advertising structure.

This portion of the proposed Cathedral is therefore not included in a calculation of maximum building height.

There is a small exception to the requirements for architectural roof feature which is the mezzanine level within the main building which comprises 190m<sup>2</sup>. This small area of mezzanine relates to 33% of the total ground floor of the Cathedral and this part of the proposed building is addressed with regard to the provisions of Clause 4.6 of the LEP in the following section of this report.

The building height proposed is driven by the fact that the proposal is for a landmark place of public worship for the Greek Orthodox Church.

The floor to ceiling height from the ground floor of the main Cathedral is 13.924m. The expansive void is an architectural design feature that is driven by the fact the proposal is for a Greek Orthodox Church. As mentioned previously the genesis of the Cathedral design is well founded in the history of the Church and the vision to deliver a landmark building adding the rich heritage of the Greek Orthodox Church in Parramatta.





## ARCHITECTURAL ROOF FEATURES - HEIGHT OF BUILDING OBJECTIVE

Clause 5.6(1)(a) requires that the consent authority also confirm that the building satisfies the objectives of Clause 4.3 of this Plan. The Parramatta Local Environmental Plan 2011 provides at Clause 4.3 the following objectives in relation to Height of Building:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas,*
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

These objectives are given comprehensive consideration within this document below. The document is to be read as a whole, and when done so, it confirms that the architectural roof features satisfy the objectives of Clause 4.3.

## CLAUSE 4.6 DEPARTURE – HEIGHT

The development application plans that accompany this Clause 4.6 departure illustrate that the proposal exceeds the mapped maximum building height of RL14 height control with the upper level of the Cathedral building protruding above the RL14 height line.

The extent of departure of the Main Cathedral Building (including mezzanine) is 6.66m/RL 20.664 (47.5%).

With the exception of the mezzanine space which is 190m<sup>2</sup> in floor area, the majority of the extent of non compliance relates to the unique higher floor to ceiling heights needed to create this symbolic Greek Cathedral Building.

The internal design of the Cathedral includes:

- A **Narthex** where parishioners enter the cathedral and are able to light candles.
  - The wings of the Narthex include a confessional room and a mothers' room.
  - The Priest's office is accessible from the exterior landing.
  - Stairs are located on the sides of the Narthex which lead to the mezzanine seating which sits directly above the Narthex.
- The Narthex leads into the **Nave** area which is the main body of the building (the Nave) and marks the longer arm of the subtle cross shape. The Nave is marked by generous floor to ceiling heights which provide good acoustics and a temperate space when filled with parishioners.
- At the eastern end of the Nave is the **Solea** and **Sanctuary** (alter) which are flanked by a small chapel and vestry. Above the Solea is a domed structure which is in the Byzantine architectural style. The dome is intended to be an architectural feature of the building. The dome invites a symbolic identification with the 'dome' of heaven', consistent with the Byzantine style of architecture.
- The **font** (basin of consecrated water) is located at the western end of the Cathedral and is marked with a domed roof, which also includes an integrated design for lift access from the basement parking. The domed roof feature exceeds the maximum height limit of RL14. The top of the domed room has an RL of 17.169. In addition, the dome has an ornate cross which has a maximum RL of 20.648.

The Nave, Solea, Sanctuary, Chapel and Vestry include building components above the maximum height limit prescribed by clause 4.3 of the LEP. This written request seeks to justify the contravention of the height limit, not including the architectural roof



features. For abundant caution, and in the alternative, the written request will also include a request to vary the height standard for the whole of the building.

## SUMMARY OF VARIATION PROPOSED

This Clause 4.6 variation has been prepared in support of development application for the construction of new purpose built 'Place of Public Worship' at 163 -165 George Street, Parramatta.

