

ITEM	35 Anzac Street, GREENACRE NSW 2190
	Demolition of Existing Structures and Construction of a Mosque, Multi-Purpose Community Hall and Funeral Parlour with Associated Carparking, Landscaping and Fencing
FILE	DA-736/2012 - East Ward
	JRPP Reference: 2012SYW094
ZONING	4(b) - Light Industrial
DATE OF LODGEMENT	14 September 2012
APPLICANT	Ultra Design & Engineering (Aust) P/L
OWNERS	The United Arab Moslem Association (TUAMA)
ESTIMATED VALUE	\$6,620,439
SITE AREA	8097m²
AUTHOR	Development Services (Sindhu Kaphe)

SUMMARY REPORT

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated value of \$6,620,439 and exceeds the capital investment threshold for '*community facilities*'.

DA-736/2012 proposes the demolition of existing structures and construction of a mosque, multi-purpose community hall and funeral parlour with associated carparking, landscaping and fencing.

The Development Application has been assessed against *State Environmental Planning Policy No. 55 (SEPP 55)*, *State Environmental Planning Policy (Infrastructure) 2007*, *Bankstown Local Environmental Plan 2001 (BLEP)*, *Draft Bankstown Local Environmental Plan 2012 (Draft BLEP)* and *Bankstown Development Control Plan 2005 (BDGP)* and is recommended for approval.

The application was advertised for a period of twenty-one (21) days on two different occasions. Five (5) submissions were received during the first notification period. The application was subsequently amended and re-advertised for a second period of twenty-one (21) days. Seven (7) submissions were received, including two (2) submissions from the previous objectors, during the second notification period. The points of objection alone are not considered sufficient to warrant refusal or a major redesign of the proposal.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no financial implications

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

ATTACHMENTS

- A - Assessment Report
- B - Conditions of Consent
- C – Ground Floor Plan
- D – First Floor Plan
- E – Mezzanine Floor Plan
- F – Roof Plan
- G – Elevations and Section – 1
- H – Elevations
- I – External Finishes and Details
- J – Shadow Diagrams
- K – Building Heights – 1
- L – Building Heights – 2
- M – Demolition Plan
- N – Site Analysis (Existing Buildings)
- O – Site Analysis (Proposed Development)
- P – Building Overall Dimensions and Setbacks
- Q – Plan of Management

ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site comprises of four existing lots with a combined site area of 8097m² and a frontage of 80.5m to Anzac Street. It is located on the western side of Anzac Street approximately midway between Hume Highway (which is 210m to the south) and Brunker Road (which is 175m to the north). The applicant also owns the immediately adjoining property to the south (No. 29 Anzac Street) but it does not form part of this DA.

The site has a number of industrial buildings and several trees located along the frontage and the southern boundary. A two storey building located to the front of the site is currently being used as a prayer hall. As the report will later indicate, numerous approvals have been issued for the use of the site as a place of public worship.

The site is traversed by two major drainage easements and is affected by High and Medium Risk flooding from the Rookwood Road Catchment. The land gently slopes from the southwest to northeast with an approximate fall of 2.1m. Existing vegetation on the site comprises cypress pines and spotted gums along the street frontage and, one tree on the northern side boundary and a cluster of trees along the midpoint of the southern boundary.

The site is surrounded by industrial developments. The nearest residential properties are located on the eastern side of Hume Highway some 245m away from the site. The adjoining development comprises the following:

- **North**:- Adjoining the subject site to the north is a single storey brick warehouse (No 37-39) with paved area & sheds at the rear.
- **East**:- On the opposite side of Anzac Street is a bus depot comprising of a large hardstand parking area and a single storey administrative building. Immediately to the north of the bus depot entry is a storage warehouse. Buildings to the south of the depot driveway comprise industrial buildings including a large warehouse.
- **South**:- Adjoining the subject site to the south is a single storey concrete block industrial building (No 29 Anzac Street). Behind No 29 Anzac Street (property to the west) is Council's depot with a large hardstand area.
- **West**:- Several adjoining single storey industrial buildings, on individual lots with access from Rosedale Avenue adjoin the subject site to the west.



Source: Nearmap (27 November 2013)

SITE BACKGROUND/HISTORY

In the past there has been several development approvals granted on this site for a place of public worship and a community hall.

- **DA-436/1985** – approved in December 1985 for an Islamic Mosque and Community Centre comprising:
 - A Mosque containing a prayer hall and gallery 1007m² and a multi-purpose hall 198m².
 - The existing two storey building at the front of the site was to be retained to accommodate association's rooms (130m²), meeting rooms (267m²), library (136m²) and Imam's residence (126m²).
 - Car parking for 160 cars in a split level car park at the rear of the site.
 - Top of the minaret approximately 30m above the natural ground level.
 - Expected attendance (as estimated by the applicant) 200-250 people during Friday midday worship.

The development did not commence.

- **DA-468/1987** - approved in December 1987 for an Islamic Mosque and Community Centre of smaller size than the one approved in 1985. The key features were:
 - A Mosque containing a prayer hall and gallery 530m² and a multi-purpose hall 350m².
 - The existing two storey building at the front of the site was to be retained to accommodate association's rooms (130m²), meeting rooms (267m²) and library (136m²).
 - Car parking for 119 cars to be provided in a ground floor car park to the rear of the site.

- The submitted plan indicated provision for 'future extension' to the existing building, but no details were provided.
- Estimated maximum attendance:
 - Prayer hall: Friday prayer – 150
 - Feast days (twice per year) – 300
 - Multi-purpose Hall - 150

The development did not commence.

- DA-137/1990 – approved in May 1990 for an Islamic Mosque and Community Centre. This was a re-approval of the 1987 DA after the consent lapsed.
- DA-491/1993 – approved in October 1993 for an Islamic Mosque and Community Centre. This was a re-approval of the 1987 & 1990 DA after the consent lapsed.

The development did not commence.

It is to be noted that in each of these DA assessments the attendance number was disputed by both the Council and the Roads and Traffic Authority (RTA). In the 1993 proposal (the latest in the past approvals) Council used the Lakemba Mosque to estimate the occupancy and car parking generation and was assessed to have a capacity for up to 576 attendees and a demand for up to 339 on-site car parking spaces. As a consequence the approval contained conditions that:

- On-site car parking be provided for a minimum of 154 cars.
- Provision be made for up to a total of 339 cars should Council require in future should the parking demand be in excess of on-site parking provision.

PROPOSAL

DA-736/2012 involves:

- Demolition of all existing buildings at 31-35 Anzac Street.
- New building works comprising:
 - Place of Public Worship (Mosque) which is the main building/use on the site.
 - Multi-purpose Community Hall for community events (within the main building).
 - A two storey funeral parlour building located to the rear.
 - A two storey library, religious teaching and administration building located to the front.
 - Car parking at grade and in a multi-storey car park structure comprising four levels located to the rear.
- Ancillary items such as landscaping and fencing.

The development will have a gross floor area of 4179m² with a floor space ratio of 0.52:1.

Estimated CIV of the proposed development is \$6,620,439.

