

18 February 2011

OUR REF: L:\Jobs1\051-2\Planning\Feb11,L,response to Council.doc

The General Manager
Newcastle City Council
P O Box 489
Newcastle NSW 2300

ATTENTION: MR DAMIAN JAEGER – SENIOR DEVELOPMENT OFFICER (PLANNING)

Dear Sir,

**RE: DA/10/1049 – PROPOSED MOSQUE
NO'S 158A & 164 CROUDACE ROAD, ELMORE VALE**

1. INTRODUCTION

We refer to your letter dated 21 December 2010 in relation to the above development application ("DA").

In response to Council's concerns, we have attached the following documents both in hardcopy format (5 copies) as well as 3 x CD's:

1. Amended Survey Plan prepared by de Witt Consulting (051_DET_18.01.11, Sheets 1 and 2) which includes detailed tree location and numbering details as well as details of the newly constructed dwellings to the south (see Appendix 1).
2. Amended DA drawings prepared by Dardiry & Doroch Architectural Services (see Appendix 2). In this regard we have attached the following amended drawings:

(Note: 5 x A1 copies of these drawings and 6 x A3 Notification Plans have been provided to Council).

| Drawing No. | Drawing Title | Date/Issue No. |
|-------------------------------|-------------------|----------------|
| | | |
| Architectural Drawings | | |
| A-010 | Site Plan | A2 |
| A-011 | Lower Ground Plan | A2 |
| A-012 | Upper Ground Plan | A2 |
| A-013 | Roof Plan | A2 |

| Drawing No. | Drawing Title | Date/Issue No. |
|------------------|---|----------------|
| A-015 | Imam House Drawings | A2 |
| A-020 | Elevations | A2 |
| A-021 | Elevations | A2 |
| A-022 | South West Elevation | A2 |
| A-023 | North West Elevations | A2 |
| A-024 | Sectional Elevation S3 | A2 |
| A-025 | Sectional Elevation S4 | A2 |
| A-028 | Colour Elevations 01 | A2 |
| A-029 | Colour Elevations 02 | A2 |
| A-030 | Section S1 | A2 |
| A-031 | Section S2 | A2 |
| A-040 | June 21 – 9.00am | A2 |
| A-041 | June 21 – 12.00pm | A2 |
| A-042 | June 21 – 3.00pm | A2 |
| A-043 | Sept 21 – 9.00am | A2 |
| A-044 | Sept 21 – 12.00pm | A2 |
| A-045 | Sept 21 – 3.00pm | A2 |
| 3D Images | | |
| 1 | Materials and Finishes | - |
| 2 | Birds-Eye View | - |
| 3 | Mosque Building Forecourt | - |
| 4 | Funeral Ceremony Building | - |
| 5 | Mosque Building Forecourt and Water Feature | - |
| 6 | Mosque Building Forecourt and Water Feature | - |
| 7 | Mosque Building Forecourt | - |
| 8 | Internal Site View | - |
| 9 | Funeral Ceremony Building | - |
| 10 | Birds-Eye View | - |

3. A materials and colours board for the proposal lodged under separate cover.
4. A letter from Moir Landscape Architecture addressing the landscape matters raised by Council (see Appendix 3). This letter is accompanied by the following amended landscape drawings and photomontages:

(Note: 5 x A1 copies of these drawings have been provided to Council under separate cover).

| Drawing No. | Drawing Title | Revision |
|-------------|-------------------------|----------|
| | | |
| LP01 | Site Analysis Plan | F |
| LP02 | Landscape Concept Plan | F |
| - | Car Park Podium Planter | - |



| Drawing No. | Drawing Title | Revision |
|-------------|---|----------|
| - | Photomontage Development Process | - |
| - | Photomontage One | - |
| - | Photomontage Two | - |
| - | Photomontage Three | - |
| - | Photomontage Four | - |
| - | Concept Plan: Supplementary Tree Planting in Neighbouring Reserve | - |

