

ATTACHMENT 1 –SCCPP RECORD OF DEFERRAL



**Planning
Panels**

RECORD OF DEFERRAL SYDNEY CENTRAL CITY PLANNING PANEL

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:



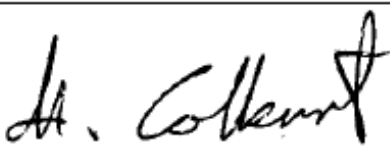
1. Current application has a capacity for a large number of people and she does not believe a Plan of Management alone is sufficient to comply with meeting the 250 person limit proposed in the application as she believes it also needs to reduce the scale and capacity of the building.
2. If the applicant 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 Sehgal 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

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC052
DA Number	1867/2018/JP
LGA	The Hills Shire Council
Proposed Development	Demolition of existing structure and construction of a Place of Public Worship and associated parking and landscaping.
Street Address	1 Larapinta Place Glenhaven
Applicant/Owner	Iconfm Australia Pty Ltd / Hills AWQAF Pty Ltd
Date of DA lodgement	19 April 2018
Number of Submissions	1068 (including 40 in support)
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Private infrastructure and Community Facilities exceeding \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Section 4.15 (EP and A Act, 1979) • SEPP State and Regional Development 2011 • SEPP 55 Remediation of Land • SEPP BASIX 2004 • SREP 20 – Hawkesbury Nepean River • LEP 2012 • DCP Part B Section 1 - Rural • DCP Part C Section 1 – Parking • DCP Part C Section 3 - Landscaping
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Submissions
Report prepared by	Robert Buckham Development Assessment Coordinator
Report date	27 September 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No**Conditions**

Have draft conditions been provided to the applicant for comment?

No

EXECUTIVE SUMMARY

The Development Application, as amended, is for a place of public worship to cater for up to 250 people operating between 5.00am and 10.00pm seven days a week. The proposed works include the construction of a building approximately 35 metres by 58 metres that incorporates a main worship hall over two levels, ablution rooms, classrooms, atrium areas and amenities. A 53 space car park is proposed with access from Larapinta Place. The Development Application as originally submitted sought consent for 400 people and a carpark for 116 vehicles. The building, which has not been reduced in size, has capacity to accommodate 1900 people when considered having regard to the Building Code of Australia.

The subject site is zoned RU6 Transition and whilst a place of public worship is currently permitted in the zone, the bulk and scale of the building and intensity of the use, including the hours of operation and number of attendees is not in keeping with the character of the locality and natural environment. The building is of a large institutional scale and introduces a number of conflicting elements into the immediate locality which are not currently present. The location of the building on a corner further exacerbates its prominence and creates an adverse impact on the existing streetscape.

It is considered that the proposal is contrary to the LEP RU6 zone objectives. The development and the use results in an unsatisfactory transition between rural residential development in the locality as it is not appropriately located given its scale and intended use. The proposal has not been designed having regard to the natural environment and will unacceptably impact on surrounding land uses within this zone.

The proposal includes variations to the DCP requirements, including site coverage, fill, waste water management, landscape requirements and acoustics impacts. The proposed variations are considered unsatisfactory and will unreasonably impact on the amenity of adjoining residents.

The plan of management submitted in support of the application lacks detail and is insufficient for the scale of the use proposed. It is considered that the size of the building is excessive for the maximum number of attendees proposed and this suggests the probability of a greater number of attendees. No explanation was provided for the reduction in the maximum number of worshippers from (400 to 250) with no commensurate change to building size. Should the development be approved in its current form there is no practical means for Council to control numbers of people attending the site and consequential impacts including noise and off street carparking. There is no practical way to alert worshippers that the premises are at capacity before they arrive at the site. Once they have arrived, the building is capable of accommodating them. This will lead to significant amenity impacts, particularly given the anticipated shortfall of appropriate parking on the site for use by worshippers.

The proposal was notified to adjoining and neighbouring property owners, and to date 1068 submissions have been received, with 40 of those submissions being in support. The concerns raised in the submissions relate to increased traffic, worshipper numbers, location suitability, hours of operation, scale and nature of the proposal and environmental impacts.

The scale of development and its impact on the character on the rural area is unacceptable. The Development Application is therefore recommended for refusal.

DETAILS AND SUBMISSIONS

Zoning:	RU6 Transition
Area:	20,260m ²
Existing Development:	Dwelling house and detached garage

Section 7.12 Contribution	\$75,483.52
Exhibition:	14 days
Notice Adj Owners:	Yes
Number Advised:	29
Submissions Received:	1068 (including 40 in support of the proposal).

HISTORY

Prior to the lodgement of the Development Application, on 24 October 2017, Council resolved to add additional objectives to the LEP for the RU6 Transition zone, remove cemeteries and places of public worship as permitted uses from the RU6 Transition zone and to add site coverage controls for the RU6 Transition zone. On 29 August 2018 correspondence was received from the Department that indicated that that a Gateway determination will be issued within the next four weeks. It is important to note that the Standard Instrument—Principal Local Environmental Plan for the RU6 Transition zone does not mandate the permissibility of a place of public worship.

The subject Development Application was lodged on 19 April 2018. The application as lodged was for a place of public worship to cater for up to 400 people. The proposed works included the construction of a worship hall with ancillary rooms and amenities. A 116 space car park was originally proposed.

On 15 May 2018 a letter was sent to the applicant requesting additional information in relation to the following matters; maximum building height, site coverage, setbacks, cut and fill details, survey data, submission of a plan of management, worshiper numbers, acoustic details, traffic survey data, stormwater details, waste water report, lighting details, landscaping, ecology matters and compliance with the Biodiversity Offset Scheme and waste management.

On 14 June 2018, amended plans and associated information was received. The building remained the same size, however the application sought approval for a maximum number of 250 people at any one time. The location of the development was been moved westerly by 10 metres and the setbacks have been increased on the eastern side boundary to 15.5m (from 5.5m). Parking has been reduced from 116 to 53 spaces. On 11 July 2017 waste water details were submitted. The amended plans and details were not re-notified as significant issues remained with the proposal.

PROPOSAL

The proposal as amended is for the demolition of existing structures and the construction of place of public worship for a maximum of 250 patrons. The place of worship is two storeys and will front Glenhaven Road, and will have vehicular access from Larapinta Place. The proposal includes a car parking area for 53 cars and 2 mini-buses.

The building has dimension of approximately 35m x 58 metres, up to 10 metres high and is primarily two storey with a sub-floor 2 bedroom caretakers dwelling. The building comprises a main prayer hall on the ground floor with a mezzanine style upper floor. In addition to the main prayer hall, the ground floor includes a central covered entrance/atrium area, female and male ablutions, amenities and consulting rooms. The upper floor includes an additional atrium area, four classrooms, amenities, office, boardroom and directors office. Two lifts and stairs are also provided.

The Mosque is proposed to be used for the following activities:

- Prayer services.
- Religious events associated with Islamic faith and the local community
- Prior and post worship congregation.
- Youth Services.
- Youth Counselling.

Hours of Operation

The application seeks approval for the operation of the site is between 5:00am and 10:00pm. The premises, including the car park, will not be accessible or used outside of these hours.

Prayer and Religious Services

Daily prayer service takes place within the following time periods and is not to exceed 30 minutes:

Time	Maximum worshippers
5am-6am	25
12pm - 1.45pm.	45
3pm - 5.30pm.	45
Sunset	50
7pm-9:45pm	50
Friday 12:30pm-2pm	250

Ramadan

Special evening prayer services during the month of Ramadan are expected to operate between 7:00pm and 9:30pm. All prayer services are to be undertaken solely within the prayer hall. No details on the number of worshipers during Ramadan.

Special Services

A total of 3 x special event prayer services per year will occur at the following times:

- 2 occurring between 7:00am and 9:00am.
- 1 occurring on a Friday between 12:00pm and 2:00pm.

A maximum of 250 worshipers are proposed during these events.

Youth Services

- Youth group activities will include religious and doctrine instruction, as well as general socialising associated with the formal activities of the Youth Group.
- Youth Group activities will be undertaken within the premises.
- Youth counselling will be arranged by appointment, with an allowance being made for any emergency counselling that may arise.

No details are provided in relation to weddings or funerals.

CONCILIATION CONFERENCE

As the proposal attracted more than 10 submissions, Council's practice is that a conciliation conference is held. However, the applicant opted not to participate therefore no conciliation conference was held.

THE SITE AND LOCALITY

The site is described as Lot 7 DP 249716, No. 1 Larapinta Place, Glenhaven and is located on the north-eastern side of the intersection of Glenhaven Road and Larapinta Place. It is an "L" shaped lot and has a frontage of 74.12m to Glenhaven Road and 195.38m frontage to Larapinta Place, and an area of 2.0261 hectares.

The land falls by approximately 24 metres from the front of the site, to the rear (north) of the site. A single storey dwelling and detached garage are located at the southern portion of the site. The rear portion of the site is densely vegetated native bushland which has been identified as Sandstone Heath on Council's vegetation mapping. An intermittent watercourse has also been identified at the rear of the site.

The definition of the locality was considered in two decisions of the Land and Environment Court, *The Quanic Society v Camden Council 2009* (Commissioner Brown) and *Shree Swaminarayan Temple v Baulkham Hills Shire Council 2011* (Commissioner Dixon) to be the visual catchment of the site and the setting in which the development on the site would be viewed and any comparison made with the adjoining and surrounding areas. The visual catchment of the site is primarily limited to the properties directly adjoining the development site. These properties comprise a rural bushland setting. The properties in the locality are rural residential in nature and comprise predominately single storey dwellings and associated sheds.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 and Schedule 7 of SEPP (State and Regional Development) 2011 provides the following referral requirements to a Planning Panel:-

6 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes:

- (a) *air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The proposed development has a Capital Investment Value of \$7,548,332 thereby requiring referral to, and determination by, a Planning Panel. In accordance with this requirement the application is referred to the Sydney Central City Planning Panel (SCCPP) for determination.

2. Compliance with LEP 2012

a. Permissibility and Objectives of the Zone

The site is zoned RU6 Transition. The proposed use is defined as a place of public worship as follows:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The proposed use is permissible within the RU6 Transition zone.

The objectives of the RU6 Transition zone are:

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage innovative and sustainable tourist development, sustainable agriculture and the provision of farm produce directly to the public.*

The proposed place of public worship is contrary to the first two objectives of the zone as it does not protect the land and its environmental sensitivities. The development and the use results in an unsatisfactory transition between rural residential development and results in conflict between land uses. There are other zones that are considered more appropriate for this building that would address the scale, intensity and visual dominance of this proposal. It has not been designed having regard to and will unacceptably impact on surrounding land uses, the natural environment and the rural character of the surrounding area. The proposal has failed to satisfactorily address biodiversity impacts with the required tree removal for bushfire requirements, management of waste water, and acoustic impacts for early morning prayer services.

The proposal is considered unsatisfactory in regard to the provisions of LEP 2012.

b. Draft Planning Proposal

On 24 October 2017 a Notice of Motion was considered at Council's Ordinary Meeting. The Notice of Motion sought to add two additional objectives to the RU6 Transition zone, remove cemeteries and places of public worship from permitted uses in the RU6 Transition zone and to add site coverage requirements into the RU6 Transition zone. At the Ordinary Meeting Council resolved as follows:

1. *Include two additional local objectives within the RU6 Transition zone of The Hills Local Environmental Plan 2012:*
 - *To maintain the rural and scenic character of the land*
 - *To provide for a range of land uses compatible with the rural residential character*
2. *Remove the following land uses as permitted within the RU6 Transition zone of The Hills Local Environmental Plan 2012:*
 - *Cemeteries*
 - *Places of public worship*
3. *Introduce a local clause to reflect the DCP site coverage controls into our Local Environmental Plan.*

Following feedback from the Department, on 13 February 2018 Council resolved to forward a revised planning proposal to the Department of Planning and Environment that removed the prohibition of cemeteries in the RU6 Transition zone. This was requested to allow the

Greater Sydney Commission to undertake its strategic investigation into the provision of cemeteries to address the needs for Greater Sydney. The revised planning proposal was submitted to the Department on 21 February 2018 with a request for Gateway Determination.