Amendments to the Development

Initially the development was proposed to be constructed in five (5) stages and also included a child care centre for forty (40) children.

- Stage 1 - Demolish all buildings and paved areas excluding the two storey office/hall fronting Anzac Street. Remove all cypress pine trees and 1 x spotted gum located along site frontage.
- Stage 2 - Retain the existing building and construct community hall and ground level parking area accessed via one-direction entry/exit driveway.
- Stage 3 - Demolish the two storey office/hall fronting Anzac Street and build front stair entry and construct new prayer hall (mosque) and parking decks at rear.
- Stage 4 - Construct 2-storey building comprising childcare centre (ground floor) and admin offices (first floor).
- Stage 5 - Construct 2-storey building comprising funeral parlour (ground floor) and admin offices (first floor).

However, owing to concerns raised from the JRPP members, Council and the objectors, particularly regarding the compatibility of the child care centre and adequacy of on-site parking, the development was amended as follows:

Amendment 1

- Deletion of the child care centre and replace with a two storey library and administration building.
- Deletion of car parking near the street boundary to facilitate additional landscaping and tree retention near the street frontage.
- Additional parking provision at the rear including an extra parking deck increasing the on-site parking from 197 to 238 spaces and 4 mini buses.
- Modification to the Mosque/hall building.

Amended plans were exhibited which attracted further objections particularly regarding traffic and the impact of the development on the surrounding businesses. There were also concerns about how the staging was to be managed.

Amendment 2

- Deletion of the staging of the development.
- Amendment to parking circulation and parking layout.
- Adjustment of columns location to be clear of easements.

The notification of Amendment 1 attracted submissions including from some businesses operating from Anzac Street and Brunner Road which questioned the basis of estimating the attendance number and the impact from the development on the traffic on Anzac Street and its intersection with Brunner Road. The submissions also raised doubts over the validity of Friday prayer statistics, influx and exodus of attendance and traffic numbers along Anzac Street. As a consequence, Council engaged an independent traffic consultant to seek a peer review of the traffic and parking assessment report prepared for the development. The consultant brief was to:

- *Review the traffic and parking report having regard to the methodology used and the conclusions reached in the report.*
- *Provide an independent assessment of the number of attendees likely to attend the facility and the methodology used to arrive at the expected numbers.*

The peer review report raised questions about the way the number of attendees were estimated, the size of the prayer hall, parking availability and traffic impact from the development. The findings of the report are discussed in greater detail in a later section of this report.

The DA plans were subsequently amended in response to the issues raised in the peer review report. The amendment comprised:

Amendment 3

- Reduction in the size of the main building by reducing the area of the prayer hall from 1830m² to 1542m² (a reduction of 15.7%) and rearrangement in the layout of the prayer mats (mat number reduced from 766 to 554).
- Amendment to parking circulation and parking space dimensions for minibus.
- Amended Plan of Management which incorporated specific provisions relating to Friday prayer TUAMA membership and minibus operation.

Amendments 2 and 3 were not notified due to the nature of the modification which reduced the size of the main building, the mat number and the attendees estimate.

The following assessment refers to the Amendment 3 plans and reports.

The main features of the current application (as modified) as described in the Statement of Environmental Effects (SEE) and subsequent amended reports are as follows:

TUAMA Mosque & Hall - The Mosque and the hall are located in the main building and will be configured as follows:

Lower Ground Level- Multi-purpose Hall

- Reception foyer, amenities and a multipurpose hall for community cultural activities. The community hall has an area of 785m² with a seating capacity for 352 people.
- The multi-purpose hall could be divided with suspended folding doors to create two separate sub-halls catering for smaller groups of up to 150 people each.
- Hall use hours are from 4pm to 10pm with expected attendance as follows:
 - Weekdays: 50 to 100 people maximum
 - Weekends: Typically 200 and maximum 350-400 for special community functions

First Level- TUAMA Mosque Prayer Hall

- A first floor prayer hall referred to as 'TUAMA Mosque' with an area of 1096m².
- A covered outdoor colonnade area to provide protection for multiple double doors connecting the prayer hall with the forecourt.
- A forecourt between the prayer hall and Anzac Street to allow for multiple entry/exit points to the complex during peak occasions. It will also serve as a place of congregation prior to and post prayer times.

Mezzanine Level- Female Prayer Hall

- A prayer hall for female worshippers with an area of 446m².
- A gallery around the central opening overlooking the prayer hall is provided. The mezzanine opens onto the gallery through multiple bi-fold doors. This is to allow the female attendants to overlook, observe, and participate in the special prayers during peak occasions.
- A covered gallery and outdoor terrace.

The combined area of the prayer hall (main prayer hall for males 1096m² and mezzanine prayer hall for females 446m²) is 1542m² with a mat capacity for 554 prayer mats and an expected attendance of:

- Friday midday prayer: 400-500 typically with a maxim attendance of 554 people.
- Ramadan Month: up to 200 people each evening.
- Special Prayers (on Eid Days) twice a year: 600-700 people.

Funeral Parlour Building

A separate 2 storey building with a floor area of 169m² located in the south western (rear) corner of the site is proposed as a funeral parlour. It will be configured as follows:

Ground floor- Reception/Amenities

- A reception/administrative area for staff and volunteers providing services when in use.
- A waiting area for the use of the family of the deceased.
- Main washing/preparation room to prepare the deceased.
- A main office and archive for staff and volunteers providing services when in use.

First floor - Offices & Archives

- Offices for management and documentation.
- Document storage and archiving services.

The funeral parlour is not an area open to the public.

The following information has been provided by the applicant regarding the operation of the funeral parlour:

In Australia, when a Muslim dies, he or she is taken by ambulance to a "Funeral Parlour" to prepare the body for the final prayer "Salat El Janaza" before burial.

There are a few establishments that provide those services, most of them are within a close proximity to a mosque and some are affiliated with such mosque. e.g. Lakemba mosque has a similar one within the mosque grounds.

In the submitted development, it is proposed to provide such service. Because such service is not usually included within the mosque building, a separate building located in the south western (rear) corner of the site is proposed, the services provided are the following:

- *The ambulance delivering the deceased to the funeral parlour backs into the allocated space for unloading. This space is directly adjacent to the washing room and is screened from public viewing.*
- *The deceased, delivered by an ambulance, will be received by a member of staff through the washing room and will be temporarily stored in the cold room until the immediate family of the deceased arrive.*
- *The immediate family members attending the washing ceremony (normally two to four) would wait in the waiting room while the preliminary washing is taking place.*
- *Non-immediate family and friends attending the funeral prayer would wait in the Community Hall*
- *The deceased would be brought out of the cold room into the washing room by the staff performing the washing, and the washing procedure commences based on the "Ghusl" tradition listed above.*
- *Once the body is washed and the deceased is wrapped in a shroud, the immediate family members are invited into the Washing Room to witness the ablution and participate in the "Duaa' " ritual. This involved repeating some verses of prayer.*
- *The immediate family members are then asked to leave to the waiting room.*
- *The deceased is then placed in a basic coffin and is rolled out of the funeral parlour on a stretcher and is taken up the lift into the mosque.*
- *The whole exercise of performing the washing and shrouding usually takes between 25 and 35 minutes.*
- *The immediate and extended family and friends follow the deceased to the main praying hall on the First Floor, the coffin is then placed in front near the "Mehrab" and the "Salat" ritual is performed. This usually takes between 5 and 10 minutes. Once the "Salat" ritual is completed, the coffin is then carried on the shoulders of the mourners and taken through the main doors to the Hearse that should be waiting in front of the complex.*
- *The mourners would then get to their cars in the parking building and queue within the drive way inside the mosque complex. A member of staff in charge of traffic would direct the procession cars to the exit gates while another staff waits at the exit gate stopping anyone from exiting. Once all the cars in the procession are ready, a signal is given to the hearse driver to start moving and the cars are directed to follow behind in a procession to the cemetery for burial.*