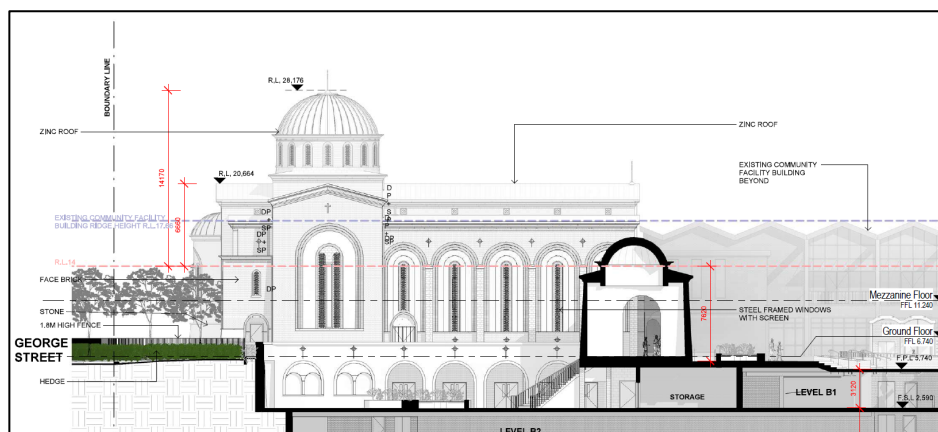
The site currently accommodates a large two storey 1960s era commercial building that was the former Parramatta Workers Club within the south-western portion of the site and open at-grade car parking areas within a large compound. At present the site is currently used for a number of activities consistent with recent development approvals on the site.

The existing building exceeds the nominated height of building – RL14.

The subject site comprises a number of permissible uses consistent with the intent of the Greek Orthodox religious community to make the site a “campus style” environment with numerous related activities that serve its community and the broader community of the area.

The current proposal will result in a grand cathedral that will provide religious services to the immediate Greek Orthodox, and the wider, community. The proposal is consistent with the vision for the site that was articulated in a Planning Proposal that was the subject of public consultation, professional assessment, Councillor endorsement, Department of Planning and Environment endorsement, and ultimately gazettal.

The subject site is prescribed a RL14 building height control under the Parramatta Local Environmental Plan 2011. The RL14 height control is unique in the LEP, and at its genesis is an intent to retain Heritage View Corridors. The proposed cathedral exceeds the maximum height limit by up to 6.66m. This is demonstrated by the section below.



## CLAUSE 4.6 VARIATION: HEIGHT OF BUILDING

The proposal is non-compliant with Clause 4.3 – Height of Building which stipulates that the maximum building height within the subject land parcel is RL14.

The variation for the upper most part of the proposal is set out as follows –

Maximum RL – 28.176  
Height Limit – RL14  
Variation (m) – 14.176  
Variation (%) – 101%

While the Cathedral as a whole does not comply with the RL14 height control, the extent of the variation is emphasised as a result of the architectural point encroachment.

The majority of the Cathedral mass is at RL20.664. The variation for the majority of the mass of the building is set out as follows –

Cathedral lower roof RL – 20.664  
Height Limit – RL14  
Variation (m) – 20.002  
Variation (%) – 47%

The above section illustrates via a blue dotted line the existing substantial building on the site that exceeds RL14 and can be seen in the photo below.



## PARRAMATTA LEP CLAUSE 4.6

Clause 4.6 of the Parramatta Local Environmental Plan 2011 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclauses 3-5 which provide:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *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, and*
  - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Clause 4.6 does not fetter the consent authority's discretion as to the numerical extent of the departure from the development standard. Each the relevant provisions of clause 4.6 are addressed in turn.

### **Clause 4.6 (3)**

This document serves as a written request that seeks to justify the contravention of the height development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

This written request seeks to demonstrate that compliance with the height development standard would be unreasonable or unnecessary in the circumstances of the case because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

### **Objectives of clause 4.3 Height Standard**

The objectives of the building height development standard are stated as:

(1) *The objectives of this clause are as follows:*

- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) *to ensure the preservation of historic views,*
- (e) *to reinforce and respect the existing character and scale of low density residential areas,*
- (f) *to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms, and to key areas of the public domain, including parks, streets and lanes.*

### **Demonstration of achievement of objectives to clause 4.3 Height Standard**

#### **Objective a – to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan**

Objective a is achieved by the gazettal of the LEP and has no further work to do as the height of buildings map ('the HOB Map') referred to in clause 4.3 nominates the relevant heights for Land covered by the LEP.

