

DATE OF DETERMINATION	13 September 2017
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Stuart McDonald, Paul Moulds and Brian Kirk
APOLOGY	Edward Blakely
DECLARATIONS OF INTEREST	None

Public meeting held at Holroyd Centre Building on Wednesday 13 September 2017 opened at 4.50 pm and closed at 5.30 pm.

MATTER DETERMINED

Panel reference - 2016SYW238, LGA – Cumberland, DA – 2016/392, Address – 217 Great Highway and 3-9 Belinda Place, Wentworthville (AS DESCRIBED IN SCHEDULE 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and 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 decision was unanimous.

REASONS FOR THE DECISION

1. The Panel has considered the applicant's written request, under Clause 4.6 of Holroyd Local Environmental Plan 2013 (HLEP), to vary the building height development standard, and has determined that the request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.
2. The proposal will provide an important community facility, complementing the existing and adjoining place of public worship, servicing the needs of the local community.
3. The proposal is consistent with SEPP Infrastructure 2007 and SEPP No 55 Remediation of Land and generally consistent with the provisions of HLEP 2013, HDCP 2013 resulting in a form and scale of development consistent with the relevant planning controls applying to the land.
4. The proposal will result in an acceptable environmental outcome in the locality opposite existing residential properties, including traffic generated being capable of being absorbed within the local road network, adequate provision of car parking on the site and the management of noise likely to be generated from major events and day to day activities.

5. Given reasons 1-4 above the Panel is of the opinion that approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with following amendments:

Condition 2 – is modified to read as follows –

- Development shall take place in accordance with the attached endorsed plans and documents listed below and as amended in red. Any amendments shall be incorporated in Construction Certificate plans.

Condition 83 is modified to read as follows –

- For the security on site whilst in the building phase, either an alarm type system or drive by security shall be provided during construction.

Condition 85 is modified to read as follows –

- Closed circuit television (CCTV) is to be provided to monitor the external areas of the community facility plus the car park. A security expert shall assist with the camera placement and lighting to maximise the effectiveness of the CCTV cameras. Appropriate signage needs to be displayed in conjunction with the CCTV.

Condition 134 – last sentence is modified to read as follows –





- Details to be provided to Council including the name of the specific person responsible for the receipt of complaints and contact details for the purpose of complaints handling for notification and endorsement. It is the responsibility of the applicant to maintain these details with the Council at all times.

Condition 170 – to include this sentence for weddings, cultural programs and ticketed annual events.

- All members of the public shall leave the site by 10.00 pm at the latest.

Condition 182 – Last sentence of condition 182 is modified to read as follows –

- The Saiva Manram shall maintain the waste storage area, dry arrestor pit and waste collection containers in a clean condition at all times.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell
 Stuart McDonald	 Paul Moulds

Brian Kirk

Brian Kirk

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW238 - LGA – Cumberland - DA – 2016/392
2	PROPOSED DEVELOPMENT	Consolidation of 5 lots into 1 lot, part demolition of existing structures, new access driveway off Belinda Place, construction of a part 2, part 3 storey community facility over 3 levels of basement car parking accommodating 197 parking spaces, a dining hall and an auditorium (meeting hall) accommodating a maximum of 800 patrons, multipurpose halls to be used in association with an existing place of public worship.
3	STREET ADDRESS	217 Great Western Highway and 3-9 Belinda Place, Wentworthville
4	APPLICANT/OWNER	The Saiva Manram
5	TYPE OF REGIONAL DEVELOPMENT	Proposed development is for a community facility with a capital investment value of more than 5 million dollars.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Holroyd Local Environmental Plan (LEP) 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Holroyd Development Control Plan (DCP) 2013 Section 94 Community Facilities Plan Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report with recommended conditions, development application plans, applicant's clause 4.6 request for variation, assessment of compliance with Holroyd LEP 2013 and Holroyd DCP 2013 and written submissions. Written submissions during public exhibition: 3 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Oliver Klein On behalf of the council – Paul Anzellotti, Eltin Miletic, Sohail Faridy

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 21 December 2016 • Final briefing meeting to discuss Council’s recommendation – 13 September 2017, 4.00 pm to 4.30 pm • Determination meeting – 13 September 2017 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Stuart McDonald, Paul Moulds and Brian Kirk ○ <u>Council assessment staff</u>: Paul Anzellotti, Eltin Miletic, Sohail Faridy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Included with Council Assessment Report