5. A letter and amended civil engineering drawings prepared by Northrop Engineers (see Appendix 4). This includes the following drawings:

(Note: 5 x A1 copies of these drawings have been provided to Council under separate cover).

| Drawing No. | Drawing Title | Revision |
|-------------|---------------------------------------|----------|
| | | |
| C00 DA | Sediment and Erosion Control Plan | C |
| C01 DA | Stormwater & Levels Plan Ground Floor | C |
| C02 DA | Stormwater & Levels Plan First Floor | C |

6. Arborist Letter and amended Arborist Report prepared by Abacus Tree Services dated February 2011 (see Appendix 5).
7. Traffic Response Report prepared by TPK & Associates dealing with traffic and parking issues (see Appendix 6).
8. Letter from Spectrum Acoustics dated February 2011 dealing with the acoustic matters (see Appendix 7).
9. Letter from Hale Development Services dated February 2011 dealing with waste management issues (see Appendix 8).
10. Ecology Report prepared by Hunter Eco dated January 2011 (see Appendix 9).

The various matters raised by Council have been addressed in Section 2 below.

2. RESPONSE TO MATTERS RAISED BY COUNCIL

The various matters raised in Council's letter dated 21 December 2010 have been dealt with below. They have been dealt with in the order set out in Council's letter for ease of reference.

2.1 Zoning/Land Use (NLEP 2003)

These matters raised have already been comprehensively addressed in Sections 4.6 and 5.3.2 of the SEE lodged with the DA.

Within the 2(b) zone a "place of worship" is a permissible land use and is defined as follows:

"place of worship means a building or place used predominantly for the purpose of religious worship, whether or not the building or place is also used for ancillary administration, youth clubs, counselling, social events or religious training by a congregation or religious group."



The above definition permits ancillary administration, youth clubs, counselling, social events and religious training to take place within the proposed place of worship. This is what is proposed within the buildings on the site as detailed in the SEE. These buildings are to be used by worshippers when they are not attending prayer sessions for social events, religious counselling and religious training and therefore fall within the "place of worship" definition.

As detailed in Section 4.6.3 of the SEE, the study rooms and library will be used by study groups including women's study groups with the Imam, youth study groups (similar to Sunday School events at Christian Churches) and religious counselling by the Imam (which may include one on one sessions or group sessions such as for women or a family). These facilities may also be used by the Imam in providing religious training in small group sessions.

As detailed in Section 4.6.3 of the SEE, the community hall will be used for weddings, social gatherings after funerals and social gatherings after prayer events (eg. community meals after certain prayer sessions). This area will also be used by the Newcastle Muslim Association for their committee meetings.

The proposed development is not to be used as a school in any shape or form (ie. is not an education establishment as defined pursuant to LEP 2003).

2.2 Zoning/Zone Objectives (NLEP 2003)

The site is zoned 2(b) Urban Core pursuant to the provisions of LEP 2003. The objectives of this zone are as follows:

- "(a) To provide for a diversity of housing types that respect the amenity, heritage and character of surrounding development and the quality of the environment.*
- (b) To accommodate a mix of home-based employment-generating activities that are compatible in scale and character with a predominantly residential environment.*
- (c) To accommodate a limited range of non-residential development of a scale and intensity compatible with a predominantly residential environment which does not unreasonably detract from the amenity or character of the neighbourhood or the quality of the environment.*
- (d) To require the retention of existing housing stock where appropriate, having regard to ESD principles."*

Clause 8(b) requires the consent authority to have regard to "*the relevant zone objectives*" (our emphasis) when determining a DA. This wording does not require development proposals to be "consistent" with zone objectives, but merely for the consent authority to "have regard" to them during the assessment. Furthermore, only relevant zone objectives are required to be considered.

Zone Objective (a) applies to housing developments, which is only one of many permissible land uses in the zone. As a result, zone objective (a) is not relevant to the proposal.