On 16 April 2018 a letter was signed and sent by the Mayor to The Hon. Anthony Roberts Minister for Planning requesting that the Gateway Determination be issued urgently to allow Council to proceed to public exhibition and continue to manage local issues. This letter outlined the objectives of the proposal and raised concerns that the Gateway approval is taking a long period of time.

On 11 May 2018 a letter was received from the Department which requested additional information to support the Planning Proposal. The Department advised in part as follows:

Before the Department can finalise its assessment of the planning proposal further information is required on:

- *why the proposed objectives are suitable for the RU6 zone given that the RU6 zone is to provide a transition between suburban areas and rural and scenic areas of the Shire;*
- *how the proposal may impact on the current and future needs of the community for places of public worship;*
- *why site coverage controls currently located in Council's Development Control Plan (DCP) should be duplicated into the LEP but this LEP control would apply only to the RU6 zone and not other zones where the DCP provisions apply; and*
- *why places of public worship should be prohibited in the RU6 zone, while they remain permissible in adjoining zones and while other uses in the RU6 zone that would have comparable impacts to places of public workshop should not also be prohibited in the zone.*

Consistent with the Government's practice the proposal will need to include saving provisions so that the new local plan would not be applied retrospectively to development applications already lodged with Council.

On 29 May 2018 a letter was sent to the Department addressing the matters raised above and on 31 May 2018, a further letter was sent to the Department advising that the Planning Proposal had been amended and now includes site coverage controls for the RU1, RU2 and RU6 zones, consistent with the application of such controls currently in The Hills Development Control Plan 2012.

On 27 July 2018 a letter was sent to the Secretary of the Department requesting a Gateway Determination be issued urgently to allow Council to proceed to public exhibition. On 29 August 2018 correspondence was received from the Department that indicated that a Gateway determination will be issued within the next four weeks.

In NSW, all Council's must prepare Local Environmental Plans consistent with the Standard Instrument – Principal Local Environmental Plan. The only mandated use in the RU6 Transition zone is dwelling houses and a decision needs to be made in relation to permissible uses. The place of public worship land use is not mandated and is a legacy use translated from Council's previous LEP. Recently, Council has become concerned about the size, scale and intensity of places of public worship and that they no longer reflect the desired character and zone objectives.

3. Compliance with The Hills Development Control Plan 2012

The proposal has been against the following provisions of The Hills Development Control Plan 2012 with variations identified in the table proceeding:

- Part B Section 1 – Rural;
- Part C Section 1 – Parking;
- Part C Section 3 – Landscaping;

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 1 – Rural			
Site Cover	Between 2 - 10 ha: 15% or 2500m ² (<i>whichever is the lesser</i>)	4,516m ²	No, refer below.
Cut and Fill	Maximum cut shall not exceed: 1 metre Maximum fill shall not exceed: 600mm.	Car park - maximum 5.22m fill proposed. Building - maximum 1.19m fill proposed.	No, refer below.
Wastewater and effluent disposal areas.	To be located a minimum of 6 metres from native vegetation.	To be located in native bushland.	No, refer below.
Waste Management	Development shall comply with the objectives and controls of Clause 2.22 Waste Management – Storage and Facilities in Part B Section 6 - Business of this DCP	Proposal has failed to provide adequate waste management.	No, refer below.
Landscaping screening to boundaries	Dense landscape screening with a minimum depth of 3 metres must be incorporated into side and rear setbacks to effectively screen the development from adjoining property boundaries.	The landscaping provides 2 metre landscaping to boundaries. No plant schedule provided therefore unable to determine the density of screening.	No, refer below.
Acoustic/noise impacts	Proposals must demonstrate they will not give rise to offensive noise as defined in the Protection of the Environment Operations Act and shall comply with the NSW Industrial Noise Policy.	The applicant has not provided sufficient information to demonstrate the proposal will not give rise to offensive noise, with particular concern during early morning services.	No, refer below.
Hours of Operation	Proponents must provide detailed information with respect to the proposed hours of operation. This should include every day activities as well as the frequency of special events including any proposed bell ringing and	Applicant has advised a maximum of 250 patrons for Friday prayer, however has not provided details in regards to special events.	No, refer below.

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	maximum number of people attending these events.		
Part C Section 1 – Parking			
Number of Parking Spaces	No Requirement. It is noted that the DCP specifies in Table 1 that the number of required parking spaces that must be provided in respect of a place of public worship is “1 space per 5 seats”. There is no specification in the DCP of the number of car parking spaces that are required to be provided for a place of worship that does not contain seats.	53 car paces and two mini-bus spaces.	No, refer below.
Accessible path	A continuous, accessible path of travel in accordance with AS 1428.1 shall be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift.	The proposal has failed to demonstrate a continued accessible path compliant with Australian Standards.	No, refer below.
Set down area	Set down areas should be level with a gradient less than 1:40, have adequate circulation space and be located away from traffic flow. Adjacent kerb ramps should be provided to allow access to a footpath, building entrance or a wheelchair accessible lift	The proposal has not nominated on the plans an adequate setback area located away from traffic flow.	No, refer below.
Lighting and Ventilation	Where car parks might be utilised in the evening, adequate artificial lighting should be provided for the whole car park area. Any lighting must not cause a detrimental impact on the amenity of adjoining properties and shall comply with AS	The outdoor car park is required to provide artificial lighting, however, the proposal has failed to provide lighting/lux details as requested.	No. Lighting details are required to assess the detrimental impact on adjoining properties.

DEVELOPMENT CONTROL	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	4282 – Control of the obtrusive effects of outdoor lighting (Rural DCP).		
Outdoor parking landscaping	Outdoor parking areas are to be provided with two metre wide landscaping strips: <ul style="list-style-type: none"> Between rows served by different aisles. Between spaces at a rate of one in every ten car parking spaces. 	The development fails to provide landscaping between rows served by different aisles and between every 10 spaces.	No, refer below.
Outdoor parking landscaping	Outdoor parking areas are to be screened by a minimum of two metre wide landscaping strips. Such landscaping is to be of a mature and dense nature and be designed according to Part C Section 3 – Landscaping of this DCP	The outdoor parking area is not screened by a minimum of two metre wide landscaping strip.	No, refer below.
Outdoor parking landscaping	Driveways are to be screened by a minimum of two metre wide landscaping strip on either side.	The driveway is not screened by a minimum of two metre wide landscaping strip on either side.	No, refer below.
Part C Section 3 – Landscaping			
Landscaping Adjacent to Bushland Areas.	On sites directly adjacent to bushland, all dominant species are to be indigenous to the local area as recommended in Appendix A of this Section of the DCP. Accent planting of exotic species may occur using ground covers and shrubs.	Formal landscaping gardens provided – no plant schedule or species provided.	No, refer below.

Part B Section 1 – Rural

The Rural DCP contains the following Statement of Outcomes in relation to places of public worship:

- Community facilities, recreation facilities and places of public worship do not impact on the amenity of surrounding development or character of the rural area.

Comment: The scale and visual impact of the proposed development is not in keeping with the rural residential nature of the area. The colours and finishes result in an imposing

structure out of keeping with the character of the locality. The design, colours and finishes are more akin to an industrial/commercial development. The development and its potential intensity will result in adverse impacts on the amenity of surrounding developments. The applicant has failed to ensure the proposal does not have environmental impact for such matters as acoustic, waste water management, biodiversity and tree removal.

a. Site Coverage

The DCP requires that for lots between 2 and 10 hectares in size, site coverage is limited to 15% of the land area or 2500m², whichever is the lesser. The site has an area of 2.0261 hectares and as such the 2500m² criteria is applicable.

The applicant has indicated that the proposal has a site coverage of 3,179.2m². However, Council staff calculations indicate a site coverage of 4,516m². The additional site coverage is primarily attributed to pathways detailed on the landscape plan.

The applicant has provided the following justification to support the variation:

The proposed development has been significantly scaled back to address concerns relating to site coverage. This has largely been realised by accepting a reduced and enforced maximum number of patrons to that expected for Friday Prayer, which results in a reduction in hard stand car spaces from 116 spaces to 50 spaces.

While this is above 2,500m², the control for site coverage in The Hills DCP states: For lots between 2 and 10 hectares, the maximum site coverage is 15% of the site area; or 2,500m², whichever is the lesser.

Using the minimum applicable 2-hectare site area, 15% of the site is 3,000m². This means at no time can the 'percentage of site area' control be applied, given that 2,500m² is always going to be 'the lesser'.

This appears to be an oversight in Council's control, as the same occurs for sites over 10 hectares.

It means that 2,500m² is the maximum site coverage applicable for a site from 0.5 hectares to 10 hectares. The control as it reads does not allow the flexibility that a percentage control intends to provide. For this reason, the proposed development aims to generally reflect 15% of the Site area.

While there is still a minor variation outstanding (172.9m²), approximately 46% of the site coverage is for at-grade car spaces. The intent of the site coverage control is largely to regulate visual appearance and scale. Given that nearly half the site coverage is at ground level and hidden from the streetscape by the required landscape screening, the proposed scale of development is appropriate for the site and meets the intent of the site coverage control.

The amended design reflects a significant reduction in site coverage and an acceptance of a lower maximum worshipper count at the premises, as noted in the submitted Plan of Management. This will also further reduce any perceived impact with regard to traffic and amenity impacts.

Comment:

The site coverage requirements include all structures, loading, parking and manoeuvring areas and all hard surface and paved areas. Council staff have calculated the site cover as being 4,516m², this includes the building footprint, parking, driveway and paving, which results

in a variation of 2,106m². Even with the pathways shown on the landscape plan excluded from the calculations, the development footprint is still 3,395m².

The relevant outcome of the DCP is:

- *The scale, siting and visual appearance of new development maintains the open rural feel of the landscape and preserves scenic and environmental qualities of the area.*

The proposal includes a large building of approximately 35m x 58 metres and carpark for 53 vehicles. The proposal involves the removal of a large number of trees and it is considered that the siting, scale and visual appearance of the development is not in keeping with existing landscape character of the locality.

As acknowledged by the applicant, a large portion of the site coverage is attributed to the carpark. The carpark has been reduced from 116 spaces to 53 spaces however the building has remained the same size. Furthermore, the carpark requires 5.22m of filling which will result in a visually dominant platform that is not site responsive. The original proposal had a site coverage of 5,223m² based on the building footprint and carpark only. As outlined in this report it is considered that the use of the site will exceed the patron numbers proposed and the parking proposed will not be able to cater for the anticipated use. This will lead to a development that not only exceeds the site coverage but also leads to off-site impacts based on scale and visual appearance.

The site coverage control seeks to address the potential visual and operational impacts a development may have on adjoining properties and the locality. It is also intended to limit built form, size and scale to ensure uses are more compatible with the intensity of rural character and rural amenity. Consideration of the size, scale, bulk, design, and materials of the proposed building is required to ensure that development is compatible with the character of the locality. The proposed non-compliance in site coverage is considered to be unsatisfactory.

b. Cut and Fill

The DCP requires that developments in the rural area shall not exceed 1 metres of cut and fill shall not exceed 600mm. The proposal seeks approval for the construction of car park which has fill of 5.22 metres, which is a variation of 4.62 metres. The proposed building requires cut of 1.19m, a minor variation of 0.19m.