The HOB Map (HOB\_010) is extracted below and nominates that the Land (and surrounding land) has a maximum height limit of RL14. The nominated height standard differs from the treatment of other land in the area which prescribes a maximum height in metres measured from the existing ground level.





Whilst not apparent from the LEP, when read with the Parramatta Development Control Plan 2011 ('the DCP'), the Land is located within an 'Area of National Significance' as identified in Figure 4.3.2.1.1 and within the 'Harris Park' area as identified at figure 4.3.2.1 of the DCP.

The Harris Park controls in the DCP set out controls for 'view corridors' as:

#### **View Corridors**

*The Harris Park Precinct is located on the southern side of the Parramatta River valley. Although development has obscured some key views, the topographical setting is still apparent today from many vantage points. In particular, there are significant views from places such as Elizabeth Farm, north to the Parramatta River and the hills beyond. Conversely, there are views from the north side of the river looking south where significant sites such as Elizabeth Farm can still be identified. These views and vistas contribute significantly to the sense of place for the Harris Park Precinct and for Parramatta in general.*

- P.34 Significant views must be protected from development. Consent must not be granted to development on land identified as being within a historic view corridor unless it has taken into account the impact that the development may have on any such historic corridor.
- P.35 The height and bulk of proposed development shall be modified as necessary in order to ensure that significant views are protected.

**NOTE:** Refer to Appendix 2 for the key views and vistas that must be protected in Harris Park.

Appendix 2 to the DCP identifies the key views and vistas (historic views) for the Harris Park area as (the Land is highlighted yellow):



Objectives b, c and d – to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; and to ensure the preservation of historic views

Objectives b, c and d necessarily overlap in consideration as they deal with visual impacts and views.