Zone Objective (b) applies to home-based employment generating activities, which is only one of many permissible land uses in the zone. As a result, zone objective (b) is not relevant to the proposal.

Zone Objective (c) is relevant to the proposed development. It is considered that the proposed development is consistent with this objective as it comprises a non-residential development which is of a scale and intensity that is compatible with the predominantly residential environment. As detailed in the SEE, it will not unreasonably detract from the amenity or character of the neighbourhood or the quality

of the environment. There may be some change to the character of the site (with some impacts on properties immediately adjoining the site), but this would not detract from amenity of the entire neighbourhood. The proposed density and intensity of the development will also be consistent with the provisions of the Newcastle Urban Strategy (see Section 5.4 of the SEE). The 2(b) zone comprises a predominantly residential zone of a higher density than the 2(a) zone which has been placed around Local and District Centres within the Newcastle LGA. It appears that this is to provide a higher density and more intense development around the land zoned 3(a) Local Centre and 3(b) District Centre. The 2(b) zone is the highest density residential zone in the Newcastle LGA. Some of the non-residential uses that are permissible in the 2(b) zone include "child care centres", "community facility", "educational establishment", "hospital", "institution" (such as a mental hospital, correctional centre or detention centre), "motel", "place of assembly", "place of worship" and "serviced apartment". The proposed place of worship is therefore one of the permissible non-residential uses that is considered appropriate for this zone.

Zone Objective (d) applies to the retention of housing stock where appropriate. In this regard, the proposal will involve the removal of one dwelling and its replacement with another (Imam House) therefore resulting in no change to the housing stock of the Newcastle local government area.

2.3 Draft Zoning (DLEP 2011)

Your comments regarding Draft LEP 2011 are noted. These matters have been addressed in a separate submission to Council by the Newcastle Muslim Association.

DA No. 10/1049 was lodged with Council on 9 August 2010, around 2 months prior to the exhibition of Draft LEP 2011. As a result, the DA needs to be determined in this context.

With regard to the zone objectives of the proposed R2 Low Density Residential zoning of the site, Clause 2.3 of Draft LEP 2011 states the following:

- "(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone."*

This wording does not require development proposals to be "consistent" with zone objectives, but merely for the consent authority (not the applicant) to "have regard" to them during the assessment. Furthermore, pursuant to case law, only relevant objectives need to be considered in the assessment process.

The proposed zone objectives of the proposed R2 zone are currently worded as follows:

- "To provide for the housing needs of the community within a low density residential environment."*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents."*
- To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment."*

The first and last bullet points above are objectives that are only relevant to housing developments and are therefore not relevant, particularly in light of the various non-residential land uses that are permissible in the R2 zone.



With regard to the second bullet point, it is relevant to note that the proposed place of worship will provide prayer facilities to meet the day to day needs of Muslim residents. This objective does not define what is meant by residents as so far as a locality or region is concerned. Notwithstanding, Sections 3.4 and 5.5 of the Social Impact Assessment lodged with the DA clearly show the following:

- In 2006 there were 28 residents of Elmore Vale of Islamic faith. This figure has remained stable since 2001.
- In the Newcastle LGA, the number of residents of Islamic faith increased by 119 between 2001 and 2006 to 641 people.
- The above data is an underestimate of the current situation as a number of people living in both Elmore Vale and the wider Newcastle LGA are students undertaking tertiary study at the University of Newcastle and international students are not counted by the ABS Census (unless they intend to be in Australia for a period of 12 months or longer). The increase in international student numbers which has occurred in Newcastle since 2006 would therefore not have been captured in the Census.

Pursuant to the above, the proposed mosque is an “other land use” that will “provide facilities or services to meet the day to day needs” of Muslim residents (both within Elmore Vale and the wider Newcastle LGA). It will therefore meet the requirements of the relevant objective of the R2 zone.