Library, Religious Teaching and Administration Building

This is a 2 storey building having a floor area of 595m² located to the front on the south side of the site and comprises:

Ground Floor – Library and religious teaching
First floor - Offices and conference room

A Plan of Management (POM) has been prepared to manage the operation of the facility. The following table extracted from the POM provides the operational details for different components of the facility:

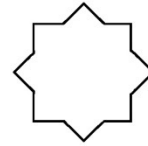
Activity	Time		No. Staff	No. patrons expected
Prayer Hall	The prayer hall will be open during the following times:			
	Morning Prayer SUBH	7am - 9am	2 clergy	35
	Midday Prayer DHUHR	12noon - 4pm	2 clergy	30
	Afternoon Prayer ASR	4pm - 7pm	2 clergy	20
	Evening Prayer MAGHRIB	7pm - 8.30pm	2 clergy	25
	Night Prayer ISHA	8.30pm - 10pm	2 clergy	30
	Friday Prayer	11.30am-1.30pm	2 clergy 2-3 volunteers	400-500 typically but allowing a maximum of 554
	Eid Prayers (twice per year)	5am-7.30am	2 clergy 5-6 volunteers	600-700
Community Hall	Weekdays	4pm-10pm	2 staff 1 Part time	50-100 maximum
	Weekends	4pm-10pm	4 staff 1 Part time	Typically 200 and max 350-400 for special community functions or can be divided into two separate sub-halls up to 150 each
Funeral Parlour	Any day of the week	8am- 2pm	4 staff 1 Part time	n/a
Library, Religious teaching & admin office	Every day of the week	2pm – 8pm	2 staff 1 Part time 1 volunteer	40-64 participants
Note: <ol style="list-style-type: none"> 1. A General Manager and three (3) additional administrative staff will be employed to manage the overall operations of the TUAMA Mosque & cultural centre 2. The Centre will also employ a security guard & general hand to assist the admin staff manage the centre 3. There will be variation in prayer times during summer and winter months 4. There will be no concurrent use of the community Hall and Mosque 5. At the times of prayers, all other activities will cease as per the above timetable 6. There will be a 1 hour lead/lag time between library operation time and Friday prayer time 7. Morning prayer times are at sunrise and those times will vary between mid-summer and mid-winter. In winter the sun rises at around 6.30am and in summer the sun rises at around 5.30am (daylight saving). The proposed operating time for the morning prayer is dictated by the religious regulations. The proposed operating time is comparable to other religious places similar to the proposed facility. 				

Building Design

As stated in the SEE “*The overriding principle of TUAMA is to build stable, cohesive and successful communities. The proposed new mosque and cultural centre with ancillary funeral parlour and office functions will support this by providing members of TUAMA as well as the general community, with facilities which allow for spiritual, social and cultural betterment*”.

The design rationale for the mosque is described as follows

- *The configuration of the mosque and prayer hall is based on the eight cornered Islamic star. Its basic geometric form is the overlap of two squares rotated at 45 degrees.*
- *The square with four equal sides and four equal corners has important symbolic significance in Islamic art and architecture.*
- *The design of the proposed mosque is two over lapping squares, each with equal sides of 40metre lengths.*
- *The minarets are located 40 metres apart and are 20 metres high.*
- *The equal or identical dimensions of the shape carry significant importance in Islamic art and architecture. Compromising this symmetry will affect the spiritual significance of the proposal.*
- *The dome sits on an elevated octagon (eight sides).*
- *There are four entry doors to the mosque and four doors in each corner of the covered colonnade. In the mezzanine, the void opening onto the main hall is octagonal in shape.*
- *There are two cores with vertical connection between floors to the mosque.*



The overall height of the dome is 22m above the natural ground level and the height of the minaret is 30m above the NGL.

A 3D representation of the development is produced below:



A comparison of the current proposal against the previous approvals is provided below:

Item	1985 Approval	1993 Approval	Current DA
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Prayer Hall including mezzanine	1007m ²	530m ²	1542m ²
Community Hall	198m ²	350m ²	785m ²
Funeral parlour	N/A	N/A	169m ²
Car parking: Proposed: Required by DA Condition:	160 292	119 154 Future provision to be made for 339 ⁽¹⁾	238 + 4 minibus
Maximum attendance <u>Prayer Hall</u> Friday Noon: Special Events: <u>Community Hall:</u>	250 Not specified 150	100-150 300 ⁽²⁾ 150	400-500 600-700 200 typically max 400

- (1) DA condition required for provision to be made for 339 spaces on site should the parking demand be in excess of on-site car parking provision. Provision was also to be made for temporary parking off-site for up to 3,500 worshippers on two major feast days per year.
- (2) Council estimated the attendance during feast days to be around 3,500. This was based on half of the 7,000 worshippers attending Lakemba Mosque expected to attend this site, when completed.

Matters raised during JRPP briefing

The following matters were raised by the JRPP members during the initial briefing of the development proposal:

- *Whether the height and proportion of the dome and minarets could be reduced to a scale comparable to that used in the Lakemba Mosque.*

The applicant has presented a comparison of the proposed mosque with some other mosques/churches in the surrounding suburbs arguing that the proposal is comparable in terms of height of the dome and minaret. This is dealt with in greater detail in a later section of this report.

- *Concerns regarding the traffic and parking impact on the sustainability of the surrounding industrial business during the Friday midday prayer session.*

The traffic and parking impact from the development has been the subject of extensive analysis including from an independent traffic consultant engaged by Council. The findings of the assessment are presented in the traffic and parking section of this report.

- *Whether the site is suitable to accommodate a childcare centre due to potential land use incompatibility.*

Child care centre has been deleted.

- *That the suitability of the development does not diminish the opportunity for the adjoining industrial sites to function efficiently i.e. resulting in a loss of industrial employment land.*

The assessment that follows demonstrates that except for a limited period during Friday midday worship and the two special events a year, the development would not conflict with the businesses operating from the area. The traffic and parking assessment demonstrates that the proposal can co-exist within the industrial precinct with limited impact on the functional efficiency of the adjoining industrial lands.