The applicant has not provided a justification for the level of fill proposed, however the Statement of Environmental Effects stated that “any earthworks will be minor and mainly relate to the provision of parking and services on the allotment and levelling of the site.”

Comment:

The proposal level and amount of fill is considered to be significant, and inappropriate for the rural area, and a retaining wall of over 4 metres (as well as any safety railings) along the eastern side boundary is an undesirable outcome. No elevations or sections have been provided for the parking area to fully ascertain the visual impact of the fill.

c. Waste Water and Effluent Disposal Area

The DCP requires that waste water and effluent disposal areas be located a minimum of 6 metres from native vegetation.

Comment:

The applicant has proposed the waste water system to be located within the native bushland at the rear of the site which is contrary to the DCP requirements. The resultant impact on this ecological community has not been identified and has not been addressed by the proponent. The current report is insufficient and requires a complete waste water assessment including:

- the identification of cleared land for the disposal of effluent,
- the assessment of the soil type and depth of soil in the cleared area,
- a site plan showing adequate area away from bushland that is to be retained or that there will be the required process to seek approval to remove the bushland,
- provision of the required buffer distance to intermittent waterways of 40 metres,
- consideration of the Local Approvals Policy Appendix 2 Installation of a Sewage Management Facility.

The applicant was previously requested to provide a report, prepared by an appropriate qualified person, on the treatment, management and disposal of waste water in accordance with Council's Local Approvals Policy, Appendix 2 Installation of a Sewage Management Facility.

d. Waste Management

The DCP requires that the development comply with the objectives and controls of Clause 2.22 Waste Management – Storage and Facilities in Part B Section 6 - Business of this DCP.

Comment:

The proposal has failed to adequately manage waste generated by the proposal. Specifically, the applicant is to provide written evidence that service to the site with a Medium Rigid Vehicle including the proposed bin type (1.5m³) can be provided.

It was previously requested that amended plans must be submitted showing a bin room layout plan. The bin room layout plan must show the proposed number of bins (to scale) as detailed in the waste management plan.

e. Landscape Screening to Boundaries

The DCP requires that places of public worship provide dense landscape screening with a minimum depth of 3 metres which are to be incorporated into side and rear setbacks to effectively screen the development from adjoining property boundaries.

Comment:

The proposal provides only 2 metres of landscaping along the eastern side boundary and along the Larapinta Place frontage. The applicant has not provided a planting schedule (as requested) nominated the species with the landscape plan, therefore the species, the size, densities, etc. is unknown.

f. Acoustic / Noise Impacts

The DCP requires that the proposals must demonstrate they will not give rise to offensive noise as defined in the Protection of the Environment Operations Act and shall comply with the NSW Industrial Noise Policy.

Comment: The applicant has not provided sufficient information to demonstrate the proposal will not give rise to offensive noise, as defined in the Protection of the Environment Operations Act and shall comply with the NSW Industrial Noise Policy.

The potential noise from the development prior to 7am should be reassessed based on a realistic number of car movements for 25 people which is the maximum number of attendees as stated in the Statement of Environmental Effects with the cars entering the site between 5am and 5:30am and leaving between 6:30am and 7am.

g. Hours of Operation and Attendance

The DCP requires the applicant to provide detailed information with respect to the proposed hours of operation. This should include every day activities as well as the frequency of special events including any proposed bell ringing and maximum number of people attending these events.

It is noted that the amended proposal resulted in the reduction of the number of maximum worshippers and reduction in parking parking, however the scale and size of the place of worship has remained the same. The Plan of Management provides the following details with respect to hours of operation:

The hours of operation of the site is between 5:00am and 10:00pm. The premises, including the car park will not be used or accessible outside of these hours.

Prayer and Religious Services

Daily prayer service takes place within the following time periods and is not to exceed 30 minutes:

Time	Maximum Worshippers
5am – 6am	25
12pm – 1:45pm	45
3pm – 5:30pm	45
Sunset	50
7pm – 9:45pm	50
Friday 12:30pm – 2pm	250

Ramadan

Special evening prayer services during the month of Ramadan are expected to operate between 7pm and 9:30pm. All prayer services are to be undertaken solely within the prayer hall.

Special Services

A total of 3 x special even prayer services per year will occur at the following times:

- 2 x occurring between 7:00am to 9:00am
- 1 x occurring on a Friday between 12:00pm and 2:00pm

Comment:

The applicant has not included details of marriage ceremonies or funerals to occur at the place of worship. These special events may not attract the usual patrons of the place of worship, therefore the maximum patron numbers are unknown.

Furthermore, concern is raised in regards to maximum patrons given the original approval sought 400 patrons, and the amended details state 250 patrons however the size of the structure has remained the same. Population calculations in regards to Building Code of Australia based on floor area square metre per person rate indicates that the two storey place of worship can have a maximum overall capacity of 1900 persons at one time. The main

prayer hall alone with an area of approximately 620m² would allow 620 persons based on the BCA rate of 1 per 1m² for a church. This is well over the 250 maximum patrons identified by the applicant.

h. Number of Parking Spaces

The DCP requires that the number of required parking spaces that must be provided in respect of a place of public worship is 1 space per 5 seats. There is no specification in the DCP of the number of car parking spaces that are required to be provided for a place of worship that does not contain seats. The relevant objective of the DCP is:

- *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.*

It is considered that the place of public worship is likely to have adverse impacts in terms of traffic generation and car parking on the local network and the amenity of the locality as the use of the premises would produce a higher demand for parking that could be expected for a 250 seat place of worship.

Council's Wrights Road Community Building is currently leased and used for Islamic prayer during the Friday Jummah prayer time. Council staff have observed the use of the facility on a number of occasions during the prayer time.

There are 126 legal car parking spaces within the Wrights Road community centre car park. During observations it was noted that the majority of these spaces were full resulting in some attendees parking illegally within the community centre car park and others parking within the nearby shopping centre car park and on surrounding roads. It was observed that cars generally contained 1 or 2 persons in each vehicle.

Based on these observations, the provision of 53 car parking spaces is considered to not be sufficient to meet the demands on the proposed development. There is potential for attendees to park on public streets once the on site car park has reached capacity. This will have adverse impacts on the amenity of adjoining residents in terms of safety and potential acoustic impacts based on traffic movements particularly based on the proposed hours of operation.

There are no footpaths on Larapinta Place or Glenhaven Road in the vicinity of the site and therefore pedestrians may be at risk if attendees are forced to park on these roads.

The above suggests that the proposed car parking provision is inadequate for the scale of development proposed and the proposed site 'population' of 250 worshippers is an overdevelopment of the site. A larger car park will have even greater impacts on the native vegetation area, particularly in terms of tree removal and bulk earthworks and potentially greater acoustic impacts.

Based on the above, it is considered that the car parking provision is not suitable for the scale and intensity of development proposed and that the impacts of the proposed development in terms of the adequacy of the car parking and traffic generation (and associated acoustic impacts) are likely to be so significant that the amenity of residents will be adversely affected.

i. Assessment of Remainder of Variations to the DCP

The remainder of the variations identified in the table above in relation to Part C Section 1 – Parking and Part C Section 3 – Landscaping cannot be supported given they result in unsatisfactory development in conjunction with the non-compliances with the control in Part C Section B Section 1 – Rural outlined above.

4. Size and Occupant Capacity

The Development Application as originally submitted sought consent for 400 people and a carpark for 116 vehicles. The building, which has not been reduced in size, has the potential to accommodate 1900 people when having regard to the Building Code of Australia.

The plan of management submitted in support of the application lacks detail and is insufficient for the scale of the use proposed. It is considered that the size of the building is excessive for the maximum number of attendees proposed and this suggests the probability of a greater number of attendees. No explanation was provided for the reduction in the maximum number of worshippers (400 to 250).

Should the development be approved in its current form there is no practical means for Council to control numbers of people attending the site and consequential impacts including noise and off street carparking. This will lead to significant amenity impacts, particularly given the anticipated shortfall of appropriate parking on the site for use by patrons.

A number of cases in the Land and Environment Court have considered this issue as outlined below.

In the case of *Nasser Hussein v Georges River Council* [2016] NSWLEC 1548, the Applicant advised that the maximum worshipper numbers would be limited to 76 in circumstances where the floor area of the building was capable of accommodating a larger number. The Council argued that it would be difficult to restrict attendance to 76 persons. The Court said at paragraph 114:

"The mosque design doesn't necessarily restrict worshipper capacity so I accept there is potential for more worshippers to be accommodated than proposed which will require enforcement by Council – even Mr Clay conceded no-one is likely to count for most of the prayer times and the Imam can't see how many are in the women's prayer room."

In the case of *Newcastle Muslim Association v Newcastle City Council* [2012] NSWLEC 1056 the Applicant indicated that the attendance at a place of worship would be capped at 250 persons and included provisions in a plan of management that sought to limit the attendance to that number. The Court did not consider that the provisions in the plan of management would be able to control the number of persons attempting to attend the site. The Court said:

"It is apparent, from the evidence provided that without limiting attendances at the site to 250 persons there will be a traffic conflict, that is agreed between the experts. The POM is intended to address this cap however, it cannot control the number of persons attempting to attend the site. I accept the evidence that persons could see signage placed ahead of the entrance advising them the site is full and they would proceed away from the site having met their religious obligation however, there is no quantitative or qualitative information that would indicate the impact of those additional vehicles on the road network as Mr Hendicott advises all modelling has been conducted on the basis of 250 persons maximum..."

"Whilst I accept that POMs can successfully be applied to manage a range of issues, I am not satisfied on the evidence before me, that the potential impacts of the application, particularly those that relate to traffic attending the site can be controlled to ensure there will be no adverse impacts, particularly in regard to road safety along Croudace Road. The POM cannot control how many people attempt to enter the site, it can only restrict the number of persons who can access the site."

In the case of *Prajna Monastery Australia Incorporated v Georges River Council* [2018] NSWLEC 1258, the Council contended that there were no adequate measures in place to ensure that the number of attendees would be as stated. The Council's expert in that case

suggested that a more appropriate means of ensuring the capacity of the worship hall was limited was to reduce its size so that internally and structurally, the use was limited to the proposed attendee numbers. Alternatively, it was argued that the impacts in terms of acoustics and parking needed to be assessed based on the actual capacity of the building. At paragraphs 75 and 80 of the judgment Acting Commissioner Morris said:

“There are no means of addressing breaches or ensuring the noise of persons on site is minimised. The acoustic experts agree that noise from persons moving between buildings becomes an issue if it takes over two minutes. I also accept Ms Warton’s evidence that the proposed hall is capable of accommodating more than 52 persons. This is supported by the photographs included in the draft POM. That fact has implications for ongoing monitoring of the site to ensure attendance limits are not exceeded. I have not been persuaded that the source of any breach could be readily identified which is contrary to the test in Renaldo at 3....

...

Because of my findings in relation to the POM, the fact that the hall can cater for more persons than proposed and therefore requires stringent management measures and monitoring, I am not satisfied that the objectives of the zone are met or that the site is suitable for the proposed development.”

It is considered that where it has not been demonstrated that the number of attendees can be limited to the number proposed by the Applicant, it is legitimate to have regard to the capacity of the proposed building in terms assessing the car parking demand and other amenity impacts such as noise generation.

5. SEPP 55 Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land states:

- (1) 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 Contamination Assessment prepared by MEtech Consulting, dated 11 April 2018 accompanies the Development Application. The report concludes that the site is suitable for the proposed development and land use setting, subject to the management of a stockpile identified on the site as containing a mixture of soil and various anthropogenic materials.

The proposal is considered satisfactory in regard to the requirements of SEPP 55.

6. Rural Fire Service Comments

The proposal was referred to Rural Fire Service (RFS) as the proposal is defined as a ‘special fire protection purpose’. The RFS have issued a Bush Fire Safety Authority under Section 100B of the Rural Fire Act 1997 subject to the imposition of a condition relating to asset protection zones, water and utilities, access, evacuation and emergency management, design and construction and landscaping.