2.4 Proposed Uses

A table of the proposed uses, numbers of people involved, the hours of operation and frequency of use has been provided in Table 5 of the Traffic Response Report in Appendix 6.

2.5 Funeral Ceremony Building (NLEP 2003)

The funeral ceremony building will be used for prayer and preparation purposes prior to funeral services occurring within the Mosque. The use of this building will be intermittent and will not be used for other purposes at other times. It is a religious ceremonial room and not a mortuary for the storage of bodies. This use of the funeral ceremony room has been clarified through amendments to the architectural drawings which have removed both the cool room and the kitchen area (refer to Drawing A012 in Appendix 2).

By Islamic law (Shariah), the body of one who has recently passed away must be buried within 24 hours. Following release by the NSW Coroner, the body is taken to the city mortuary where it is stored while the funeral arrangements are being made. Immediately prior to the funeral service in the Mosque (which occurs immediately at the end of the designated lunchtime prayer session), the body would be brought from the mortuary to the ceremony building in a hearse to be clothed and prayed upon by the Imam, in the presence of the family members. In most cases, it is always preferred by relatives that the clothing and praying over the body and preparations are carried out at a private space within the Mosque grounds. The body is then taken in the coffin from the funeral ceremony building by the family and the mosque committee. The coffin is then generally placed on the shoulders of relatives and friends and walked to the mosque prayer hall from the funeral ceremonial building. The coffin is then placed at the front of the prayer hall in the Mosque at the commencement of one of the designated day time prayer sessions. Following completion of the prayers, the coffin is again placed on the shoulders of relatives and friends and walked to the awaiting hearse and driven to the cemetery for immediate burial.

The funeral ceremony building comprises a private space where the relatives of the deceased and the Imam commence the prayers and Islamic rituals associated with the funeral service that is completed



within the Mosque. It is therefore a building that is used for “religious worship” and falls within the definition of a “place of worship” pursuant to LEP 2003.

2.6 Arborist Report/Trees/Landscape Plan

An Arborist Letter and amended Arborist Report has been prepared addressing these matters (refer to Appendix 5). In this regard it is relevant to note that the Survey Plan (Appendix 1), Arborist Plans (Appendix 5) and Landscape Plans (Appendix 3) all include the same tree numbering and location information for ease of reference.

The amended Arborist Report has clarified that certain trees will be retained on site as part of the development.

In terms of compensatory planting and the requirements of Element 4.10 of Council's DCP, the amended Arborist Report in Appendix 5 deals with this matter in Section 6.1. This matter is also dealt with in the letter and concept plan prepared by Moir Landscape Architecture (Appendix 3). The applicant has agreed to provide compensatory tree planting within the public reserve to the north of the site. In this regard, a concept planting scheme for this public reserve has been prepared by Moir Landscape Architecture and is included as a Concept Drawing in Appendix 3. It is proposed to plant around 100 new trees and shrubs in the public reserve to offset the trees that would need to be removed from the site. This public reserve is currently largely devoid of any landscaping. This supplementary planting could be included as works in kind via an appropriate condition of any consent granted, subject to further design detail and sign off by Council.

Detailed Tree Protection Zones have been provided in the amended Arborist Report in Appendix 5.

The disclaimer within the Arborist Report has now been removed to ensure it can be used by Council.

2.7 Landscaping (Car park)

As detailed in the amended landscape documentation in Appendix 3, the ground level car park has been redesigned to allow for additional tree planting (additional 3 x *Waterhousia floribunda* – Weeping Lilly Pilly). Permeable paving combined with structural soil will provide improved below ground growing conditions for the proposed tree planting.

2.8 Traffic (Traffic Management Plan)

These issues have been addressed in the Traffic Response Report prepared by TPK & Associates (see Appendix 6).

2.9 Built Form

The amended architectural drawings include sections of the proposal along the north western boundary and show the building height envelopes within these sections.

