

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Sydney West Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Demolition of existing structures and construction of a mosque, multi-purpose community hall and funeral parlour with associated carparking, landscaping and fencing at 31-35 Anzac Street, Greenacre.

Council reference: DA-736/2012 – JRPP reference: 2012SYW094

Applicant:

Ultra Design and Engineering (Aust) Pty Ltd

Type of regional development:

The proposal is for a community facility including a place of public worship and has a Capital Investment Value of over \$5 million.

A. Background

JRPP meeting

Sydney West Joint Planning Panel was held on 6 March 2014 at Bankstown City Council at 12.00pm.

Panel Members present:

Mary-Lynne Taylor - Chair
Paul Mitchell – Panel Member
Bruce McDonald - Panel Member
Khal Asfour – Panel Member
Ian Stromborg – Panel Member

Council staff in attendance:

Scott Pedder	Director City Planning & Environment
Ian Woodward	Manager - Development Services
Steve Arnold	Team Leader - Development Assessment

Apologies:

Nil

Declarations of Interest:

Nil

JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Bankstown Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the State Environment Planning Policy (State and Regional Development) 2011.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

Procedural background

A briefing meeting was held with council on 8 November 2012.

A site visit was undertaken by Mary-Lynne Taylor, Paul Mitchell, Bruce McDonald, and Ian Stromborg on 6 March 2014.

A final briefing meeting was held with council on 6 March 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act 1979

s.79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument:

- State Environmental Planning Policy No. 55 (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007
- Bankstown Local Environmental Plan 2001 (BLEP)

(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Draft Bankstown Local Environmental Plan 2012 (Draft BLEP)

(iii) any relevant development control plan

- Bankstown Development Control Plan 2005 (BDCP)

(iiia) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

- There is none

(v) any coastal zone management plan

- There is none.

(iv) relevant regulations:

- In accordance with clause 92(1)(b) demolition of existing structures on the development site is required to be undertaken in accordance with the provisions of Australian Standard AS 2601 - 1991.

In making the decision, the Panel considered the following material:

1. Council's Assessment Report on the application received 24 February 2014.
2. Architectural Plans, Shadow Diagrams and Demolition Plan prepared by Millennium Design Consultants Pty Ltd.
3. TUAMA Mosque & Cultural Centre – Management Plan, February 2013.
4. The Panel was provided with 12 submissions made in accordance with the Act and the regulations, all of which objected to the proposal. In making the decision, the Panel considered these submissions.

All of this material was given to the Panel members.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 27 February 2014:

1. A submission addressing the Panel against the application: Jim Matterson
2. Submissions supporting the application: the applicant's representatives, Hassan Sakr, Russell Olsson and Ross Nettle.

C. Findings on material questions of fact

The Panel has carefully considered all of the material referred to in Section B.

(a) Environmental planning instruments. The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B.

(b) Draft environmental planning instruments. The Panel has considered the draft environmental planning instrument referred to in Section B.

(c) Development control plan. The Panel has considered Bankstown Development Control Plan 2005.

(d) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment in Council's Assessment Report.

(e) Likely environmental impacts of the development on the built environment. In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment in Council's Assessment Report.

(f) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report.

(g) Suitability of site. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(h) Public Interest. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel concludes that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters discussed in D. below lead to the further conclusion that granting consent to the development application is in the public interest.

D. Why the decision was made

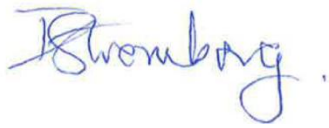
1. The scale of the development is designed to be compatible with the general scale of the development in the locality and the district context. The scale and form of the building (including the minarets) are considered to be compatible with the existing local and district contexts.
2. The development is sited in a highly accessible locality and its size is limited to be compatible with the capacity of local roads and intersections.
3. The scale of the development and size of the property is such that all weekly peak parking needs will be provided on site.
4. The facility will provide for the spiritual needs of a section of the community without diminishing the amenity of the adjoining area.
5. The site is suitable for the proposed application because it is not located in a residential area, it is close to the arterial road system, the local roads and intersections have the capacity to accommodate traffic generated during the weekly peaks, and the site has the appropriate dimensions to accommodate the proposed uses.
6. The use is compatible with the adjoining area.
7. The development will replace existing dilapidated structures.
8. The Plans of Management for use, and for traffic will reduce local impacts in the industrial area to an acceptable level.

In light of the Panel's findings in Section C, the Panel decided unanimously to grant consent to the development application, subject to the conditions recommended by Council in its Assessment Report except the following conditions: 2a and its subparts, 24, 43a, 43g, 44, 57, 62, 79iv, 81, 89, 91, 92, 94, 95, and 100. These conditions have removed or replaced or amended to achieve a better outcome.

JRPP member (chair)

JRPP member

JRPP member

A handwritten signature in blue ink that reads "J. Stromberg". The signature is written in a cursive style with a period at the end.

JRPP member

A handwritten signature in blue ink, appearing to be "K. Hyl". The signature is written in a cursive style.

JRPP member