The RFS require that for a distance of 85 metres to the north, the area from the building be managed as IPA (inner protection area), and that in all other directions (south, east and west) of the building the area be managed as IPA to the property boundaries.

The IPA to the north has the most significant environment impact as this encroaches in the native bushland within the northern portion of the site. The applicant has failed to provide details of tree removal required to comply with APZ requirements (as well as the impact on Biodiversity – refer to Ecology Comments below).

The IPA (inner protection area), to the south, east and west of the building will negate the opportunity to provide screen landscaping, in which case the impacts on the adjoining owners and the streetscape will be significant and adverse.

7. Central City District Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan

The Central City District Plan contained 'Directions for Sustainability' which include:

- A City In Its Landscape - Planning Priority C15 – Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes; and
- A City In Its Landscape - Planning Priority C18 – Better managing rural areas.

The plan seeks to ensure that biodiversity is protected and urban bushland and remnant vegetation is enhanced. The Biodiversity Conservation Act 2016 provides a framework and tools to avoid, minimise and offset impacts on biodiversity. The applicant has failed to address the biodiversity impacts as a result of the development and the impact of the removal of the native bushland located at the rear of the site in accordance with the Biodiversity Conservation Act 2016.

The map within the Central City District Plan has identified the site as being located within the 'Metropolitan Rural Area'. The Plan seeks to better manage rural areas by ensuring environmental, social and economic values are protected and enhanced. The proposal fails to consider and address the environmental impact of the development on the land in regards to tree removal, asset protection zone locations, and waste water management and the biodiversity impacts.

Given the biodiversity impacts, and impacts on the rural land, the proposal is considered unsatisfactory in regard to the Central City District Plan.

8. Insufficient Information

Clause 50 of the NSW Environmental Planning and Assessment Regulations 2000 requires an applicant to provide all the necessary and requested information to allow for a proper assessment of the application. As detailed below, the following list details the incomplete or insufficient information required:

BASIX certificate

The Development Application includes a dwelling which is proposed to be occupied by an on-site caretaker. The dwelling is a BASIX affected building as defined in the Environmental Planning and Assessment Regulation, 2000 (the Regulation). The Regulation defines a BASIX affected building as follows:

BASIX affected building means any building that contains one or more dwellings, but does not include a hotel or motel.

Pursuant to Clause 2A of Schedule 1 of the Regulation, the application is required to be accompanied by a BASIX certificate for the dwelling. No such certificate has been lodged.

Geotechnical assessment

The proposed development includes fill of over 5m in some areas of the site in order to create the car parking area. In addition, the development relies on on-site treatment of waste water.

According to a letter from Australian Consulting Engineers Pty Ltd dated 9 July 2018, it is proposed to use an on-site aerated waste water treatment system and then dispose of treated effluent within the retained vegetated area at the north of the site. Notwithstanding that no assessment of the impact of the disposal of effluent might have on the trees within this part of the site has been provided, no assessment of the suitability of the soil for the proposed method of waste water treatment and disposal has been undertaken.

Furthermore, a geotechnical assessment of the site is required to confirm that the site is suitable for the significant bulk earthworks required to be undertaken in order to make the site suitable for the development.

Without the benefit of a geotechnical assessment, it is not possible to assess whether the site is suitable for the extent of bulk earthworks proposed or for the proposed method of waste water treatment.

Ecological assessment

The site is mapped on Council's mapping as containing Sandstone Gully Forest and Sandstone Heath. In addition, areas of the northern part of the site are mapped on the Biodiversity Values Map produced by NSW Office of Environment and Heritage (OEH).

Therefore, any development of the site triggers the need for a Biodiversity Development Assessment Report (BDAR) to be submitted. No such report has been provided. The development is also likely to require clearing of more than 0.5ha of native vegetation in which case it will also trigger the Biodiversity Offset Scheme (BOS) provisions of the Biodiversity Conservation Act 2016 (BC Act).

The application includes an email prepared by Cumberland Ecology which merely identifies the vegetation community on the northern part of the site and notes that it *is an intact native plant community type in moderate condition and may support threatened flora and/or fauna species listed under the BC Act and/or EPBC Act.*

The application did not include an ecological assessment to confirm whether in fact the site does support any threatened flora and/or fauna species, nor did it include a BDAR and BOS assessment, both of which are required under the BC Act.

Therefore insufficient information has been lodged to assess the potential impacts the development (and other associated works including clearing for asset protection zones (APZs) for bushfire protection, tree removal associated with the building works, stormwater disposal across the retained native vegetation area, bulk earthworks, retaining structures and waste water disposal) might have on the retained native vegetation.

Erosion and sediment control plan

There is an ephemeral watercourse on the site as well as native vegetation which is described by Cumberland Ecology as being intact Hornsby Enriched Sandstone Exposed Woodland of moderate condition.

Although Drawing No. 1006 prepared by IDraft is identified as being the Sedimentation Control Plan, the plan does not include any details as to how areas downslope of the development site will be protected during the demolition and construction phases of the development.

Therefore, sufficient information has not been provided to be satisfied that the development will not have adverse impacts on the retained native vegetation and water courses.

Insufficient detail on architectural and landscape plans

The arborist assessment has identified trees which are required to be retained and trees suitable for removal. The site plan (Drawing No. 1001) is an overlay of the survey plan and identifies all trees on the northern part of the site, suggesting that all trees are to be retained. The landscape plan however does not include trees which are identified in the arborist report as trees to be retained. This plan indicates that many of the trees identified as to be retained are also proposed to be removed.

Furthermore, the landscape plan does not include any details of the species of trees or plants proposed to be provided or whether the proposed landscaping has had regard to the RFS General Terms of Approval which require the maintenance of the areas around the building to the east, south and west as an inner protection area (IPA). The requirement to maintain these areas as IPAs might result in less planting than the planting proposed on the landscape plan in which case the potential screening that the proposed landscaping might have provided will not eventuate.

The architectural plans lack sufficient detail to confirm whether the building does in fact comply with the 10m building height limit. Specifically, at least one long section through the building with the existing ground level included and a roof plan (with RLs) is required in order to confirm compliance. Given the disparity in site coverage calculations, a site coverage plan should also have been provided.

Given the lack of detail on the plans (and inconsistency of the plans) submitted with the DA, Council staff cannot be satisfied that the development will comply with statutory development standards and DCP development controls or be satisfied that the development has been designed to have regard to the site constraints.

Stormwater management

The stormwater management plans lack sufficient detail to enable a thorough assessment as to the potential impacts the proposed method of stormwater disposal might have on the retained native vegetation or whether the development might in fact involve works within 40m of a water course and therefore trigger the integrated development provisions of the Environmental Planning and Assessment Act 1979.

Waste water

The information provided regarding waste water treatment and disposal was inadequate and not in accordance with Council's adopted Local Approvals Policy.

The report does not provide a site plan for the disposal area but states that the disposal area will be in the portion of the site containing native vegetation. No information has been provided on the soil type and depth and there has been no consideration given to the required buffer distances to intermittent waterways.

It is inappropriate to dispose of effluent to native bush land. The high level of nutrients in the effluent will kill many native plants and promote the growth of weeds and exotic plants. Disposing waste water to areas of shade under trees will reduce the level of transpiration of the waste water.

From aerial photographs and photographs of the site, the site appears to have significant rock outcrops and so soil depth will most likely be an inhibiting factor for the disposal of waste water on the site. Should there be shallow soils above rock the irrigated effluent would move in the subsoil along the underlying rock towards the local waterway.

Acoustics

The additional information provided in regards to acoustics did not adequately address the previously raised concerns.

Early morning prayers start at 5:30am with people arriving on site from 5am. The acoustic report has calculated only 3 cars entering the property at this time. The Statement of Environmental Effects (SEE) predicts the average number of people as being 15 and the SEE states the maximum number of people as being 25. Therefore there will be significantly more cars than the 3 used for the noise calculations. The assessment has also failed to consider potential sleep arousal noise such as the sound many cars make when being locked or unlocked, car doors or boot lids being slammed shut, the potential sound of car sound systems and voices in the carpark. The provided information has failed to provide an accurate assessment of the impact of the early morning noise from traffic and carpark.

It is noted that the carpark has been reduced from 116 down to 53. This assists with a reduced noise load but the car park is considered undersized for the expected patronage. Congestion in the car park as cars enter, move to find or wait for a space or leave and park on the street will add to the noise level and this has not been adequately investigated.

Calculations of the noise level imposed on the closest neighbouring residence for a worst case situation, being the maximum occupancy of the car park has not been provided.

The acoustic report recommended the provision of a two metre high acoustic barrier along the eastern boundary. The additional information provided on acoustics stated that the barrier was not required but no justification or calculations were provided.

The submitted acoustic information has not adequately demonstrated that there will not be an impact on the neighbouring residents during what is still considered night being early in the morning, between 5am and 7am. For this reason the application is not supported.

Accessibility Assessment

An assessment from an access consultant has not been submitted to confirm compliance with the Disability Discrimination Act 1992 and relevant Australian Standards.

Details relating to retaining of fill

As noted above, the development requires significant bulk earthworks, including in excess of 5m of fill, to be undertaken. The DA does not include any details in relation to the method of retaining the fill and therefore the potential impacts of this work cannot be assessed.

9. Issues Raised in Submissions

The Development Application was notified to 29 adjoining and surrounding property owners for 21 days. To date, a total of 1068 submissions have been received, with 40 of those submissions being in favour of the proposal. The submissions have been summarised below:

ISSUE/OBJECTION	COMMENT	OUTCOME
The development is not in keeping with the low scale rural-residential nature of the area, and the 10 metre structure will have an	The scale and visual impact of the proposed development is not in keeping with the rural residential nature of the area. The colours	Reason for refusal.

ISSUE/OBJECTION	COMMENT	OUTCOME
adverse impact on the streetscape.	and finishes result in a commercial/industrial style building and are not appropriate for the locality.	
A place of worship of this size is better suited to an area zoned business or industrial, similar to where Hillsong Church is.	The proposal is a permissible land use in the RU6 zone, however, the proposal fails to be consistent with the objectives of the rural zone.	Reason for refusal.
The 24-hour nature of the development is not appropriate for the rural-residential area.	The proposal does not seek approval for a 24 hours operation. It is noted that a care taker will reside on site, however worshippers are restricted from 5:00am to 10:00pm under the proposal.	Issue addressed.
The nature of the development will result in large amounts of worshippers congregating for significant number of consecutive days which will have adverse impacts on the local amenity.	Concern is raised in regards to the potential number of worshippers attending the site and the amenity impacts on neighbouring residents.	Reason for refusal.
The development contravenes the objectives of the RU6 zone.	Refer to comments above.	Reason for refusal.
The proposal will result in adverse noise impacts.	The applicant has not provided sufficient information to demonstrate the proposal will not give rise to offence noise, with particular concern during early morning services.	Reason for refusal.
The site does not have access to sewer, and appropriate waste water management is a concern as well as a failure if an on-site system was built.	The proposal fails to provide details of a waste water management system that complies with Council requirements. The system proposed is to be located in native bushland which is contrary to the DCP controls.	Reason for refusal.
There is no traffic management at the corner of Glenhaven Road and Larapinta Place, and it will be dangerous for the additional traffic turning in/out of the intersection.	An analysis of the sight distance requirements at the intersection of Larapinta Place and Glenhaven Road has been carried out and established that the available sight distance exceeds the minimum Safe Intersection Sight Distance (SISD) required under the Austroad's Guidelines.	Issue addressed.
Glenhaven Road cannot cope with any more traffic, as there is	The proposal generally operates outside of peak traffic times,	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
significant volume during peak times.	nevertheless, Council's Council's Principal Coordinator – Traffic & Road Management Traffic has indicated during the morning and afternoon traffic peak the intersection of Larapinta Place and Glenhaven Road will continue to operate at an acceptable level of service. Refer to full comments below.	
The parking provided is inadequate for the type of development. It is likely (on Friday afternoons) that one individual will be in the car only, as they will be coming from/to work (and not arriving as a family).	It is considered that the car parking provision is not suitable for the scale and intensity of development proposed and that the impacts of the proposed development in terms of the adequacy of the car parking and traffic generation are likely to be significant that the amenity of residents will be adversely affected.	Reason for refusal.
The cars will park along Glenhaven Road and Larapinta Place which will be dangerous.	This is considered to be a valid concern no on-site overflow parking has been identified on site. Furthermore, the environmental and level constraints at the rear of the site do not allow for over-flow parking.	Reason for refusal.
Given the location it is unlikely that the worshippers will utilise public transport, therefore will need to rely on private transport.	The site is serviced by public transport, however it is considered to be infrequent and unlikely to be utilised by patrons of the place of worship.	Issue addressed.
The extra traffic generated by this development will result in additional noise, air and light pollution.	The proposal will result in an increase in noise, air and light pollution in the area.	Reason for refusal.
The traffic generated from this development will have adverse impact on the amenity of the residents in the local area.	It is noted that the proposal will result in an increase in traffic in the local area.	Reason for refusal.
Pedestrian safety is a concern as there are no footpaths along Glenhaven Road and Larapinta Place. There has already been one fatality on Glenhaven Road.	It is unlikely that patrons will be arriving by foot to the site, however concern is raised as overflow parking has not been provided, patrons will park on the street. Refer to comments above.	Reason for refusal.
The development has not considered the impact on flora and	The applicant has not addressed the biodiversity impacts of the	Reason for refusal.