- *Whether the expected attendance has been adequately estimated and that a greater level of certainty with respect to the attendance should be sought.*

The estimation of the attendance number has been reviewed through a 'peer review report' and as a consequence the size of the prayer hall and the attendance number has been reduced. The applicant is proposing to use a 'membership' system to control the number of attendees.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) states that a regional panel may exercise the consent authority functions of the Council, for the determination of applications for development of a class or description included in Schedule 4A of the EP&A Act. Schedule 4A of the Act includes '*community facilities over \$5 million*'. The development has a value of \$6,620,439 and accordingly, the development application is reported to the Sydney West JRPP for determination.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

Under the provisions of Clause 7 of State Environmental Planning Policy No. 55, a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Phase 2 Preliminary Environmental Site Assessment Report and a Remedial Action Plan (RAP) prepared by Aargus Pty Ltd was submitted with the application. The report concluded that "*Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil*

contamination at the site are low in the context of the proposed use of the site for a new cultural centre development. The site is therefore considered to be suitable for the proposed use, subject to the following:

- *Preparation of a Remedial Action Plan (RAP) in regards to the two hotspots areas present within the site.*
- *Additional sampling is undertaken beneath the buildings within the site once demolition of the buildings has been completed.*
- *Any soils requiring removal from the site as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009).*

The Site Assessment Report and the RAP has been reviewed by Council's Land Contamination Officer and found to satisfactorily address the site contamination matters. Conditions requiring remediation of the site to a level suitable for the proposed use have been incorporated in the conditions of consent, thus satisfying Clause 7 of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of SEPP (Infrastructure) lists types of developments that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network (including classified roads). The proposed development exceeds the thresholds listed within Schedule 3 due to the number of parking spaces provided on site exceeding 200. The proposal was accordingly referred to the RMS for comment.

RMS have reviewed the proposed development and raised no objection, subject to specific conditions of consent addressing matters including the need to prepare a traffic management plan prior to the two special Eid celebrations. These requirements have been included in the attachment to this report as recommended conditions of consent.

Bankstown Local Environmental Plan 2001

The following clauses of the *Bankstown Local Environmental Plan 2001* were taken into consideration:

- *Clause 2 Objectives of this plan*

The development is consistent with the objectives of the plan providing for an appropriate urban design and a development of a scale and intensity that is consistent with the controls and standards provided within Part D6 and Part D12 of Council's Development Control Plan.

Whilst the LEP seeks to concentrate intensive trip generating activities in locations most accessible to rail transport the proposed use is permitted in the zone with consent and, for the most part, is a low trip generating use with intermittent high usage e.g. midday Fridays and two special events (Eid) per year. It is noted that a similar use has been approved by Council on this site in the past.

The design was reviewed by Council's Design Review Panel and deemed acceptable in terms of the site context, building form, bulk, scale, height and the external appearance.

▪ *Clause 11 Development which is allowed or prohibited within a zone*

The table to Clause 11 sets out which development may be carried out in each zone. The site is zoned 4(b) – Light Industrial under Bankstown Local Environmental Plan 2001. The subject development being for a place of public worship, community facilities, funeral parlour and car park is permissible or ancillary to a permissible form of development with the consent of Council (in this instance, JRPP) in a 4(b) Light Industrial zone.

▪ *Clause 16 General objectives of these special provisions*

The proposed development appropriately addresses likely impacts relating to existing vegetation, storm water management and land contamination.

▪ *Clause 19 Ecologically sustainable development*

The subject site is accessible to public transport. The proposed removal of existing vegetation has been assessed and supported by Council's Tree Management Officer subject to compensatory planting as proposed in the concept landscaping plan and appropriate means of managing storm water runoff have been incorporated. Furthermore a sizeable landscaped area has been provided along the street frontage and the north eastern part of the site to allow deep soil plantings.

▪ *Clause 20 Trees*

The DA includes the removal of 1 x spotted gum and all cypress pine trees along the street frontage and the retention of 2 spotted gum trees at the frontage, a single tree on the northern & western boundary and a group of trees on the southern boundary behind the library building.

The proposed tree removal has been assessed by Council's Tree Management Officer and no objection has been raised to the removal subject to the retention of two spotted gums located within the front boundary setback.

▪ *Clause 26 Flood liable land*

The site is affected by storm water flooding from the Rookwood Road Catchment. A flood study was provided with the application. The report concluded that *"... the proposed development would have a beneficial impact on flood behavior by reducing the overall peak discharge downstream of the site, while maintaining depths of flow equal or less than 200mm and also by maintaining a low hydraulic hazard"*.

The proposal, including the flood report, was assessed by Council's Development Engineer and considered acceptable subject to conditions.

- *Clause 30 Floor space ratios*

The LEP floor space ratio map prescribes a maximum floor space ratio of 1:1 for this site. The proposed development has a floor space ratio of 0.52:1.

- *Clause 32 - Access for People with disabilities*

This clause requires the development to comply with the requirements of the Building Code of Australia in relation to access. A preliminary BCA assessment of the application did not reveal any issues relating to accessibility.

- *Clause 51 Objectives of the Industrial zones*

The subject site does not adjoin and is not in close proximity to a residential area.

It is considered that the proposal demonstrates an acceptable standard of building design. In particular, the proposal achieves a suitable street address and promotes casual surveillance of the public domain. Similarly, the architectural plans demonstrate suitable environmental management with the inclusion of rain water re-use tanks and the like. In this regard, the proposal is considered to satisfy the relevant objectives of the subject 4(b) Light Industrial zone.

- *Clause 52 Development in the Industrial zones*

The application was accompanied by an assessment of traffic and parking implications prepared by Traffic and Transport Planning Associates. In summary, the report concluded that the proposal will provide adequate off-street parking having regard to typical daily/weekly usage of the facility.

The proposal provides a combination of pervious and impervious landscaping around the perimeter of the proposed buildings. In relation to the street frontage, the landscaping proposed is considered appropriate.

Currently the site is occupied by buildings which are outdated. By proposing new buildings of suitable design, the proposal is likely to improve the character of the locality.

Vehicular access will be provided to the site via Anzac Street. This road provides direct linkages to arterial roads such as the Hume Highway and Brunner Road. In this case, it is considered that the site is suitably located in terms of vehicular access.

The proposal is centrally located within an established industrial area. The industrial area in question is bounded by significant transport elements such as Brunner Road, Rookwood Road and the Hume Highway. It does not directly adjoin a residential area. Given its location the proposal is not likely to adversely impact the amenity of residential areas, the closest of which is located some 245m away on the opposite side of Hume Highway.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

The draft Bankstown Local Environmental Plan 2012 (BLEP 2012) has been publicly exhibited and applies to the subject site, hence the draft instrument is a matter for consideration under Section 79C(1)(a)(ii) of the EP&A Act 1979. While the draft instrument proposes the introduction of some additional provisions, in the most part, the draft BLEP 2012 provides for an administrative conversion of BLEP 2001 to the standard instrument LEP template.

With respect to the proposed development, namely the demolition of existing structures and construction of a mosque, multi-purpose community hall and funeral parlour with associated carparking, landscaping and fencing, it is considered that the proposal remains consistent with the aims and objectives of the draft instrument. Whilst the funeral parlour, being a separately defined land use in the draft LEP, would not be permissible in 4(b) zone, to give determinative weight to the specific provisions contained within the draft instrument would be premature given the stage at which the draft instrument is at.

