



DATE OF DETERMINATION	6 November 2019
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Sameer Pandey, Martin Zaiter
APOLOGIES	Stuart McDonald
DECLARATIONS OF INTEREST	Paul Mitchell declared a conflict as City Plan is his employer

Public meeting held at Rydalmer Operations Centre on 6 November 2019, opened at 2pm and closed at 2.10pm.

MATTER DETERMINED

2018SWC081 - City of Parramatta – DA/469/2018 at 163-165 George Street, Parramatta (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl. 4.6 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the LEP and the objectives for development in the SP1 zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- This deferred application required response to 7 key issues in the following areas:
 - Building Height, Flooding, Heritage and Urban Design, Parking, Tree Removal, Contamination and Transport for NSW Concurrence.
- The applicant provided an amended design reducing the major height breach, improving the interface with the George Street Public Domain and deleting habitable rooms in the basement, together with additional consultant reports relating to contamination, flooding, Heritage Impact, Parking and a further tree report.

- The Panel notes that the council assessment report found all this additional material provided a satisfactory outcome.
- Despite the reduction of height, the Council held the opinion that the applicant required a Clause 4.6 Variation Request in relation to height breaches and the Panel agrees with the Council report that this request was required, and appropriately addressed the matters relating to the height breach and the Panel accordingly upholds the request for variation.
- In addition, this application was required to comply with the requirements of Water NSW and the General Terms of Approval have been included in the Conditions of Consent.
- Further, because of the proximity of the Parramatta Light Rail, the Panel notes that concurrence from Transport NSW was required and has been received. Accordingly, the Panel now agrees that the application is suitable for the site and the application is now considered to be compliant with State Planning Policies, Parramatta Local Environmental Plan and Development Control Plan and in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with an additional condition relating to the payment of Long Service Leave Levy.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Local residential amenity
- Traffic arrangements and traffic flow

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
	Sameer Pandey
Mary-Lynne Taylor (Chair) 	Sameer Pandey
	Martin Zaiter

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2018SWC081 - City of Parramatta – DA/469/2018
2	PROPOSED DEVELOPMENT	Construction of a place of worship building comprising a Grand Cathedral, public forecourt space, multipurpose hall and associated basement parking. The application is identified as Integrated Development for the purposes of the Water Management Act 2000.
3	STREET ADDRESS	163-165 George Street, Parramatta Lot 1 DP78716, Lot 1 DP 1135513 & Lot 1 DP 650704
4	APPLICANT/OWNER	The Hellenic Orthodox Community of Parramatta
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$5million – Private and Infrastructure and community
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act and Regulations ○ Water Management Act 2000 ○ State Environmental Planning Policy No. 55 ○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Parramatta Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 25 October 2019 • Clause 4.6 variation request - Height • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Clare Stephens – City of Parramatta, Tina Christy (City Plan Services on behalf of City of Parramatta Council) ○ On behalf of the applicant – Adam Burns; Schandel Fortu, Think Planners
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 08 March 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Stuart McDonald, Peter Brennan, Sameer Pandey and Martin Zaiter

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Clare Stephens- City of Parramatta, Tina Christy – Associate Director; Francisco Medina – Project Planner, City Plan Services on behalf of the City of Parramatta Council ● Site inspection: 08 March 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Stuart McDonald, Peter Brennan, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Clare Stephens- City of Parramatta, Tina Christy – Associate Director; Francisco Medina – Project Planner, City Plan Services on behalf of the City of Parramatta Council ● Final briefing to discuss council's recommendation, 6 November 2019, 1.45pm, Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Clare Stephens- City of Parramatta, Tina Christy (City Plan Services on behalf of City of Parramatta Council)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report