

<b>DATE OF DETERMINATION</b>	12 September 2017
<b>PANEL MEMBERS</b>	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Peter Smith and Jane Fielding
<b>APOLOGY</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Campsie Office, 137 Beamish Street, Campsie, on Tuesday 12 September 2017 opened at 11.20 am and closed at 1.30 pm.

#### **MATTER DETERMINED**

Panel Ref – 2016SYW079 - LGA – Canterbury-Bankstown, DA-241/2016, Address – 131-135 Eldridge Road, Condell Park (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

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

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

#### **REASONS FOR THE DECISION**

1. The proposed development will provide a place of public worship serving the needs of the Islamic community of the Sydney South District and the Canterbury Bankstown local government area.
2. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 Remediation of Land.
3. The proposal adequately satisfies the applicable provisions and objectives of Bankstown LEP 2015 and Bankstown DCP 2015.
4. The proposed development is considered to be of appropriate scale and form adequately integrating with the character of the locality in which it is placed. In this regard the Panel notes that the proposed development is located and oriented to reduce its intrusion on the low density character of the northern side of Nowill Street and to substantially relate to Eldridge Road which comprises varied industrial building forms.
5. The proposed development, subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of adjoining and nearby residential premises or the operation of the local road system. In this regard the Panel notes the limited access permitted to the site from Nowill Street and the

requirement for the use to be conducted in accordance with the submitted detailed operational Plan of Management.

6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with modification to Condition 17e) to reference the new Condition 27A, which was created by taking the majority of Condition 60 and moving it to the new location.

- 17) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
- a) One (1) heavy duty vehicular footway crossing (VFC) of maximum width of 5.5m metres at the property boundary opposite the driveway access to Eldridge Rd.
  - b) One (1) heavy duty vehicular footway crossing (VFC) of maximum width of 5.5m metres at the property boundary opposite the driveway access to Nowill Street.
  - c) Drainage connection to Council's system.
  - d) Full width concrete footway paving along the sites entire frontage to Eldridge Rd.
  - e) A landscape plan shall be provided relating to landscaping works required to be undertaken in the footway in Nowill Street. (i.e. street tree planting - See Condition 27A).
  - f) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - g) Repair of any damage to the public road including the footway occurring during development works.
  - h) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required and must be approved prior to the issue of the Construction Certificate.

- 27A) The applicant is to plant the following replacement trees on the nature strip forward of the property. The trees shall have a container size not less than **400 litres**, shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)* or *Australian Standard AS 2303 – 2015 Tree stock for landscape use* and be planted and maintained in accordance with Council's street tree planting specifications Standard Drawing No. S-201.

Species	Location
Four (4) x <i>Corymbia maculata</i> (Spotted Gum)	On the nature strip forward of the property on Nowill Street, planted at approx. 10 metre spacings, and not closer than 4m from the proposed vehicular footway crossing

Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

- a) Carry out engineering works to protect those services from damage; or
- b) Relocate the plantings to a more suitable location following written approval from Canterbury Bankstown Council; or
- c) Substitute the approved tree species with an alternative species following written approval from Canterbury Bankstown Council.

The trees shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

The Applicant shall contact Council to book an inspection by the Tree Management Officer of the completed tree planting prior to the commencement of construction works. Inspections must be booked at least 5 working days prior to being required.

The trees in the nature strip shall be planted following the completion of demolition and prior to construction works commencing. Once planted, the following tree protection measures shall be installed around the trees to protect them from construction processes, and shall comply with *Australian Standard AS4970-2009 Protection of trees on development sites*, together with the following:

- d) The written requirements for tree protection detailed in the conditions of consent must be translated onto a "Tree Protection Plan and Drawing", with a copy to be provided to both Council (for information) and to the Principal Certifying Authority (for approval), prior to the commencement of construction works.
- e) The trees to be planted and protected, together with their relevant fenced tree protection area, shall be marked on all construction drawings.
- f) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- g) A 1.8m high chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected on the boundary of the site adjacent to the trees being protected. The fence is to be installed prior to construction, shall not be removed or altered, and is to remain in place for the duration of the site works.
- h) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, *Australian Standard AS4970-2009 Protection of trees on development sites* clearly showing:
  - i. The Development Consent number;
  - ii. The name and contact number of the nominated consultant arborist and site manager;
  - iii. Indication that access into the Tree Protection zone is not permitted.
- i) The above notice is to be in place prior to commencement of construction.
- j) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.

- k) The tree protection area shall be maintained as per AS4970 - 2009, Section 4.6. Access to the tree protection area is permitted to undertake necessary maintenance such as mowing, watering, weed control
  - l) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced tree protection area.
  - m) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced tree protection area.
  - n) Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.
- 60) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.

**Minor changes to wording in condition 64 as follows:**

- 64) The use of the premises is limited to the following specific hours of operation, as well as the maximum number of patrons specified in the table below. Furthermore, the vehicle access points shall operate only in accordance with the times specified in the tables below.