Development control plans [section 79C(1)(a)(iii)]

The development has been assessed against the following parts of the Bankstown Development Control Plan 2005 (BDCP 2005):

- Part D6 – Industrial Zones
- Part D8 – Car parking
- Part D12 – Places of Public Worship
- Part E1 – Demolition and Construction
- Part E2 – Tree Preservation Order
- Part E3 – Flood Risk Management

The following table provides a summary of the development application against the controls contained in Part D6, D8 and D12 of *Bankstown Development Control Plan 2005*.

STANDARD	PROPOSED	BDCP 2005 PART D6, D8 & D12		LEP 2001 COMPLIANCE
		REQUIRED/PERMITTED	COMPLIANCE	
Floor space ratio	0.52:1	1:1	Yes	Yes
Site coverage	55.9%	70%	Yes	N/A
Setback				
Front:	Mosque Bldg: 27m Admin/library: 7.5	10m (min)	No	
Side/rear	Mosque Bldg: 20m (min) Admin/library: 1m (min)	Comply with BCA and generally be consistent with surrounding development	Yes	
Landscaping along frontage	7.5m to 23.6m deep	10m (variation permitted - refer to the explanation below)	Yes	
Car parking	238 spaces (based on parking assessment)	Based on a Parking Survey	Yes	
Locational requirements	No existing brothel is located within the visual catchment.	May not be within reasonable view of a brothel	Yes	

STANDARD	PROPOSED	BDCP 2005 PART D6, D8 & D12		LEP 2001 COMPLIANCE
		REQUIRED/PERMITTED	COMPLIANCE	
	Distance to existing brothel on 53 Beresford Ave: 120m (aerial distance) 750m (walking distance)	Not be within a 100m radius of a brothel	Yes	

As the table demonstrates, the application is seeking variation to the front setback contained in Clause 4.6(a) of Part D6 of BDCP.

Front Setback

Clause 4.6(a) of Part D6 of BDCP stipulates a minimum 10m setback to the primary frontage. The proposed development maintains a variable setback ranging from 7.5m to the admin/library building to 27m to the main mosque building. The 7.5m setback is proposed to the two storey administration/library building located towards to the southern end of the frontage. The applicant has argued that “...*this building has a small frontage to Anzac Street and will not dominate the streetscape. Further, the proposed 7.5m setback is generally consistent with neighbouring development which has 8m setbacks (No. 37-39) and 9m setback (No. 29)*”.

Clause 4.7 of Part D6 states:

Despite clauses 4.5 and 4.6, Council may vary the minimum setback provided the development:

- (a) complies with any statutory alignment that applies to an allotment; or*
- (b) provides adequate space to meet the vehicle access, car parking, loading, and landscaping standards; or*
- (c) complements the building alignment of neighbouring developments or the desired future character of the area; or*
- (d) achieves an appropriate bulk and scale.*

In view that there is no statutory alignment that applies to the site and that the proposal generally satisfies the provisions in (b), (c) and (d) a variation is considered reasonable. It is noted that the building footprint achieves an average front setback of 22m over the entire site frontage.

Landscaping of open space

Under Clause 7.1 of Part D6 a development that has a site area greater than 4000m² must provide a landscape area of 10m width along the primary frontage. The proposed development provides landscaping ranging from 7.5m to 23.6m wide along the frontage interrupted by driveways, disabled ramps and forecourt entry steps. Clause 7.2 allows variation to the landscaping width “... *provided the development complements a high quality landscaped image of neighbouring developments or the desired future character*”.

The adjoining developments have minimal landscaping and the quality of landscaping of the area is not something to emulate. The proposed development provides a much higher amount of landscaping area forward of the building than expected by the DCP and overall the development is considered to achieve the objectives of the DCP and considered acceptable.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements relevant to this development application.

The regulations [section 79C(1)(a)(iv)]

In accordance with clause 92(1)(b) demolition of existing structures on the development site will be required to be undertaken in accordance with the provisions of Australian Standard AS 2601 - 1991: The Demolition of Structures, which is specified in Council's standard conditions regarding demolition works.

Any coastal zone management plan

The development site is not within the coastal zone, and there is no relevant coastal management plan.

The likely impacts of the development [section 79C(1)(b)]

An assessment of the likely impacts of the proposed development has determined that the following issues require particular attention:

Access, parking and traffic

The applicant submitted a Traffic and Parking Assessment Report which was reviewed by the RMS and Council's Traffic Engineer. The RMS did not raise objection to the proposal, in principle, subject to the imposition of conditions including:

- *The submission of a Traffic Management Plan to Bankstown Council's Traffic Committee for review at least three months prior to any special day events being held on the subject site.*
- *The number of car parking spaces being to Council's satisfaction.*
- *The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) being in accordance with 2890.1-2004, AS 2890.2 – 2002 for heavy vehicle usage and AS 2890.6: 2009) for the disabled.*

Council's Traffic Engineer raised concerns, including the possible simultaneous use of the prayer hall and community hall and whether the applicant's estimation of 400 to 500 people (600 to 700 people during special events) was an underestimation given the size of the prayer area and the current attendance at the Gallipoli Mosque at Auburn and the Lakemba Mosque.

As indicated earlier in this report, following concerns from Council Officers regarding the size of the prayer area and the number of attendees estimated by the applicant and submissions from surrounding businesses, Council engaged an independent Traffic Consultant to peer review the Traffic and Parking Report prepared by the applicant's Traffic Consultant for the development and also review the method used

to estimate the expected attendees.

Peer Review Report

The peer review was undertaken by Geoplan Services P/L and included surveys of the existing prayer hall at the subject site and the Lakemba Mosque. The key findings of the report are provided below.

- **Friday Attendees and Parking**

The report uses the travel mode of the worshipers attending the existing facility and projects to the proposed development based on the estimate provided by the applicant.

Based on the survey of the existing prayer hall "... the parking demand from the proposed development was expected to be 277 to 332 cars. This is greater than the proposed parking provision (238 spaces) by 32 and 94 spaces respectively. The report argues that if the current use of on-street parking (approximately 70 cars) is accepted for the future then the remaining parking demand for off-street parking would be 207 and 262 respectively. Thus off-street parking demand generated by 500 worshipers would be accommodated whilst that for 600 attendees would exceed the proposed car park capacity. The break-even number of attendees (assuming 70 cars would be parked on street) was estimated at 557. If all cars were to be accommodated on site, the number of attendees would need to be reduced to 430".

- **Traffic Generation and Intersection Modelling**

The survey of the existing facility showed "... 87% of cars parked on site exited the car park within 45 minutes between 13:00 and 13:45 (90% between 13:00 and 14:00). It was noted that the actual departure rate could be higher if not for queues extending at times from Brunner Road past the site entry". This finding disputes the results of the SIDRA modelling used by the applicant's consultant to analyse the intersection which indicated Level of Service B and queuing in the order of 5 cars on the southern approach to the Brunner Road/ Anzac Street intersection. The peer review suggests that "... SIDRA Intersection model is not considered to be appropriate modelling software for this analysis; a microsimulation model is recommended. T & TPA analysis of the site exit operation does not take into account queuing across the driveway and thus additional delays for exiting vehicles".