Sections 4.10 and 4.11 of the SEE already address Element 5.2 of the Newcastle Development Control Plan 2005 as it relates to building height envelope and setbacks. In terms of FSR, the proposed development will have a GFA of 1,763 square metres which on a site of 8,279 square metres equates to a FSR of 0.21:1. This compares favourably with the 0.75:1 control that applies to the site pursuant to Element 5.2 of Newcastle DCP 2005.

The interface of the upper level car park and the funeral ceremony room has been reconfigured accordingly.



2.10 Overshadowing

Revised Shadow Diagrams have been prepared and are included with the amended architectural drawings (Appendix 2). This shows the impacts on the newly constructed townhouses to the south of the site. The impact is predominantly in the morning and later afternoon in midwinter as a result of the proposed 2.1m high boundary fence (not the proposed buildings). In this regard it is relevant to note that the erection of a 1.8 metre high rear fence is exempt development in Newcastle and would be typically associated with any form of development on the site. The impact of a 1.8m high fence would be similar to the proposed 2.1m fence with regard to overshadowing.

2.11 Lighting Impacts

A Lux Diagram detailing lighting impacts has been prepared and will be provided to Council under separate cover.

2.12 Bus Stop/No Parking

There are no longer any works proposed within Croudace Road, as detailed in the Traffic Response Report in Appendix 6. Council would need to determine whether any kerbside No Stopping restrictions for the Friday prayer period (1-2pm) on Croudace Road would be required around the access to encourage the use of the off-street car park.

2.13 Landscape Screening (Upper Car Park)

An amended landscape screen has been incorporated along the southern and western sides of the upper deck car park in accordance with Council's recommendations. A detailed drawing of this screen has been provided in the amended landscape documentation in Appendix 3.

2.14 Community Hall

The architectural drawings have been amended to remove reference to the "pool area" (which was an error on the DA drawings).

2.15 Main Gate

Details of the main gate have been provided on the architectural drawings and photomontages. It is proposed that this gate will be similar to the vertical rod style gates/fences that are used at some public schools. This will limit the visual mass of these gates and allow for views into the landscaped areas of the site.

2.16 Right of Way

The DA drawings have been amended to ensure there is no change to the existing vehicular access arrangements or point of access to the adjoining dwelling on Lot 1 DP 209466. This dwelling will enjoy the same rights as those which currently exist.

2.17 Appearance, Materials & Colours

A materials and colours board has been prepared for the proposal and is attached. These details have also been incorporated into the 3D images in Appendix 2 and the photomontages in Appendix 3.

2.18 Retaining Wall System

The amended architectural drawings now show plan and section details of the intended retaining wall system to be used. These would be subject to final engineering design which can be included as a condition of any consent granted.



2.19 Site Area/Subdivision

The site area of the proposed development as stated in the SEE and shown on the Proposed Boundary Adjustment Plan in Appendix 6 of the SEE is correct. This site area is 8,279 square metres. The site area calculation does not include adjoining Proposed Lot 241 which will have an area of 619 square metres. A Subdivision Plan was lodged with the DA and is included in Appendix 6 of the SEE.

2.20 Counselling Services

It is confirmed that only religious counselling will take place on site, as undertaken by the Imam.

2.21 Waste Management

This matter is addressed in the letter from Hale Development Services in Appendix 8.

2.22 Building Issues

These BCA issues have been addressed in the amended architectural drawings in Appendix 2. In any event, these are matters that can be addressed in the design detail phase of preparing the construction certificate documentation and can be incorporated as conditions of any consent granted. In summary:

1. 1 x 1 metre wide fire exits have been added to the lower ground level.
2. All fire doors have been revised to comply with the BCA minimum fire exit width.
3. A fire exit has been added to the community hall and all doors to the community hall and adjacent rooms are to be 1 metre minimum width.
4. A fire exit door has been added to reduce the travel distance within the library and study rooms. A fire exit has also been added through the office administration area.
5. The door widths of required exits from the library community hall and adjoining rooms have been adjusted accordingly.
6. The distance of travel to a required exit within the car park will be addressed through further measures in accordance with BCA consultant recommendations at the construction certificate stage.
7. The ramps have been designed to comply with AS1428.1 regarding maximum distances to landings.