**i) Winter Operations (22 Mar – 21 Sept)**

Use	Time	Max no. of patrons	Eldridge Rd access	Nowill St access
Morning Prayer (Mon-Sun)	5.30am-6.00am	30	Open	Closed
Focused Study Circle (Mon-Thu)	7.00am-2.00pm	64	Open	Closed
Focused Study Circle (Fri)	7.00am-12.00pm	64	Open	Closed
Midday Prayer (Mon-Thurs, Sat-Sun)	12.30pm-1pm	30	Open	Closed
Midday Prayer (Fri)	12.30pm-1.30pm	417	Open	<b>Open</b>
Afternoon Prayer (Mon-Sun)	4.00pm-4.30pm	30	Open	Closed
General Study Circle (Mon-Fri)	6-8pm	15	Open	Closed
General Study Circle (Sat)	9.00am-12.30pm	80	Open	Closed
Sunset Prayer (Mon-Sun)	6.00pm-6.30pm	40	Open	Closed
Evening Prayer (Mon-Sun)	7.30pm-8pm	60	Open	Closed
Library (Mon-Sun) [except Fri]	9am-5pm [closed 12-2pm]	N/A 0	Open	Closed
Arbitration (Mon-Thu)	3pm-8pm	10	Open	Closed
Arbitration (Sat)	10am-3pm	10	Open	Closed

The use of the premises is limited to the above uses at the timeframes specified above. The overall operation of the premises must occur within a maximum spread of hours of operation: 5.30am-8.30pm.

ii) **Summer Operations (22 Sept – 21 Mar)**

Use	Time	Max no. of patrons	Eldridge Rd access	Nowill St access
Morning Prayer (Mon-Sun)	5.00am-5.30am	30	Open	Closed
Focused Study Circle (Mon-Thu)	7.00am-2.00pm	64	Open	Closed
Focused Study Circle (Fri)	7.00am-12.00pm	64	Open	Closed
Focused Study Circle (Sat)	9.00am-12.30pm	80	Open	Closed
Midday Prayer (Mon-Thurs, Sat-Sun)	1.30pm-2pm	30	Open	Closed
Midday Prayer (Fri)	1.30pm-2.30pm	417	Open	<b>Open</b>
Afternoon Prayer (Mon-Sun)	5.00pm-5.30pm	30	Open	Closed
General Study Circle (Mon-Fri)	6-8pm	15	Open	Closed
Sunset Prayer (Mon-Sun)	7.30pm-8pm	40	Open	Closed
Evening Prayer (Mon-Sun)	9pm-9.30pm	60	Open	Closed
Library (Mon-Sun) [except Fri]	9am-5pm [closed 1-3pm]	N/A 0	Open	Closed
Arbitration (Mon-Thu)	3pm-8pm	10	Open	Closed
Arbitration (Sat)	10am-3pm	10	Open	Closed

The use of the premises is limited to the above uses at the timeframes specified above. The overall operation of the premises must occur within a maximum spread of hours of operation: 5.00am-9.30pm.

iii) **Ramadan Operations (30 days per calendar year)**

Use	Time	Max no. of patrons	Eldridge Rd access	Nowill St access
Taraweeh Prayer (Daily)	7.30pm-8.30pm	300	Open	Closed

During Ramadan, no consent is provided for the operation of any other ancillary service at the site during the hours of 7pm-9pm. Services such as the General Study Circle, Arbitration, etc. that would normally be permitted to operate during these times in the tables above are to be suspended.

PANEL MEMBERS	
 Morris lemma (Chair)	 Bruce McDonald

 Nicole Gurrán	 Peter Smith
 Jane Fielding	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	Panel Ref – 2016SYW079 - LGA – Canterbury-Bankstown, DA-241/2016
2	<b>PROPOSED DEVELOPMENT</b>	Demolition of existing site structures and the construction of a Place of Public Worship with a maximum capacity of 417 patrons, associated ancillary uses and car parking for 127 vehicles.
3	<b>STREET ADDRESS</b>	131-135 Eldridge Road, Condell Park
4	<b>APPLICANT/OWNER</b>	Alliance Project Group/Islamic Education Institute Inc.
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Place of Public Worship where Capital Investment Value exceeds \$5million.
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Bankstown Local Environmental Plan 2015</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Bankstown Development Control Plan 2015 (particularly Part B5 – Parking and Part B8 – Places of Public Worship)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report, recommended conditions, site plan, ground floor plan 1/2, ground floor plan 2/2, first floor plan,</li> </ul>

		<p>second floor plan, roof plan, north and south elevations, east and west elevations, sections, fence detail, landscape plan – ground level, landscape plan – 1<sup>st</sup> level and 2<sup>nd</sup> level, plan of management – revision N and written submissions.</p> <ul style="list-style-type: none"> <li>• Written submissions during public exhibition: 32</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Karen Cox read a letter on behalf of Michael Wade, Karen Cox on behalf of the Condell Park Residents Group, Andrew Koulyras.</li> <li>○ On behalf of the applicant – Stuart Harding and Raed Dannawi.</li> <li>○ On behalf of Council – Nicholas Aley</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing Meeting – 13 December 2016</li> <li>• Site Inspection – 13 December 2016</li> <li>• Final Briefing Meeting – 12 September 2017 from 11.00 am to 11.15 am</li> <li>• Public Meeting – 12 September 2017</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Morris Iemma, (Chair), Bruce McDonald, Nicole Gurran, Jane Fielding and Peter Smith</li> <li>○ <u>Council assessment staff</u>: Nicholas Aley</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with report