ISSUE/OBJECTION	COMMENT	OUTCOME
fauna or satisfactorily addressed the requirements of the Biodiversity Act.	development.	
The proposal has failed to detail the tree removal and the ecological impact the development will have.	Refer to comment above.	Reason for refusal.
The facility appears to be an over development for a small number of daily number of worshippers.	The size and occupancy capacity of the proposed development is excessive for the maximum number of patrons stated by the applicant and will lead to a much greater number of patrons and consequent impacts.	Reason for refusal.
The development fails to provide details on amplified noise/sound system for the call to prayer early in the morning.	The applicant has stated that amplified noise/sounds systems will not be used. Nevertheless, the applicant has not provided sufficient information to demonstrate the proposal will not give rise to offence noise, with particular concern during early morning services.	Reason for refusal.
The ABS figures show that the Muslim population in the area do not indicate any requirement for a development of this size.	This is not considered to be a planning consideration.	Issue addressed.
A development of this nature is not in keeping with the cultural environment of the area.	Places of Public worship are a permissible land use within the RU6 zone. The religious or cultural values of the proponent are not considered to be a planning consideration.	Issue addressed.
If approved, this development will likely increase as the applicant has indicated that they need it to cater for growth.	The application is considered on its merits however concern is raised regarding the size of the facility and patron capacity.	Reason for refusal.
Concern is raised that the development is not only a place of worship, but a teaching centre (questions raised as to why so many classrooms are need when only 10-15 people visit daily?).	The applicant has not indicated that this place of worship will be used for general teaching purposes, other than for religious studies associated with the place of worship.	Issue addressed.
Concern is raised in regards to the stormwater run-off from the development.	Council's Senior Subdivision Engineer has reviewed the stormwater plans and raises no issue with the proposed stormwater management of the site.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
There is a significant risk if an evacuation was required due to a bushfire (parking, traffic, etc).	The NSW Rural Fire Service have issued a Bush Fire Safety Authority under Section 100B of the Rural Fire Act 1997 subject to the imposition of a condition relating to asset protection zones, water and utilities, access, evacuation and emergency management, design and construction and landscaping.	Issue addressed.
Concern is raised in regards to the extent of fill proposed, and visual impacts of the retaining wall required for the car parking.	The matter is a concern and has been addressed in the report. The level of fill and use of significant retaining walls is unsatisfactory in this instance.	Reason for refusal.

Issues Raised in Support

Forty submissions were received in support of the Development Application. These submissions primarily related to the support of a permanent place of worship for the local Muslim community. The submissions also indicate that the proposal is unlikely to impact existing residents.

BUILDING COMMENTS

Council's Fire Safety Officer has reviewed the plans to determine if there is sufficient egress width for the population proposed, and has advised that based on the population proposed and plans provided, egress widths are sufficient for the premises.

In regard to the capacity of the development, based on the stair widths available on the first floor, (3 stairs adding up to 4.8m, free of obstructions) the maximum number of persons capable of being accommodated on the first floor is 500.

Based on the exit widths on the ground floor (this being 12 x 750 mm doorways which would allow an aggregate width of 10.2m, less 250mm for each doorway) the maximum capacity is 1400 persons.

In regards to the maximum overall capacity, there is the potential, with the split in upper and lower populations, the building could safely accommodate 1900 persons at one time.

SUBDIVISION ENGINEERING COMMENTS

The Development Application was reviewed by Council's Senior Subdivision Engineer and has raised no issues were raised in respect to engineering matters.

TRAFFIC MANAGEMENT COMMENTS

Council's Principal Coordinator – Traffic & Road Management has review the Development Application and has provided the following comment:

i) Existing Traffic Environment

This application proposes to demolish an existing residence and construct a place of worship to accommodate a maximum of 250 people with 53 off street parking spaces. The property is

located on the corner of Glenhaven Road and Larapinta Place, Glenhaven and a traffic report, prepared by Stanbury Traffic Planning has been submitted in support of the application.

Being a corner property the proposed site has two road frontages, the main frontal façade for pedestrian access is to Glenhaven Road, with the main vehicular access being provided off Larapinta Place.

Larapinta Place is a 300m long 6.0m wide local access street built to a rural road standard servicing 7 residences.

Glenhaven Road is classified as a sub-arterial road linking Green Road at its western end and the State Arterial of Old Northern Road at its eastern extremity. It typically sustains around 15,000 daily vehicle movements with the western section between Green Road and Holland Road primarily being constructed to a two lane rural standard with one 3.0m wide travelling lane in each direction and two 2.0m wide sealed shoulders. The section between Holland Road and Evans Road is however constructed to an urban sub-arterial standard with kerb and gutter on both sides and a carriageway width of 12.5m. It is signposted at a 60km/h speed limit with a 40km/h school speed zone fronting Glenhaven Public School.

ii) Proposed Development - Traffic Generation

The traffic consultant's report stipulates that maximum normal weekly patronage of 250 people occurs during at Friday midday prayer services between 12:00 midday and 2:00pm. There are also three special event services such as Easter Friday midday Prayer Service and Eid Morning Prayer Service where the maximum number of attendees increases to 400.

There are no specific traffic generation rates for places of worship stipulated in the RMS Guide to Traffic Generating developments. The traffic consultant has relied upon the correlation between traffic generation and the number of parking spaces provided. On this basis in accordance The Hills Shire Council Parking DCP Part C Section 1, for places of public worship, the rate is specified as 1 space per 5 seats or the equivalent of a car occupancy rate of 5 persons per car. Using this logic the proposed 50 off street parking spaces is sufficient to cater for the normal 250 person Friday lunch time peak between 12:00 midday and 2:00pm. The consultant indicates that this type of trip activity also suggests that the peak hour trip generation equates to 50 inbound and 50 outbound or a **total of 100 peak hour trips**

Whilst the above logic is supportable, the car occupancy rate of 5 persons per car for events occurring on Friday's at lunchtime is not. This comment is based on the fact that the majority of attendees would tend to work and have origin trips generated from their place of employment, the car occupancy rate should be reduced significantly to around 2.5 persons per car.

If this rate is applied, the inbound trips would increase to 100 trips requiring 100 parking spaces and the outbound trips increasing to 100 trips for a **total of 200 peak hour trips**.

As the three per year special events such as Eid with 400 people in attendance tend to be a more family based activity, the car occupancy rate could reasonably be increased to 4 people per car also generating 100 inbound and 100 outbound trips for a total of **200 peak hour trips**.

The consultant has also carried out a detailed SIDRA analysis of the intersection of Larapinta Place and Glenhaven Road and understandably given the existing low traffic generation from the side street confirmed that the intersection currently operates, during the AM and PM peak periods, at a very good Level of Service A.

Whilst there has been no additional SIDRA analysis undertaken to confirm operational efficiency under post development conditions, there is commentary provided within the traffic report that indicates during the morning and afternoon traffic peak the intersection of Larapinta

Place and Glenhaven Road will continue to operate at an acceptable level of service based on the traffic generation provided by the Applicant. The levels of service are likely to diminish based on more realistic traffic generation rates. It is also noted that Larapinta Place is a small cul-de-sac servicing 6 other dwellings. The traffic generation in Larapinta Place will be a significant noticeable increase in intensity.

iii) Access and Sight Distance Requirements

An analysis of the sight distance requirements at the intersection of Larapinta Place and Glenhaven Road has also been carried out and established that the available sight distance exceeds the minimum Safe Intersection Sight Distance (SISD) required under the Austroad's Guidelines. Similarly the proposed driveway location off Larapinta Place also exceeds the desirable Safe Intersection Sight Distance (SISD) requirements of AS 2890.1.2004.

iv) Traffic Improvements in the locality

As the majority of peak traffic generation for the proposal principally occurs on Friday's between the hours of 12:00 and 2:00pm, well outside normal AM and PM traffic peak periods, the imposition of conditions requiring the applicant to carry out traffic improvements is difficult to justify, however kerb and gutter would be required that would detract from the rural character of the locality.

Compliance with the recommended lower car occupancy rate of 2.5 person per vehicle during Friday services will however the provision of additional off street parking spaces, the number can be calculated at 100 spaces for attendees and a further 15 spaces for the administration staff equating to a total of 115 off street parking spaces.

ECOLOGY COMMENTS

The Development Application has been reviewed by Council's Senior Environmental Assessment Officer and has provided the following comments:

The application was received outside of the transitional arrangements period under the new Biodiversity Conservation Act 2016, and therefore the Biodiversity Offset Scheme (BOS) must be considered.

The minimum lot size for the site is 2 hectares and therefore clearing of native vegetation >0.5 hectares triggers the new Scheme. The development, in conjunction with the required APZ, will result in clearing of native vegetation that exceeds the threshold. In addition, the site is mapped on the Biodiversity Values Map, and this is also a trigger for the BOS.

The applicant must provide a Biodiversity Development Assessment Report (BDAR) in accordance with the new Biodiversity Conservation Act 2016, as the Biodiversity Offset Scheme (BOS) is triggered on both an area threshold and mapping of Biodiversity Values. If this is disputed this must be documented in a report. The applicant also needs to include an assessment of significance in relation to threatened biodiversity to determine whether or not the BOS is triggered as a result of a significant impact.

TREE MANAGEMENT COMMENTS

Councils' Landscape Assessment Officer has reviewed the submitted amended plans, landscape plan and arborist report and has deemed them unsatisfactory.

The DCP requires outdoor parking areas to be provided with two metre wide landscaping strips between rows served by different aisles and every 10 car spaces. This has not been provided. Trees to be provided within these landscape strips. Carparking is to be screened

by minimum two metre wide dense landscaping and 2m wide landscaping strip either side of driveway.

The development is to provide proposed levels to landscape plan to paths and turfed areas especially at the junction with carparking areas and to boundaries.

The existing trees should be retained where possible in accordance with the Arborist report prepared by Abacus Tree Services. The landscape design does not reflect retention of these trees.

No plant schedule has been provided indicating species name, size and quantities.