2.23 Engineering Issues

Additional stormwater management details in accordance with Council's request have been provided in the amended documentation prepared by Northrop Engineers (see Appendix 4). This includes amended civil engineering drawings.

The issues raised by Council's Traffic Engineer have been addressed in the Traffic Response Report prepared by TPK & Associates (see Appendix 6).

2.24 Traffic Section

The issues raised by Council's Traffic Section have been addressed in the Traffic Response Report prepared by TPK & Associates (see Appendix 6). Amended architectural drawings A-010 and A-011 show the reconfigured left in and left out traffic movements from the site onto Croudace Road



2.25 Urban Design Consultative Group

1. Context

The matters relating to context discussed by the UDCG are noted. This matter has been addressed in Sections 3, 4.23, 4.24 of the SEE. Furthermore the additional Photomontages prepared by Moir Landscape Architecture and attached to this correspondence provide a clear assessment of how the proposed development relates to the existing context.

2. Scale

These comments of the UDCG are noted.

3. Built Form

The comments of the UDCG relating to built form are noted. Additional articulation of the buildings has been included in the amended drawings, particularly where these buildings front adjoining sites.

It is not proposed for air conditioning plant to be provided on the roof forms. These plant areas are shown on DA drawing A-011 and are located at the lower ground level to the rear of the site (adjacent to the water tank and adjacent to the rear of the mosque).

4. Density

The comments relating to density raised by the UDCG are noted. In this regard it is relevant to note that the proposed FSR of the development will be 0.21:1 which compares favourable with the 0.75:1 FSR control that applies to the site pursuant to Element 5.2 of Newcastle DCP 2005.

The architectural drawings have been amended to provide better articulation of buildings and the provision of additional landscaping (particularly along the driveway) to ensure better concealment of the car park from public views.

5. Resources, Energy and Water Efficiency

These comments of the UDCG are noted. Facilities for air-conditioning plant to the rear of the mosque and the community building have been provided at lower ground level to facilitate future air-conditioning if required.

6. Landscape

The amended architectural and landscape drawings now allow for additional planting within the access driveway to further soften this approach to the site. In addition, and as recommended by the UDCG, the central planting bed for the "Magnolia Grandiflora" has been relocated to the location of former car park no's 87,88, 89 and 90. This provides a more attractive point of arrival to the site.

Pedestrian walkways have now been more clearly defined on the architectural and landscape drawings.

The timber louvre screen on the upper deck of the car park has undergone further design resolution and details are provided on the concept plan in Appendix 3. In addition, a similar screening and landscaping has been provided to the upper level car park structure and ramps on the other two exposed sides.

The issue of overland stormwater flows has been addressed by Northrop Engineers in their supporting information (see Appendix 4).



As detailed in the additional Noise Assessment documentation in Appendix 7, the provision of an open style fence facing the public reserve at the north of the site would be possible as this part of the site does not require any acoustic screening. This is due to the acoustic screening effect that the proposed Mosque and Imam house would have in this area. As a result, a visually open fence has been included along this boundary.

The comments made by the UDCG relating to landscaping replacement planting not being a strict numeric response to the quantum of trees required to be planted, are noted. As detailed in the amended Arborist Report in Appendix 5 and the amended landscape documentation in Appendix 3 (and shown on the Concept Plan in Appendix 3, supplementary planting is proposed within the adjoining public reserve to offset tree removal on the site.

The issue of tree protection areas around the root zones has been addressed further in the amended Arborist documentation in Appendix 5.

7. Amenity

The comments made by the UDCG regarding amenity are noted.

8. Safety and Security

The comments of the UDCG are noted.

9. Social Dimensions

The comments of the UDCG are noted. Additional assessment relating to noise matters has also been undertaken and is included in Appendix 7.

