

DATE OF DETERMINATION	27 September 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Mark Grayson, Mark Colburt and Chandi Saba
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Castle Hill RSL on Thursday 27 September 2018 opened at 5.33pm and closed at 11.20pm.

MATTER DETERMINED

Panel Ref – 2018SWC052 - LGA – The Hills Shire, DA1867/2018, Address – 1 Larapinta Place, Glenhaven (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.

PANEL DECISION

The Panel heard from two groups of people all of whom claim to be members of the local community who live in a special area with attractive rural characteristics but where development is reducing amenity and services.

The Applicants' group seeks to be part of this community with a permanent place of public worship rather than the leased and temporary arrangements presently in place. This place is to serve members of their community living and working in the North West Sector. The Friends of Glenhaven group and other residents are concerned that the impacts of this permanent home have not been properly acknowledged, assessed or resolved in this application.

Council's comprehensive report finds that several technical aspects of the application are so unsatisfactory that it is incompatible with the objectives of the RU6 Transition zone. Council's assessment report and Councillors at the meeting explained how they are attempting to preserve rural areas with various strategies including a planning proposal to eliminate Places of Public Worship in this zone. The Panel understands that this action has not yet progressed to a stage where it can legally be taken into account.

This Panel is required to deal fairly and equitably with all applications for a permissible use under the applicable zoning rules. The Applicants' stance in not engaging more fully with the council has not helped to progress this application. All members of the Panel agree with the council assessment that the application presently is deficient, but most of the Panel is sympathetic to the Applicants' request for a deferral on strict conditions.

The majority decision of the Panel is to defer the application to enable the Applicants to supply all outstanding requirements as specified in the council assessment report within 3 months of the date of this decision.

In addition, considering the voluminous number of concerns expressed by local residents, and the members of the Glenhaven group in particular, about traffic problems on Glenhaven Road and fears associated with this application, the Panel requires the Applicant to engage a suitably qualified traffic expert to carry out an independent assessment of the impact of this proposal on Glenhaven Road and Larapinta Place.

The Panel is not unanimous in its decision and a number of members are concerned that upon provision of the additional material, it may become apparent that this site is not suitable for the Applicant's expressed needs meaning a building of reduced size, site coverage and intensity of use may be required.



Ms Chandi Saba disagreed with the majority decision and voted to refuse the application for the following reasons:


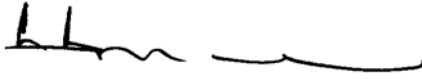

1. Current application has a capacity for a large number of people and she does not believe a Plan of Management alone is sufficient to comply with meeting the 250 person limit proposed in the application as she believes it also needs to reduce the scale and capacity of the building.
2. If the applicant meets all the necessary planning requirements she does not believe a facility catering for 250 worshipers would be sufficient to provide the needs for 800 to 1000 members of the local Muslim community who want to call this place of worship their home.
3. For these reasons the site is unsuitable for the proposed use.

Mr Mark Colburt disagreed with the majority decision. He acknowledges the permissibility of the proposal and the desire of the applicant to provide a facility for worship, but finds that the issues raised in the council Assessment Report, particularly scale, site coverage, parking, environmental impact and the inconsistency with the bushland rural character are ultimately fatal to the achievement of the intent of the proposal and justify refusal of the application.

Upon receipt of the required information and a further report from council, the Panel will hold another public meeting to determine the application.

The decision was 3:2. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Mark Grayson

	
Paul Mitchell, OAM	Chandi Saba
	
Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018SWC052 - LGA – The Hills Shire, DA1867/2018
2	PROPOSED DEVELOPMENT	Demolition of existing structure and construction of a Place of Public Worship and associated parking and landscaping.
3	STREET ADDRESS	1 Larapinta Place, Glenhaven
4	APPLICANT/OWNER	Iconfm Australia Pty Ltd / Hills AWQAF Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private Infrastructure and Community Facilities exceeding \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Section 4.15 Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (State and regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy BASIX 2004 SREP 20 – Hawkesbury Nepean River The Hills Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 DCP Part B Section 1 – Rural DCP Part C Section 1 – Parking DCP Part C Section 3 - Landscaping Planning agreements: Nil <ul style="list-style-type: none"> <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

		<ul style="list-style-type: none"> 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 – September 2018 Written submissions during public exhibition: 1068 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – <ul style="list-style-type: none"> Randa Abdel-Fattah Shoaid Ahmed Usman Ashraf Saima Bangash Maria Bilal Erum Bilal Ziad Basyouny Richard Cook Khaled Hamed Hassabalnaby Mohsen Ibrahim Karim Ibrahim Jeena Joyan Sadia Khan Sheikh Amin Kroll Siraj Sira Tazim Tareque Saadia Rehman Fatima Wahab Samina Whale Taimoor Sehgol Object – <ul style="list-style-type: none"> Mayor Doctor Michelle Byrne – The Hills Shire Council Councillor Brooke Collins - The Hills Shire Council Councillor Robyn Preston – The Hills Shire Council Mitchell Blue (Friends of Glenhaven) Rick Allison Michael Albrecht Michael Aspinaal Allen Barry Nicole Balzan Stephen Cromie Patrick Dorozario James Duncan G. Gee Iain Hedges

		<ul style="list-style-type: none"> ○ Louise Hedges ○ Jamie Hull ○ Margaret Mieczkowski ○ Edward Polochacz ○ Bernard Stone ○ Mitchell Vinton ○ Estelle Zivanovic ○ Mr Michael Edgar – General Manager of The Hills Shire Council ○ On behalf of the applicant – ○ Stuart Harding ○ Sohail Shamsi ○ On behalf of The Hills Shire Council – Cameron McKenzie
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection and Briefing – 19 September 2018 ● Final briefing to discuss council’s recommendation, 27 September 2018, 4.30pm to 5.30pm. ● Public Meeting – 27 September 2018 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Mark Grayson, Mark Colburt and Chandi Saba ● <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne and Robert Buckham
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A