The development is to provide minimum 3m wide dense landscape screening to side and rear boundaries as required by the DCP. This landscape strip is to include native species from Sandstone Heath and Sandstone Gully Forest species within planting palette for trees, shrubs and groundcovers.

Additional screening to northern and eastern boundaries of the carpark is required as retaining walls associated with the carpark exceed 3 metres in height plus balustrading to the top of the wall.

Front fence must be of open style and not solid masonry or solid panel construction. The design is to be in accordance with DCP requirements and be of an open style rather than solid panels, further fencing detail are required.

It is also noted that the landscape plan and architectural plans are inconsistent in relation to the car parking layout.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

The Development Application has been reviewed by Council's Environmental Health Coordinator in regards to acoustic impact and waste water management, and the following comments have been provided:

Waste water

The information provided regarding waste water treatment and disposal was inadequate and not in accordance with Council's adopted Local Approvals Policy.

The report does not provide a site plan for the disposal area but states that the disposal area will be in the portion of the site containing native vegetation. No information has been provided on the soil type and depth and there has been no consideration given to the required buffer distances to intermittent waterways.

It is inappropriate to dispose of effluent to native bush land. The high level of nutrients in the effluent will kill many native plants and promote the growth of weeds and exotic plants. Disposing waste water to areas of shade under trees will reduce the level of transpiration of the waste water.

From aerial photographs and photographs of the site, the site appears to have significant rock outcrops and so soil depth will most likely be an inhibiting factor for the disposal of waste water on the site. Should there be shallow soils above rock the irrigated effluent would move in the subsoil along the underlying rock towards the local waterway.

Acoustics

The additional information provided in regards to acoustics did not adequately address the previously raised concerns.

Early morning prayers start at 5:30am with people arriving on site from 5am. The acoustic report has calculated only 3 cars entering the property at this time. The Statement of Environmental Effects (SEE) predicts the average number of people as being 15 and the SEE states the maximum people as being 25. Therefore there will be significantly more cars than the 3 used for the noise calculations. The assessment has also failed to consider potential sleep arousal noise such as the sound many cars make when being locked or unlocked, car doors or boot lids being slammed shut, the potential sound of car sound systems and voices in the carpark. The provided information has failed to provide an accurate assessment of the impact of the early morning noise from traffic and carpark.

It is noted that the carpark has been reduced from 116 down to 50. This assists with a reduced noise load but the car park is considered undersized for the expected patronage. Congestion in the car park as cars enter, move to find or wait for a space or leave and park on the street will add to the noise level and this has not been adequately investigated.

Calculations of the noise level impose on the closest neighbouring residence for a worst case situation, being the maximum occupancy of the car park has not been provided.

The acoustic report recommended the provision of a two metre high acoustic barrier along the eastern boundary. The additional information provided on acoustics stated that the barrier was not required but no justification or calculations were provided.

The submitted acoustic information has not adequately demonstrated that there will not be an impact on the neighbouring residents during what is still considered night being early in the morning, between 5am and 7am. For this reason the application is not supported.

WASTE MANAGEMENT COMMENTS

The Development Application has been reviewed by Council's Resource Recovery Officer and the following comments have been provided:

It is noted a number of waste collection contractors have been contacted by the applicant confirming capability of servicing the site with a MRV including the proposed bin type (1.5m³). Written evidence from potential waste collection contractors must be submitted confirming this service can be provided.

As mentioned previously, amended plans must be submitted showing a bin room layout plan. The bin room layout plan must show the proposed number of bins (to scale) as mentioned in the WMP.

NSW POLICE COMMENTS

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to ensure that the site is appropriately protected.

CONCLUSION

The application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, Local Environmental Plan 2012 and The Hills Development Control Plan 2012 and is considered unsatisfactory.

The proposed development is considered to be inconsistent with the objectives of the zone and is considered not in keeping with the rural-residential nature of the area and will have adverse environmental impacts.

Accordingly, the application is recommended for refusal.

IMPACTS:

Financial

This matter may have a direct financial impact upon Council's adopted budget as refusal of this matter may result in Council having to defend a Class 1 Appeal in the NSW Land and Environment Court.

The Hills Future - Community Strategic Plan

The social and environmental impacts have been identified and addressed in the report. The proposal conflicts with the development objectives of the LEP and DCP. It is considered unsatisfactory with regard to The Hills Future Community Strategic Plan.

RECOMMENDATION

The Development Application be refused on the following grounds:

1. The proposed development is contrary to objectives of the RU6 Rural Transition Zone under The Hills Local Environmental Plan 2012 as it has not been designed having regard to and will unacceptably impact on surrounding land uses, the natural environment and the rural character of the surrounding area.
(Section 4.15 1(a)(i) of the Environmental Planning and Assessment Act 1979).
2. The proposed development is not in keeping the bushland rural character of the locality.
(Section 4.15 1(a)(i) of the Environmental Planning and Assessment Act 1979).
3. The proposal has not adequately addressed the requirements of the Biodiversity Conservation Act 2016 given that a Biodiversity Development Assessment Report has not been provided.
(Section 4.15 1(a)(i) of the Environmental Planning and Assessment Act 1979).
4. The proposed development does not comply with the following Development Controls and results in an unsatisfactory development and will unacceptably impact on surrounding land uses, the natural environment and the rural character of the surrounding area.

Part B Section 1 – Rural

- Site Coverage
- Cut and Fill
- Waste Water and Effluent disposal area
- Landscape Screening to Boundaries
- Acoustic/Noise Impacts
- Hours of Operation

Part C Section 1 – Parking

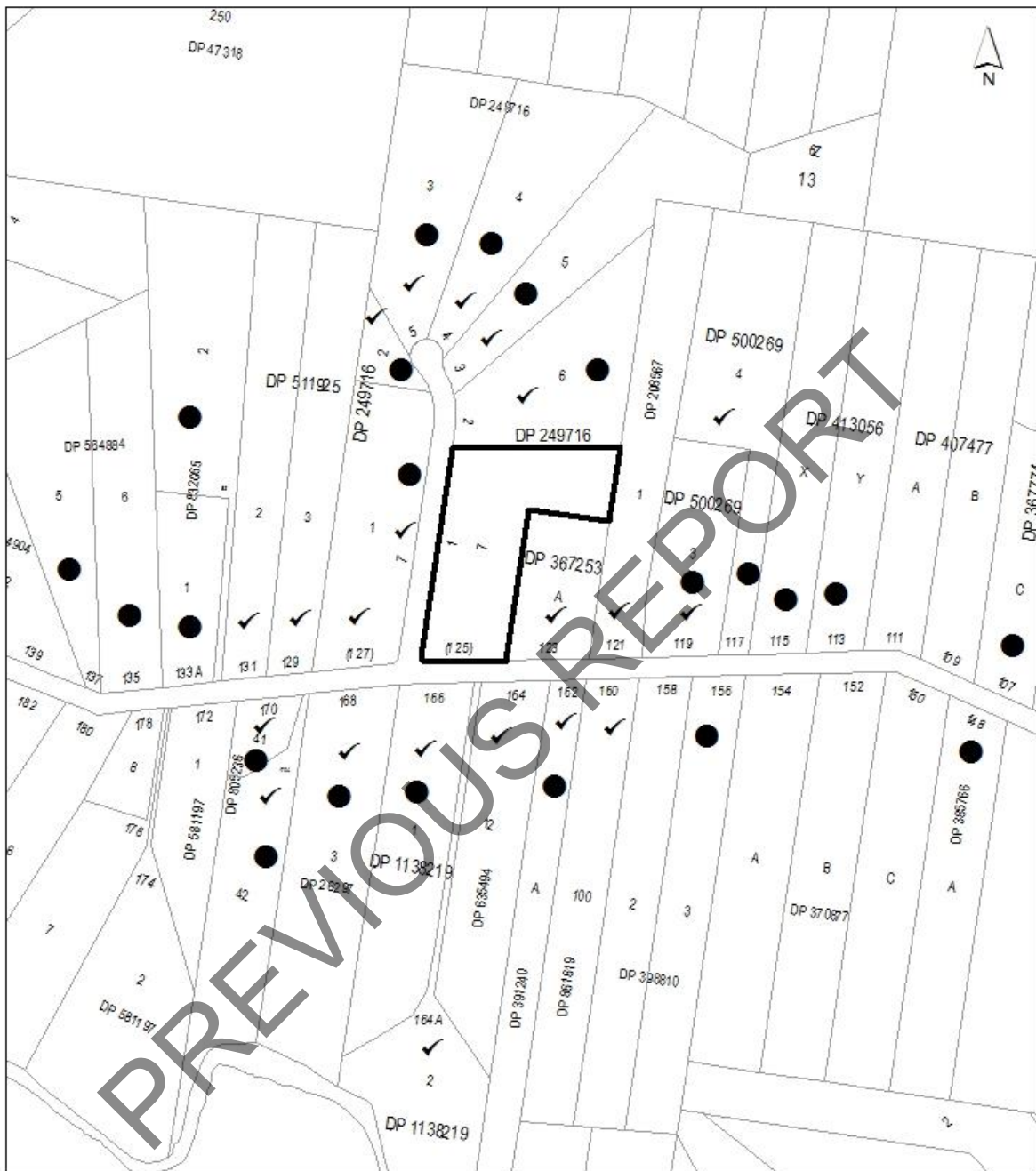
- Parking
- Accessible Path
- Set Down Area
- Lighting and Ventilation
- Outdoor parking landscaping

Part C Section 3 – Landscaping

- Landscaping Adjacent to Bushland Area
(Section 4.15 1(a)(iii) of the NSW Environmental Planning and Assessment Act 1979).
- 5. The proposed development is contrary to the provisions of Clause 50 of the NSW Environmental Planning and Assessment Regulations 2000, which requires the applicant to provide all the necessary and requested information to Council to allow for a proper assessment of the application, including the submission of information including earthworks and fill details, landscaping, tree removal, biodiversity impacts, waste water management, acoustic details.
(Section 4.15 1(a)(iv) of the NSW Environmental Planning and Assessment Act, 1979).
- 6. The size and occupancy capacity of the proposed development is excessive for the maximum number of patrons stated by the applicant and has the potential to lead to a much greater number of patrons and consequent impacts than stated by the applicant.
(Section 4.15 1(b) of the NSW Environmental Planning and Assessment Act 1979).
- 7. The development is not considered to be suitable for the site as it is an overdevelopment in terms of scale and intensity and results in unacceptable amenity impacts on neighbours. Other sites are more suitable to adequately address the impacts of this proposal.
(Section 4.15 1(c) of the NSW Environmental Planning and Assessment Act 1979).
- 8. The development is considered not to be in the public interest.
(Section 4.15 1(e) of the NSW Environmental Planning and Assessment Act 1979).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Part Site Plan
5. Sub Floor Plan
6. Ground Floor Plan
7. First Floor Plan
8. Elevations
9. Colours and Finishes
10. Streetscape Elevation
11. Landscape Plan
12. NSW Rural Fire Service Comments