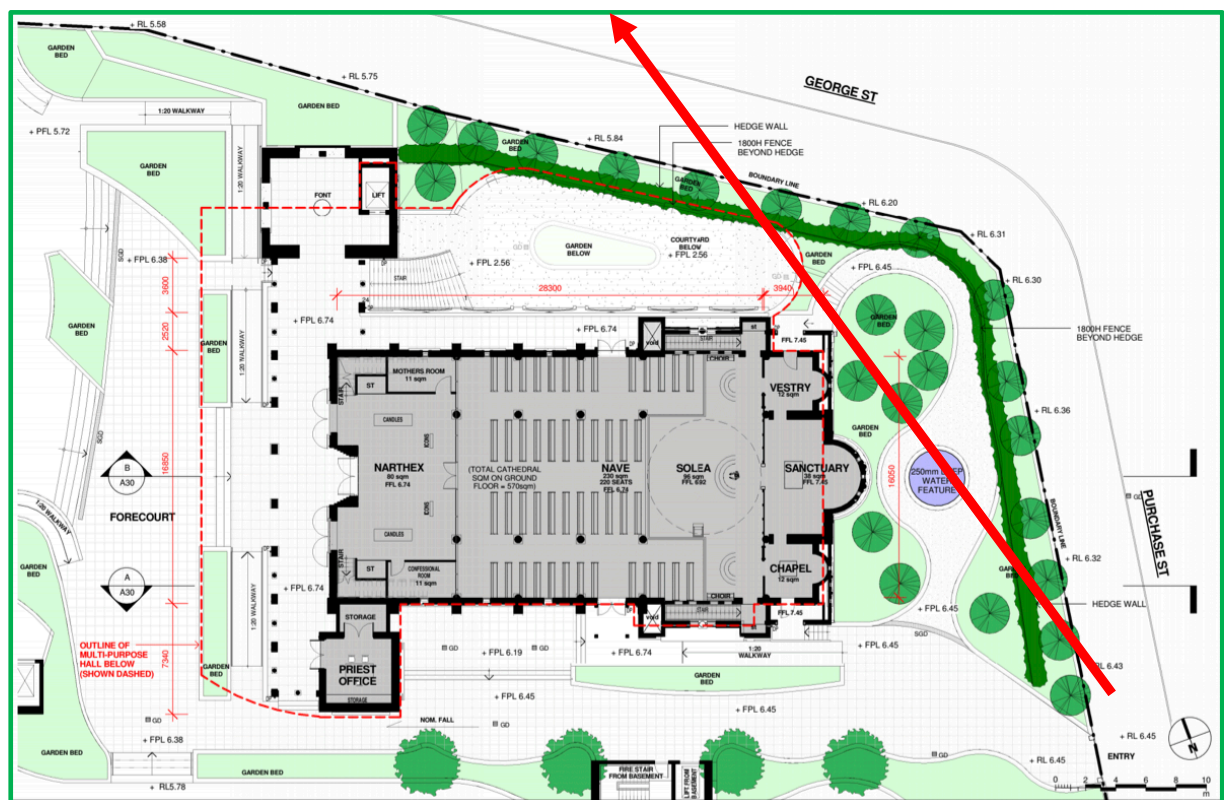
### Context

The development is proposed on lot 1 in deposited plan 78716, lot 1 in deposited plan 113513, lot 1 in deposited plan 650704 and lot 3 in deposited plan 10735 and is known as 163-165 George Street, Parramatta ('the Land'). The Land has an area of

13,425m<sup>2</sup> and includes an existing community facility building that was previously used as a registered club and exceeds the height standard of RL 14 by up to 3.66 metres.

## Impacts on views and preservation of historic views

The statement of environmental effects lodged with the development application includes a detailed view assessment. Relevantly, the proposed Cathedral is setback from Purchase Road by the courtyard at the eastern end. The generous setback ensures that the 'historic' view corridor 1 (which is the only relevant view corridor nominated in the DCP) is not impacted by the proposal. Figure 10 in the SEE demonstrates that the view corridor line (which is shown at the edge of the boundary in Appendix 2 to the DCP) is enlarged by the proposed eastern setback:



It is noted that Council's heritage advisor formed the view that 'given the nature of proposal, the separation between sites, and the nature of significance of the items, it is assessed that impact on heritage values will be within acceptable limits.'

The SEE also provides a broader consideration on views at pages 45-51 which notes that the existing community facility building (to be retained) on the Land will screen much of the proposed Cathedral with the exception of its roof and architectural roof features. Where elements of the Cathedral emerge above the existing building, the elements are modest in size and do not significantly impact upon panoramic views. The decorative nature of the elements above the height limit will form part of the panoramic view.

The SEE includes an assessment, by way of computer modelled perspectives of view corridors at pages 47-51, noting that the bell towers have now been deleted from the application. The perspectives demonstrate that the proposal will sit comfortably within the landscape and the decorative dome (which is the architectural roof feature) will be evident from a number of views. From the Parramatta River, the proposed Cathedral will be visible within its landscaped setting.

The proposed development minimises disruption of and impact on views due to its siting and generous landscaped setting together with recessive material choices for the exterior in the form of darker toned zinc roof coverings and darker toned bricks.

#### **Impacts on privacy**

The Land does not have any immediate neighbours. Residential development is located on the opposite side of Purchase Street to the north east and on Noller Parade further to the north east.

The courtyard to the east of the Cathedral (and the Cathedral entry) is setback between 10m-18m from Purchase Street and has the benefit of a hedge screen and proposed trees, with existing street trees being retained at the perimeter of the Land. The Cathedral is oriented to the west so that parishioners will gather away from the residential receptors when entering the Narthex. Parishioners who arrive by car will arrive at the entrance forecourt via the lift, which is a significant distance from the residences.

The historic dwelling at 153 George Street is substantially set back from the proposal and this separation is to be retained as Parramatta Council and Parramatta Light Rail work collaboratively to establish a new carparking between 153 George Street and the subject site. Privacy impacts are mitigated by the separation distance and also the future public car park activity.

#### **Impacts on solar access**

The proposed development is accompanied by shadow diagrams at sheets A70-A73. The diagrams demonstrate that the Cathedral will cast a small shadow on 167 George Street (a residential flat building). The impact is a part of a ground floor window for less than 15 minutes between 2.45pm and 3pm in mid winter. The proposal has minimised its solar impact due to its unique siting and generous setbacks to neighbouring development. To the extent if there is an impact it is minor in nature.