- **Car park, Circulation, Gradients and Clearances**

The review indicated design drawings containing a "... significant number of deficiencies and require to be amended before they could be recommended for approval".

The applicant was invited to address the issues raised in the peer review report. As mentioned earlier the applicant responded by submitting amended plans (Amendment 3) and a revised Traffic and Parking Assessment Report and Plan of Management. The amendments included a reduction to the size of the main building and reducing the mat capacity of the prayer area from 776 to 554 in line with the maximum capacity recommended by the peer review report, and rectifying the design deficiencies identified in the report. Regarding the intersection modelling the

applicant's Traffic Consultant maintained that "... the operational performance outcome has been assessed using SIDRA and the results of that assessment indicating satisfactory operational performance".

The amended proposal including the revised Traffic and Parking Report was reviewed by Council's Traffic Engineer and support given to the proposal subject to the following:

- *The maximum capacity of the prayers areas shall be reduced to accommodate the projected patronage of 554 persons for the usual Friday afternoon prayers. This can be based on prayer mat sizes, spacing between mats etc.*
- *The proposed minibus operation must form a condition of consent.*
- *A footpath must be provided extending north and south of the mosque, including the entire western side of Anzac Street from the Hume Highway to Brunner Road.*

These matters have been included in the conditions of consent.

With regard to the Anzac Street/Brunner Road intersection operation performance during the departure times Council's Traffic Engineer's view is that this is likely to be limited to half an hour to one hour on Fridays and is considered to be an acceptable impact from a community facility that will benefit a significant section of the local community.

It is acknowledged that there is existing car parking and traffic problems associated with the current operation during Friday midday prayer time which is likely to further build up with the increase in the attendance. It is also acknowledged that even with appropriate management practices in place, not all traffic and car parking generated by this proposal will be accommodated on site during its peak hour use.

Traffic congestion and on street car parking are typical issues around many Sydney Mosques during the Friday prayer times and it is almost inevitable that there will be some level of impact at these hours at most of the Mosque sites. The issue for the JRPP to consider is whether the proposed management measures will minimise the problems and whether the resultant likely level of impact is acceptable.

The conclusions of Council's Roads and Infrastructure Department are that these impacts will be better managed under the proposed scenario including the use of minibuses and that the management practices put in place will partly offset the proposed increase in worshippers over the years. However, the mosque management must take ownership of the existing and likely traffic issues and this will be enforced via appropriate conditions of consent.

On traffic management grounds, it is considered that the application can be supported. A requirement for a Traffic Management Plan during special events would form part of the conditions of consent.

Safety, security & crime prevention

A Safety by Design Report prepared by the designing architect was submitted with the application. Given the location, nature and the scale of the development, it was referred to Council's Community and Development Unit and Bankstown Police. The

Bankstown Local Area Command has advised that it has conducted a Safer by Design Crime Risk Evaluation and identified an overall crime risk as **medium**, on a sliding scale of low, medium and high crime risk. The Police have recommended conditions that cover the following Technical/Mechanical (CEPTED) treatment options for the development in order to reduce opportunities for crime.

- Lighting
- Closed Circuit Television(CCTV)
- Access Control
- Property storage
- Signage

These matters are such that it can be dealt with during the building design/construction phase and conditions have been imposed to this effect.

Acoustic Assessment

An Acoustic Report was prepared by Acoustic Solutions Pty Ltd addressing the noise impact from the proposal. The conclusion in the report was:

Mosque and Community Hall Operational Noise Sources

- *Compliance with project specific INP noise goals can be achieved at all surrounding industrial receivers and at the nearest potentially sensitive residential receiver locations to the east and southeast under typical (and worst case) operational scenario conditions.*
- *Mechanical ventilation plant and equipment serving the Mosque and hall are required to achieve the 65 dBA amenity criterion at surrounding industrial receivers. This is likely to be achievable using judiciously located, low-noise units.*
- *There will be high levels of noise associated with the large number of worshippers attending the Mosque and Cultural Centre for the evening prayers throughout the month of Ramadan and for the two Eid Festivals occurring annually. Given there are no measures that can be implemented to effectively reduce such levels, and that they occur infrequently and result from events of considerable religious and cultural significance, particularly in the context of the Bankstown community, any adverse impacts arising during these events should be afforded additional tolerance. Noise generated by large crowd attendance is unlikely to cause disturbance at the nearest residential receivers to the east and south-east.*

Funeral Parlour

- *Noise emissions from mechanical and ventilation plant associated with the funeral parlour operation are likely to achieve the 65 dBA amenity criterion for surrounding industrial receivers.*

Carpark Noise

- *Given the amenity criterion of $L_{Aeq(period)}$ 65 dBA for industrial receivers, noise emissions associated with the operation of the carpark are not*

considered to be acoustically significant and are not relevant in relation to residential receivers.

Road Traffic Noise

- *The development site is currently in use. Given the industrial zoning of the area and that access to the site is via major arterial roads, road traffic noise is not considered to be an acoustically significant issue.*

Council's Environmental Officer reviewed the assessment and offered support subject to imposition of conditions including the following specific requirements:

- *The worship area and the religious class room area being built with an internal noise level of 40 dBA and maximum of 45 DBA.*
- *All worship taking place within the mosque, no person to occupy a public place; and*
- *All PA systems being less than 5dBA above the background noise level.*

Accordingly, conditions of consent have been imposed requiring the development to be constructed/operated in accordance with the recommendations of the report subject to satisfying the above requirements.

Suitability of the site [section 79C(1)(c)]

The proposal is a permissible form of development in the zoning. Regarding the use of industrial site to accommodate a place of public worship and loss of industrial land Council's LEP allows many uses other than industrial land uses on the site. It is inevitable that some non-industrial uses would be approved and operate from industrial zoned land. This site had previous approvals for a mosque and community centre and is currently used (albeit in an informal manner) as a place of worship by the local Islamic Community.

In light of the fact that the development satisfies the provisions contained within each of the relevant planning instruments and Council plans, the site is considered suitable for this form of development.