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

**NOTE: 1045 SUBMISSIONS RECEIVED
OFF THE SCOPE OF THIS MAP**

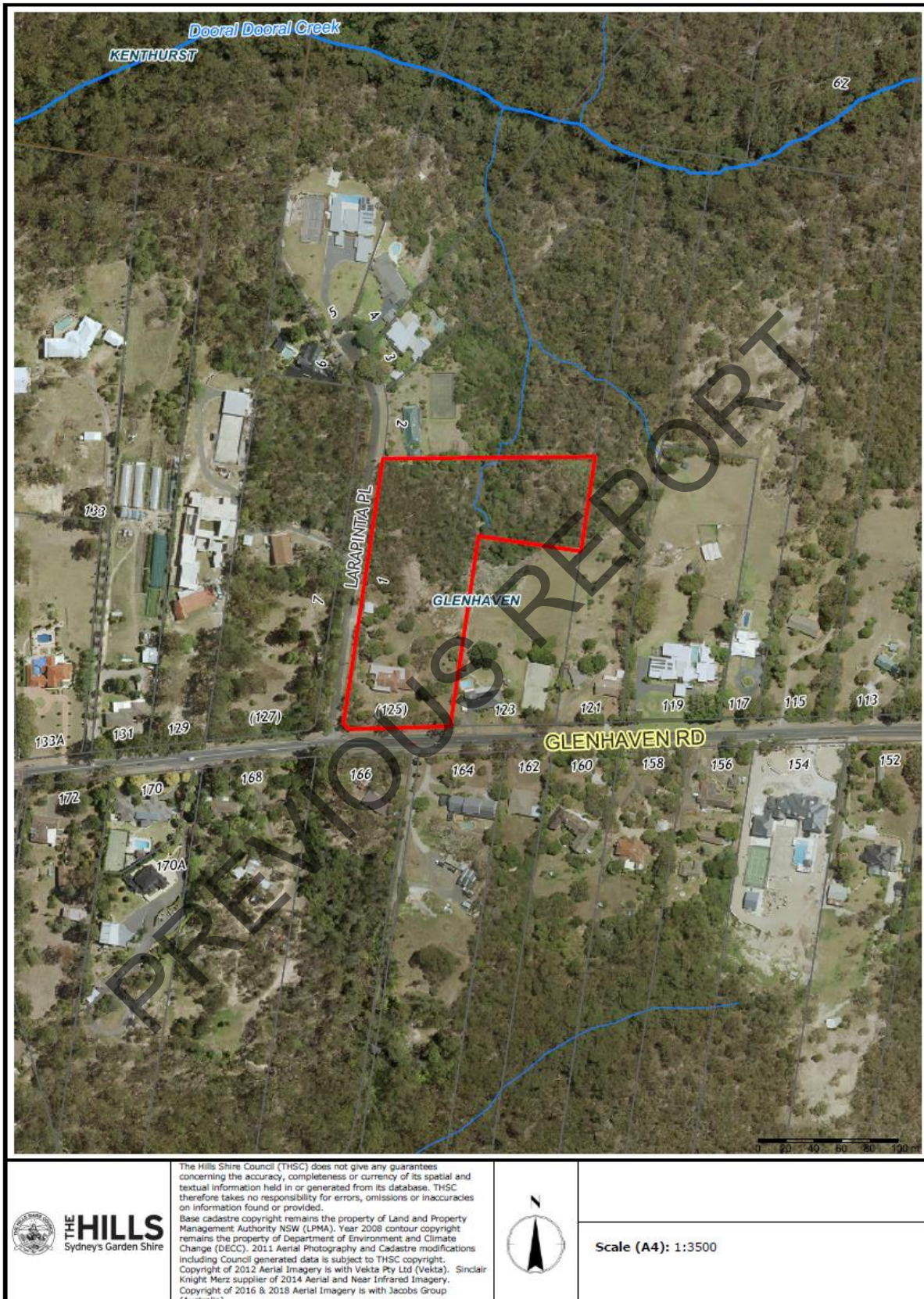
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

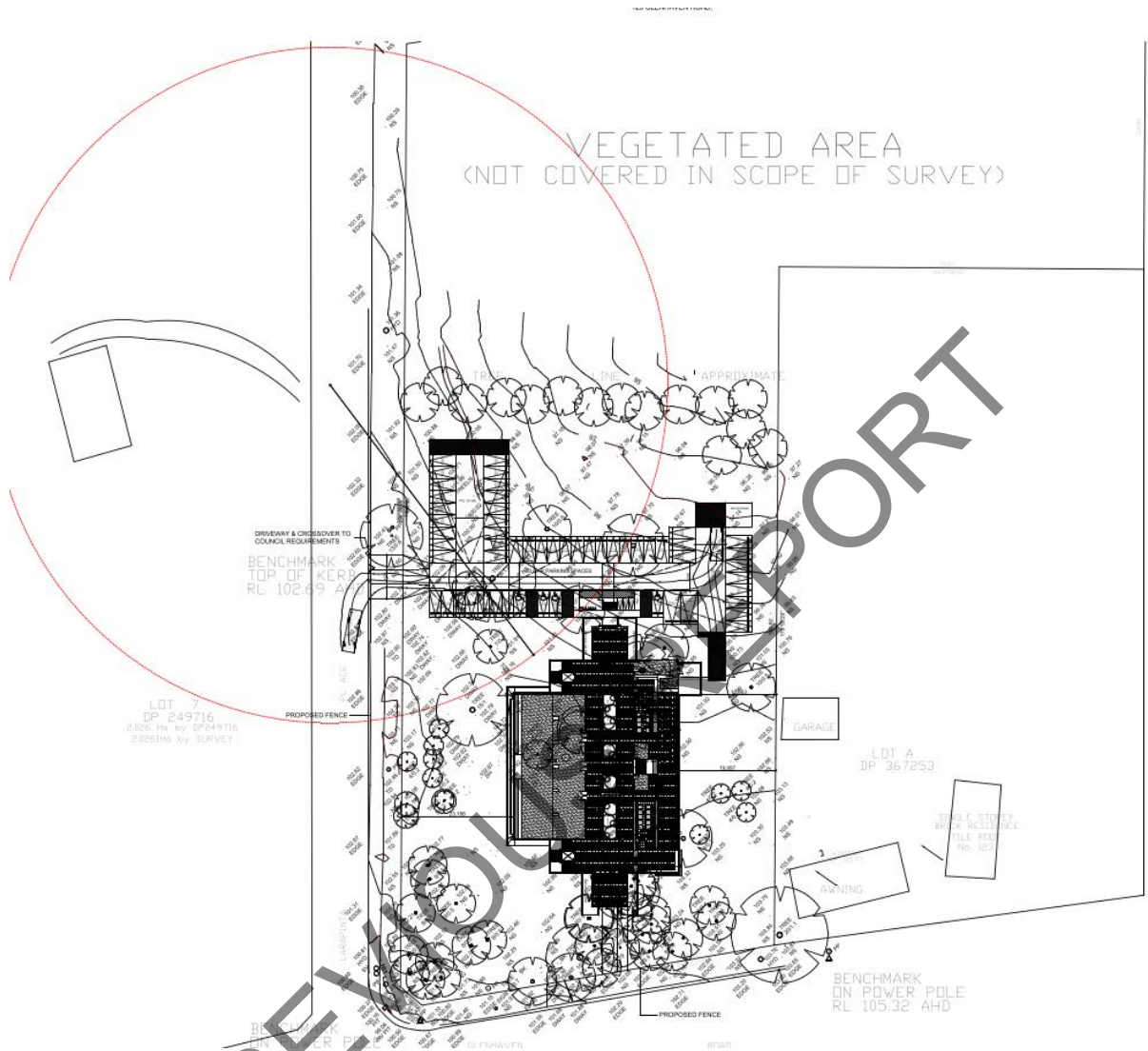
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