Open days and local interaction days will be undertaken at the mosque, as is currently the case at the existing mosque.

10. Aesthetics

Additional detailing of materials and finishes, as well as additional articulation of building facades, has been provided in the amended architectural scheme. In addition a materials and samples board has been prepared which provides better details of the proposed finishes.

Recommendations

The amended architectural drawings provide substantial additional resolution to address issues relating to amenity, context and character. This has included additional landscaping within the car park and the re-arrangement of landscaping on the site to provide better screening of the car parking areas. In addition, photomontages have been prepared of the proposed development within its context to further assist with the assessment process.

2.26 Environmental Issues

Noise

The additional noise related issues raised by Council's Senior Environment Protection Officer have been addressed in the letter from Spectrum Acoustics (see Appendix 7).



Ecology

As requested by Council's Senior Environment Protection Officer, an Ecology Report has been prepared by Hunter Eco and is included in Appendix 9. This concludes that there are no ecological impediments to the proposed development on the site.

Funeral Preparation Building Design

This matter has been addressed in Section 2.5 of this letter. The funeral ceremony room is a religious ceremonial room and not a mortuary for the storage of bodies. This use of the funeral ceremony room has been clarified through amendments to the architectural drawings which have removed both the cool room and the kitchen area (refer to Drawing A-012 in Appendix 2).

By Islamic law (Shariah), the body of one who has recently passed away must be buried within 24 hours. Following release by the NSW Coroner, the body is taken to the city mortuary where it is stored while the funeral arrangements are being made. Immediately prior to the funeral service in the Mosque (which occurs immediately at the end of the designated lunchtime prayer session), the body would be brought from the mortuary to the ceremony building to be clothed and prayed upon by the Imam, in the presence of the family members. It is not a mortuary as defined in the Public Health (Disposal of Bodies) Regulation 2002. The existing city mortuary will be used for this purpose.

3. SUMMARY OF SUBMISSIONS

These generally do not raise additional issues that have not been already been addressed in the documentation provided to Council.

With regard to the use of the hall by the wider community (item 9 of the objections), this is considered to be a matter for Council to determine such suitability given the existing community facilities in the locality. It is the position of the Newcastle Muslim Association that they do not want to compete with the existing Elmore Vale Community Hall located across the road from the site. The Association has built up a good relationship with Lester Mostyn at the hall and has agreed that they can work together in this regard. The NMA has volunteered to help Lester in various different projects such as the community garden scheme. Furthermore, many members of the Muslim Community hire the Elmore Vale Community Hall for different functions, including weddings and cultural functions. As an example, the Bangladesh community (which includes Muslims and non-Muslims) hire it out every month for cultural functions. Because music is involved on these occasions, they are not able to be held within or close to the Mosque for religious reasons.

4. CONCLUSION

We trust that the amended design comprehensively addresses the matters raised by Council. Should you have any queries in relation to the DA please do not hesitate to contact the undersigned on (02) 4942 5441.

Yours sincerely
de WITT CONSULTING

A handwritten signature in black ink, appearing to read 'David Humphris', is written over a horizontal line.

David Humphris
DIRECTOR
Principal Town Planner



APPENDICES



APPENDIX 1

Amended Survey Plan prepared by de Witt Consulting



APPENDIX 2

Amended DA Drawings prepared by Dardiry & Doroch
Architectural Services



APPENDIX 3

Amended Landscape Documents prepared by Moir Landscape
Architecture



APPENDIX 4

Amended Civil Engineering Documentation prepared by Northrop Engineers



APPENDIX 5

Arborist Letter and amended Arborist Report prepared by Abacus Tree Services



APPENDIX 6

Traffic Response Report prepared by TPK & Associates



APPENDIX 7

Letter from Spectrum Acoustics



APPENDIX 8

Letter from Hale Development Services



APPENDIX 9

Ecology Report prepared by Hunter Eco