Submissions [section 79C(1)(d)]

The application was advertised for a period of twenty-one (21) days on two (2) separate occasions. Five (5) submissions were received during the first notification period. The application was subsequently amended and re-advertised for a period of twenty-one (21) days. Seven (7) submissions were received during the second notification period, including two (2) submissions from the previous objectors. The main points raised in the submissions have been grouped together by issues and discussed below:

Objection: Traffic and parking issues

- *Lack of sufficient onsite parking*
- *Overflow parking will adversely affect traffic in Boronia Rd*
- *Parking in Boronia Rd and O'Donnell Ave will cause chaos*

- *Traffic and parking impact on Anzac Street and surrounding roads*
- *Massive traffic flow will cause traffic congestion in Anzac and surrounding streets*
- *A 'special religious event' may effectively shut down Anzac Street and local business will suffer. Such a scenario is untenable and not Best Practice Urban Design – nor does it provide public and private safety.*
- *The traffic/parking report appears to disregard the traffic impact caused by the multi-purpose community hall, library/religious teaching area and the funeral parlour*

Comment: The parking and traffic issues have been discussed above. In particular the following is noted:

- With a reduction in the prayer area, mat numbers and the number of attendees the expected parking generated by the development can be accommodated on site (238 spaces) and on street (up to 70 spaces) subject to the operation of the four mini buses to pick up and drop off worshipers as stated in the Plan of Management.
- The worshipers are unlikely to park on Boronia Road or O'Donnell Avenue due to the distance and the need to cross the highway.
- The traffic on Anzac Street and its intersection with Brunner Road is likely to be affected during Friday Midday prayer, weekends and during the special celebration (Eid) two times a year. The conclusion from the traffic assessment is that the impact on Fridays is limited to 1 to 2 hours towards the prayer time and during the departure. This is not uncommon for such facilities and is not considered unreasonable due to the limited time and frequency (once a week).

Regarding the special events there will be greater impact on the efficiency of vehicle movements on the road and intersection performance. However, these events are celebrated during the morning (6am to 7.30am) and would have limited impact on the local business. The RMS has recommended that a Traffic Management Plan be prepared for such occasions to manage the traffic and parking and a condition to this effect has been imposed.

Objection: *Building size, height and design issues*

- *Proposed towers are too high and out of keeping with the rest of the area*
- *The proposal fails to comply with the objectives, height, scale and urban design of BDCP*
- *Design is out of context with the developed industrial precinct*
- *The mosque is too large and high*
- *The minarets are too high and out of context.*

Comment: The proposal has been assessed by Council's Design Review Panel. No objection has been raised to the development on urban design, proportion, height and visual presentation of the development.

The architectural form of the building is designed to reflect the religious nature of the mosque. The building, and particularly the dome and the minarets will be visually prominent. Whilst the majority of the building form has a two storey appearance, the dome and the minarets accentuate the building form.

The planning principle set out by the Land and Environment Court (LEC) for compatibility is that *"... For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.... Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt"*. Apart from the taller structures e.g. dome and the minarets, the building has the bulk and scale of large industrial developments existing within the locality. The main building mass has been located with large front and rear setbacks and sufficient side boundary setbacks particularly along the northern part of the facade to provide opportunity for significant planting which should provide visual softening to the development.

The applicant has provided an urban design statement comparing the height of the dome and minarets with some other mosques/churches existing in the western Sydney region.

Location	Height (above the natural ground level)	
	Dome	Minarets
Proposed Mosque	22m	30m
Lakemba Mosque	19m	25m
Auburn Mosque (Gallipoli)	23m	39m
Lidcombe Church	18m	N/A

The statement adds:

"... As can be seen from the above comparisons', the proposed dome and minarets are not exceptional in Sydney. They are smaller than the Auburn Mosque and not substantially larger than the Lakemba Mosque.

In drawing a comparison, the context should also be taken into account. The Greenacre Mosque is located in an industrial area with relatively large scale industrial buildings as neighbours. In the Lakemba Mosque or Auburn Mosque, the context is small scale, detached residential houses.

In addition the minarets will be hardly visible from surrounding residential areas. The industrial area surrounding the mosque is extensive. The distances from the proposed mosque to the edges of the industrial area are:

- 320m to the south
- 430m to the west
- 180m to the east
- More than 700m to the north.

These distances are large enough for the mosque, including its minarets, to be almost unnoticeable when viewed from the edges of the industrial precincts."

Objection: *Land use compatibility issues*

- *Site is industrial and not suitable for this type of development*
- *Site is industrial and the proposed uses are inconsistent with industrial development.*
- *Land use incompatibility/conflicts*

Comment: The land use compatibility has been discussed while dealing with the BLEP clauses. The proposal is a permissible form of development on the land. There have been previous approvals for a mosque and community hall on the subject site. There are other places of public worship (although of smaller scale) operating within the Greenacre industrial area viz. 6 Rosedale Avenue, 17 Rosedale Avenue and 2A Brunker Road which have co-existed for some time without major conflicts.

Objection: *Possible future expansion of the church and associated uses*

Comment: This objection is assumed to originate from the fact that the adjoining property No. 29 Anzac Street is owned by TUAMA. However, any future expansion of the facility will be the subject of a separate application and assessment and will be considered on its own merits.

Objection: *Safety and security*

- *Concerns relating to safety and security of pedestrians*
- *Anzac Street does not cater for pedestrian access.*

Comment: Bankstown Police have carried out 'Safer by Design Crime Risk Evaluation' for the development and identified the development having an overall crime risk rating as **medium** and recommended various measures to manage the risk as identified in an earlier section of this report. These measures have been incorporated in the conditions of consent.

Council's Traffic Engineer has also recommended that a footpath be provided on Anzac Street extending from Hume Highway to Brunker Road.

Objection: This proposal is in conflict with Council's brothel strategy

Comment: Clause 33 of Bankstown LEP 2001 permits brothels on certain land within Zone 4(a) or 4(b) in Villawood, Greenacre, Milperra and South Bankstown and the subject site is located towards the periphery of the Greenacre area.

Under Part D14 of the Bankstown DCP 2005 there are two criteria for locating a brothel:

- *may not be within reasonable of view of a church, school, community facility, hospital, medical centre, and any place regularly frequented by children for recreational or cultural activities and*
- *should not be within 100 metre radius from the boundary of the nearest property containing a sensitive use or used for residential purposes, regardless of the zoning of the land.*

There are additional objectives and development standards within the DCP that regulate the activity of brothels within industrial area in the City of Bankstown.

Similar requirements exist in Part D12 and include the following:

- *A place of public worship may not be within reasonable view of a brothel ('reasonable view' shall be determined taking into account factors such as topography, vegetation, signage, intervening development and similar factors).*
- *The boundary of a place of public worship should not be within a 100 metre radius of a brothel.*

The nearest legally approved brothel located within the Greenacre industrial area is at 53 Beresford Avenue which is approximately 120m (aerial distances) and 750m (walking distance) away from the subject site.

It should however be noted that once the proposed development is built the area marked for permitting brothels on Anzac Street (viz. 27 Anzac Street to 41 Anzac Street) number of sites would be excluded from future proposals for brothels. Despite this exclusion there remain areas in Greenacre and the LGA where brothels would be permitted.

Objection: Issues relating to Funeral parlour

- *The proposal needs to meet NSW Health requirements in terms of funeral parlour*

Comment: Conditions have been imposed that will require the design, construction and operation of the funeral parlor to meet the NSW Health requirements.

Objection: *Contrary to Council's Land development strategy*

- *Proposal is in conflict with the Council's adopted Employment lands Development Strategy*
- *Loss of employment land*

Comment: Council's LEP allows many uses other than industrial land uses on the site. It is inevitable that some non-industrial uses would be approved and operate from industrial zoned land. Specific advice was sought from Council's Strategic Planning Unit on this matter. The Officers' advice is:

"Council's policy position is to ensure that strategic employment lands such as the Chullora Industrial Precinct are retained for employment land use purposes.