#### **Regard to heritage sites and their settings**

The proposed development is not within a heritage conservation area, but is in the vicinity of a number of 'heritage sites and their settings'. The Heritage Impact Assessment confirms that there is no impact arising from the proposal upon the heritage items in the vicinity of the site.

The SEE and comments from the Office of Environment and Heritage note that the site has no archaeological potential. Further, the Land does not contain any recorded Aboriginal sites, and that given the level of ground disturbance it is unlikely that any additional archaeological approvals would be required. It would be appropriate to impose a condition on any development consent to highlight the process required if an unexpected archaeological find was encountered.



**Objective e – to reinforce and respect the existing character and scale of low density residential areas**

The Land is zoned SP 1 and places of public worship and community facilities are permissible on the Land.

The addition of a place of public worship on the Land will reinforce the existing character of Land and the area as having community facilities available. The nature of the built form of a place of public worship is that it presents as a different form to low density residential buildings.

Notwithstanding the intended differences in built form, the Cathedral reinforces and respects the existing character and scale of the surrounding low density residential areas by siting the Cathedral well set back from its boundaries and in a landscaped setting.

**Objective f – to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms, and to key areas of the public domain, including parks, streets and lanes**

The Cathedral form will not have any impact on sky exposure and daylight to existing buildings within commercial centres given the distance from the centre.

The proposed Cathedral is located opposite (to the south) of the Queens Wharf Park which fronts the Parramatta River. The orientation and the setbacks of the proposal ensure that there will be no impact on sky exposure or daylight to the parks or the adjacent streets.

**Compliance with the standard is unreasonable or unnecessary in the particular circumstances of the case**

Having regard to the matters addressed above, compliance with the height development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

**There are sufficient environmental planning grounds to justify contravening the development standard**

The focus of the test in clause 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, and not on the development as a whole. Accordingly, the focus is on whether there are environmental planning grounds to justify the wall height and roof structures of the Cathedral. If the consent authority is at all concerned as to whether the dome features are architectural roof features, they would also be the focus.

There are a number of environmental planning grounds which justify contravention of the height development standard:

1. The variation to the height standard will result in a built form that provides a better amenity to parishioners through high ceilings without

- increasing development yield on the Land beyond what is anticipated by the controls;
2. The additional height better reflects the symbolism required by a Cathedral;
  3. The additional height on component parts of the building will ensure that it is identifiable as a public place of worship, without adversely impacting upon the surrounding environment, including heritage view corridors;
  4. The sites location, at the city edge, and immediately opposite the Parramatta River is of adequate area and appropriate location to allow for the development of a grand Cathedral, with significant proportions, that will contribute to the fabric of built form and spaces in Parramatta CBD and contribute to the culture of Parramatta. The sites location, the sites function and the proposed use, warrants a unique design and a unique planning and urban design outcome, which necessarily requires flexibility in the application of the height control.

#### Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the zone objectives that are stipulated as:

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

The proposal is directly in the public's interest as it is to provide a special land use in the form of a Place of Worship that is not provided for in other zones, and therefore fulfils the requirements of the SP1 zone. It is noted that the site will include a forecourt that will be accessible to the public and contributes to the spaces and places within Parramatta CBD.

#### Clause 4.6(5)

As addressed, it is understood the concurrence of the Secretary may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the maximum height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and unique site attributes associated with the subject site; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control and the fact that the non-compliance does not lead to



view loss nor can it be said to set an undesirable precedent for future development, given within the locality based on the observed building form in the locality (noting majority of recently approved comparable flat buildings within the immediate locality also feature non-compliance to lift over-run and stairwell) and based on the unique site attributes.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The public benefit of the variation is that it will appropriately facilitate the provision of a place of public worship as supported by Council when the Planning Proposal to rezone the site was adopted by the City of Parramatta. The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and considering the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

## CONCLUSION

Strict compliance with the prescriptive building height requirements is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts and there are sufficient environmental planning grounds to support the variation to the standard, as set out in this request.