However, it is acknowledged that some loss of employment land will occur in Council's industrial precincts due to the current LEP (which allows certain non-industrial uses) and the ongoing use of historical planning approvals granted for non-industrial uses.

A certain level of non-industrial land uses will remain a component of the mix of land uses on our industrial lands. Council's LEP seeks to ensure these uses remain a very small component of land uses on industrial zoned lands.

Council is currently in the process of reviewing land uses within Bankstown City and those permitted in the industrial zones as part of Local Area Planning Process. This process will implement the directions of the Employment Land Development Study including actions to ensure that industrial land is used for industrial and associated land uses"

It is noted that the proposal is a permissible development in the zone with consent. This site had previous approvals for a mosque and community centre and is currently used (albeit in an informal manner) as a place of worship by the local Islamic Community.

Objection: *Noise and air pollution*

Comment: It is acknowledged that there is likely to be some noise and air pollution during demolition and construction of the development. Appropriate conditions have been imposed to ensure that any noise and dust generated is within the limit specified by the Environmental Protection Authority Guidelines.

Objection: Front setback issues

- *The proposal should comply with the required setback of 10 metres.*

Comment: The non-compliance with the front setback has been discussed in the body of the report and given the nature and extent of the departure, variation is recommended in this instance.

Objection: Impact on local business

- Proposal will hinder local business

Comment: The impact on local business due to parking and traffic has been discussed above under the heading 'Access, Parking and Traffic'. It is acknowledged that there is existing parking and traffic problems associated with the current operation during Friday midday prayer time and the proposed development is likely to have additional impact due to the expected increase in the attendance over the years.

It is also acknowledged that even with appropriate management practices in place, not all traffic and car parking generated by this proposal will be accommodated on site during its peak hour use. However, except for the Friday prayer period the peak usage of the facility happens either outside the business hours (i.e. Special Eid celebrations in the morning and Ramadan during the evenings) or the weekends (use of the community hall). Therefore the impact on the local business is limited to 1 to 2 hour once a week during the Friday midday prayer.

Objection: Issues relating to child care centre

- *Childcare facility has significant safety issues.*
- *The proposed drop off area for the child care facility is not considered appropriate.*

Comment: The child care centre has been deleted from the development.

Objection: The proposed development is contrary to Clause 52(2)(a) of BLEP

Comment: Clause 52(2)(a) of the BLEP states that before granting consent to a development the consent authority must take into consideration "... whether the proposed development will provided adequate off-street parking, relative to the demand for parking likely to be generated".

The parking for the development has been discussed in the body of the report. With the reduction in the size of the prayer hall and number of attendees as suggested in the 'peer review' report the development is considered to have addressed the parking requirement. It is acknowledged that the development is likely to cause parking saturation in the vicinity for 2 to 3 hours during Friday midday prayer period and the special events twice a year. However such is to be expected of developments of this nature.

Objection: *The proposal is in conflict with general objectives 2(a)(i)(A) and a (iii) of BLEP*

Comment: Clause provides the objectives of the BLEP. The relevant objectives are:

- (a) *to regulate development in accordance with the following principles:*
 - (i) *new buildings should be designed to achieve:*
 - (A) *good urban design, and*
 - (iii) *intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*

These matters have been discussed under the assessment of LEP clauses in an earlier section of this report and considered satisfactory given the circumstances of the case.

Objection: *Non-compliance with Bankstown Development Control Plan objectives and controls*

- *Does not comply with preliminary objectives*
 - *c - to develop a high quality urban environment and built form character in the City of Bankstown*
 - *g- to promote a safe and secure environment in the City of Bankstown*
- *Does not comply with DCP Part D12 Objectives relating to height, urban design, traffic impact and safety and security*

Comment: Each of these issues has been discussed earlier in the report. The bulk, scale, height and visual presentation of the building has been deemed acceptable by Council's Design Review Panel. The proposal has been reviewed under CEPTED principles and conditions are included to improve safety and security in the area. Whilst there will be some traffic impact during the Friday midday prayer time and the special events it is limited to few hours a week and twice a year. Preparation of a traffic management plan has been made a condition of consent for the two annual special events.

Objection: *Issues relating to use of Community hall*

- *Very little information is provided on the possible use, operation times, and age of the users, Noise and air pollution*

Comment: Based on the SEE "... the community hall will be typically used for lectures by visiting high level persons in the Islamic faith, fund-raising activities, social gatherings, community meetings, an interim waiting area for the people attending the Jenaza prayer, etc".

The acoustic report submitted with the DA assessed the noise impact from the use of the community hall operation. The report stated “*The worst case operational usage scenario for the Hall would involve a large function, such as a wedding, or the like, which incorporates the use of live entertainment. Based upon a reverberant sound pressure level of 95 dBA within the hall, which is typical for a jazz-type live band or entertainer, or a very noisy crowd with background music and doors on the southern façade open, the calculated L_{aeq} (15 minute) sound pressure levels at the northern, southern, eastern and western industrial side boundaries are **45dBA, 62dBA, 24dBA and 41dBA** respectively. The predicted levels comply with the project specific assessment criteria for operational emissions during all times at the surrounding industrial boundaries.*

Noise emissions to the nearest residential premises to the south and southeast will be below 30dBA and therefore also easily satisfy the residential noise criteria”

It is proposed that the use of the hall is to be during the evenings and weekends and does not coincide with Friday prayer time or other events taking place in the mosque.

Objection: *Issues relating to Notification process*

- *The writer to the original DA were not notified in writing of the amended proposal which raises a real concern as to whether the process has been correctly administered and all original submitters advised on the proposed changes.*

Comment: Notification of the original development and the amended proposal (Amendment 1) was carried out in accordance with Council’s Notification Policy contained in Part B of Bankstown DCP 2005. There is no specific requirement in the policy that requires each of the party who objected to the original application being notified of the amended plan. In addition the amended application was also exhibited in the local paper giving all interested parties opportunity to put in a submission, should they desire to do so.

The public interest [section 79C(1)(e)]

The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments, and by the consent authority ensuring that any adverse impacts on the surrounding area are avoided. The public interest is considered to have been served in so far as the development satisfies the regulatory controls applying to the site and provides for an orderly and economic use of the land.

CONCLUSION

The Development Application has been assessed in accordance with the matters for consideration contained in Section 79C of the Environmental Planning and Assessment Act 1979 including the specific provisions within State Environmental Planning Policy 55, State Environmental Planning Policy (Infrastructure) 2007, Bankstown Local Environmental Plan 2001, Draft Local Environmental Plan 2012, and Bankstown Development Control Plan 2005.

The report has provided detailed analysis of all potential issues associated with the proposal. The LEP and DCP allow places of public worship in this (and other) zones and neither document requires potential impacts to be eliminated. Rather, the documents seek to manage the level of impact. On balance, it is considered that the potential impacts of the development are acceptable and within the limits envisaged by Council's LEP and DCP.

It is recommended that the application be approved subject to the conditions as provided at Attachment B to this report.