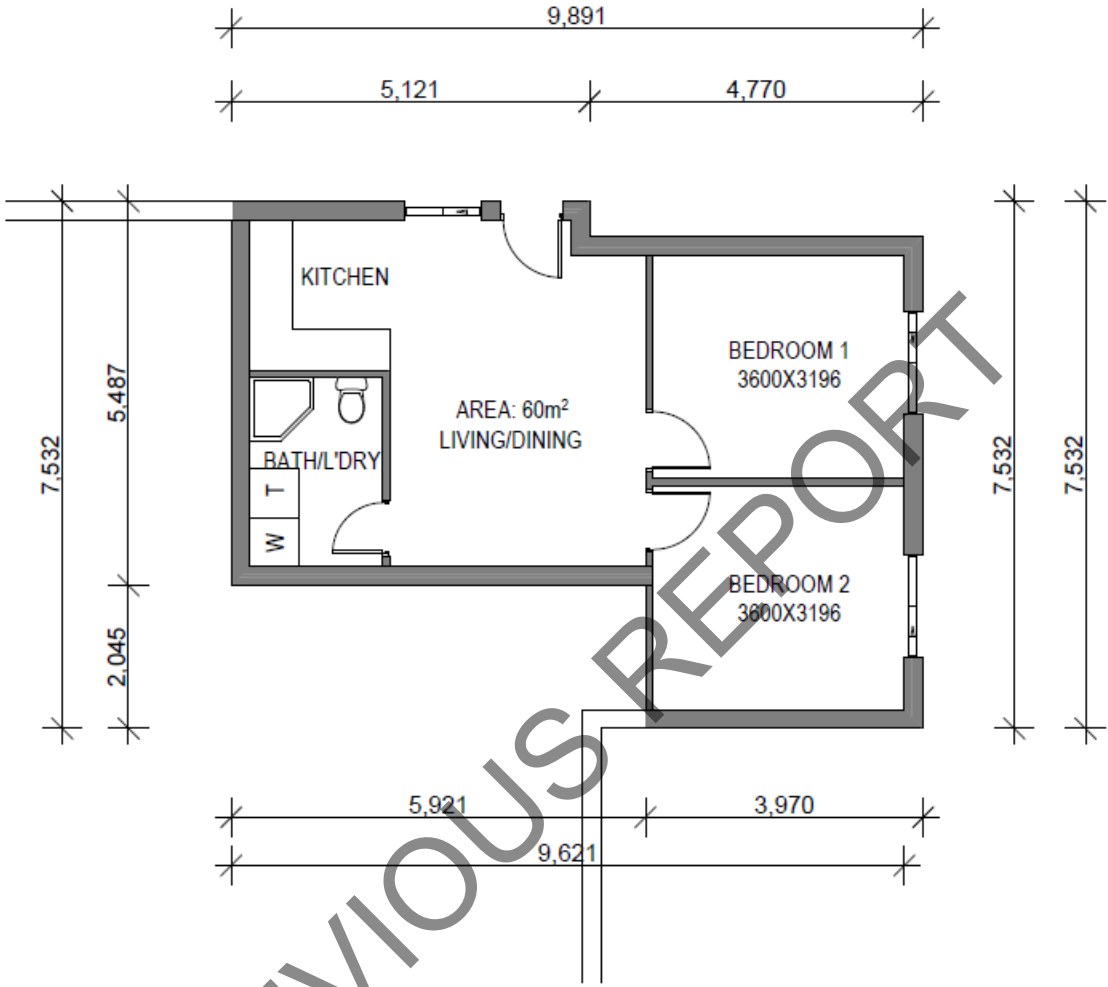
ATTACHMENT 2 – AERIAL PHOTOGRAPH



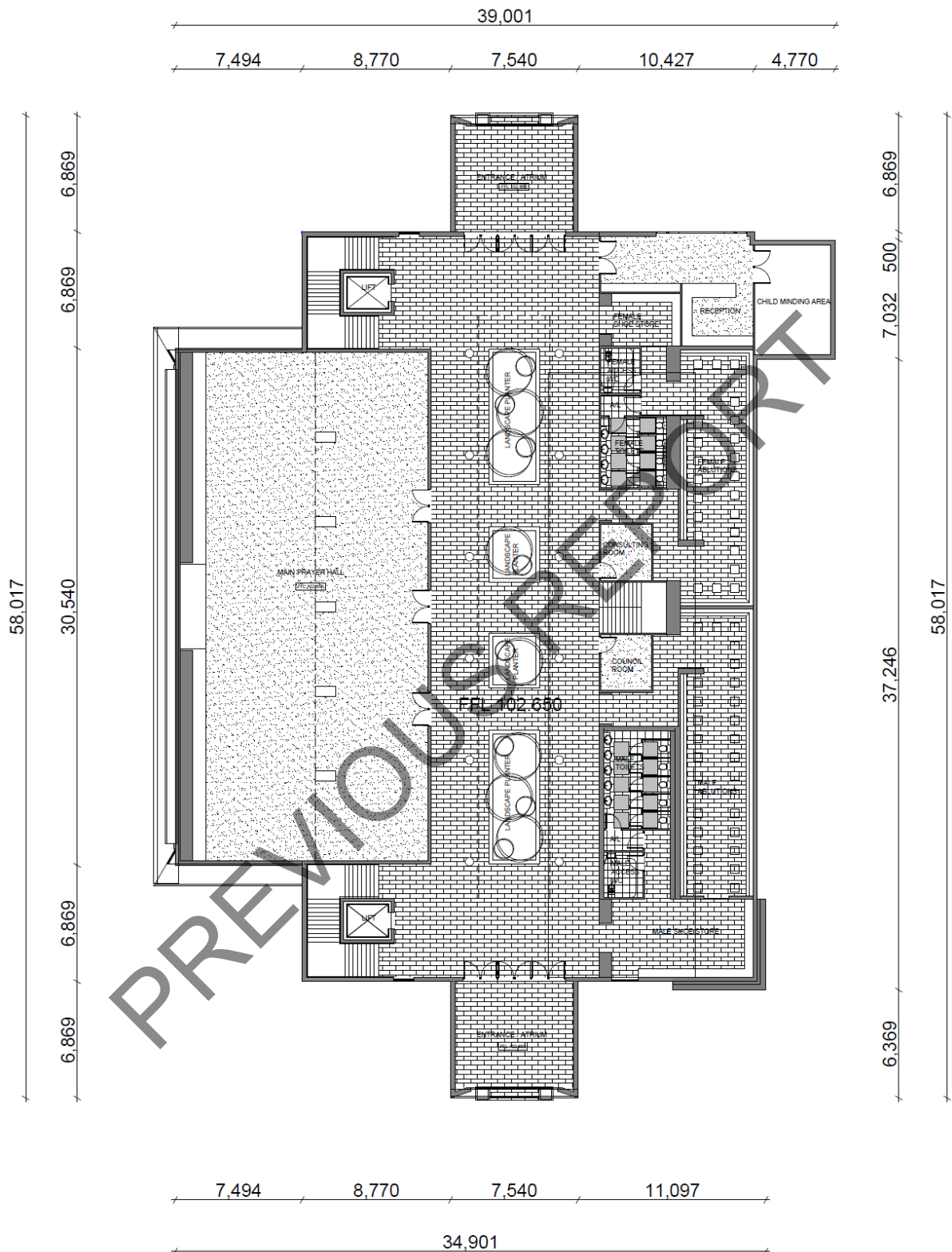
ATTACHMENT 3 – SITE PLAN



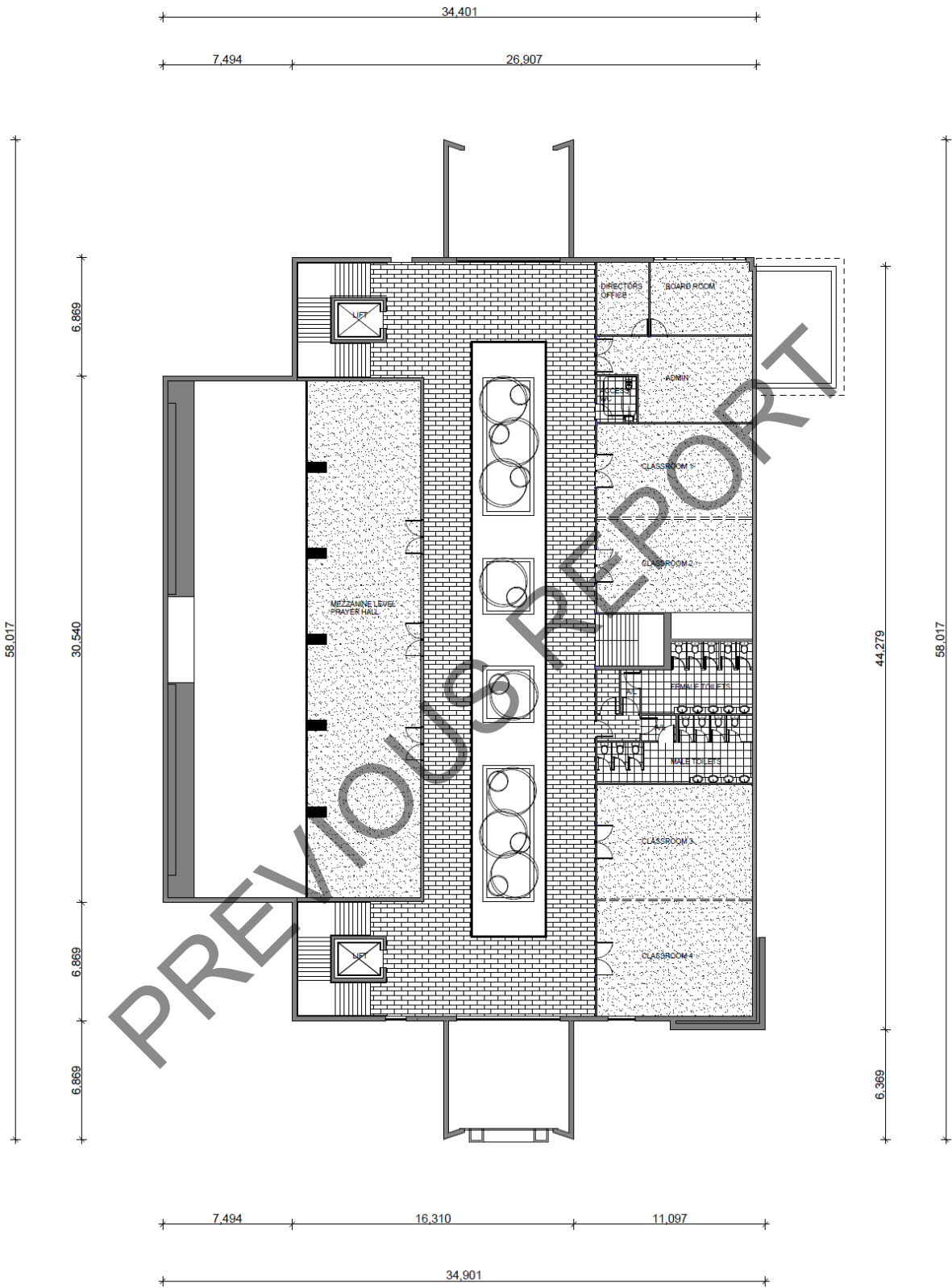
ATTACHMENT 5 – SUB FLOOR PLAN



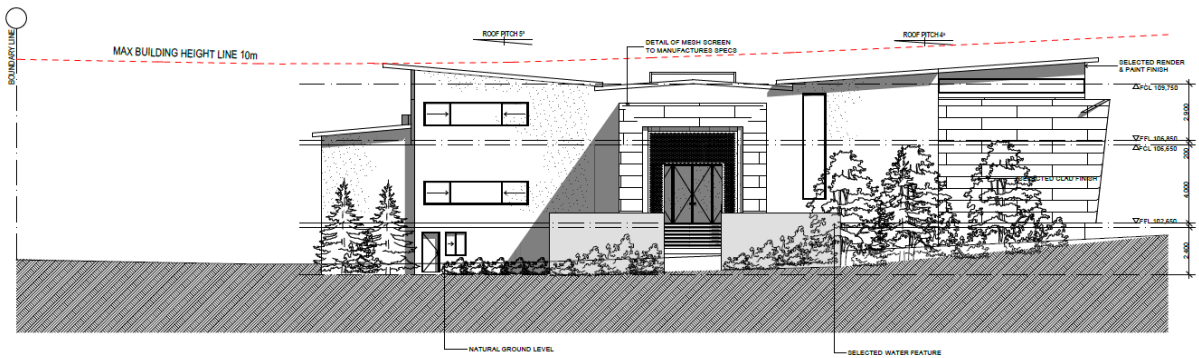
ATTACHMENT 6 – GROUND FLOOR PLAN



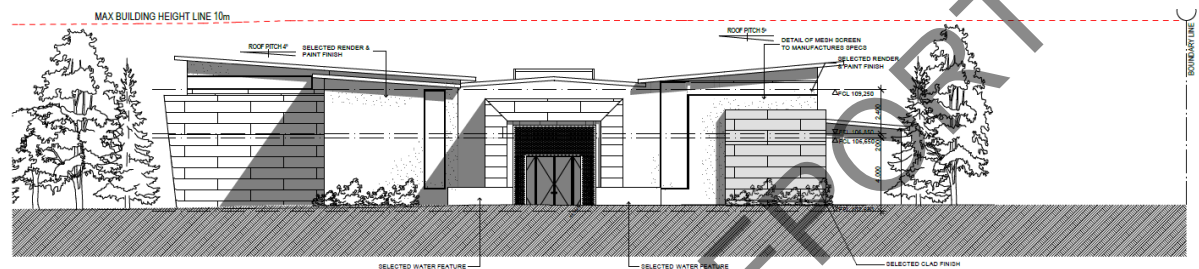
ATTACHMENT 7 – FIRST FLOOR PLAN



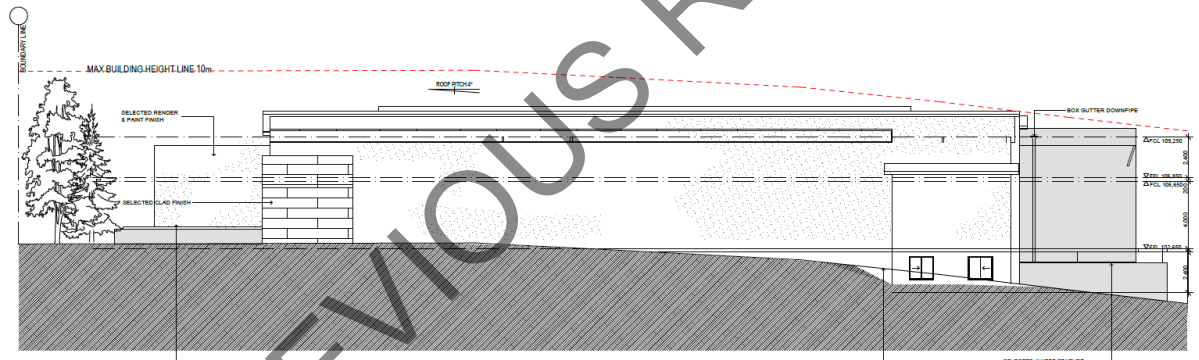
ATTACHMENT 8 –ELEVATIONS



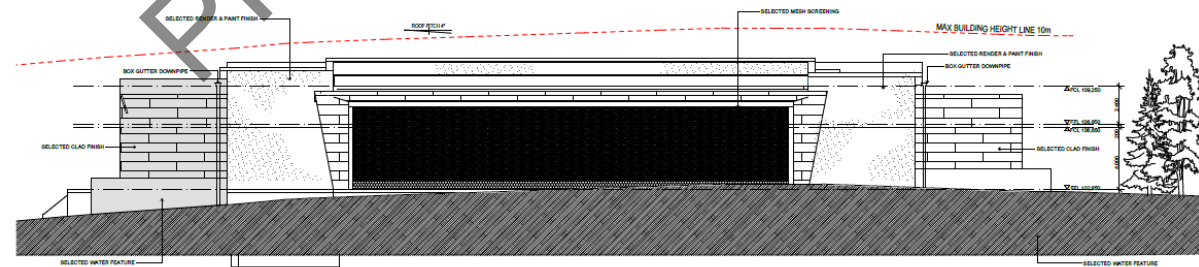
North Elevation



South Elevation

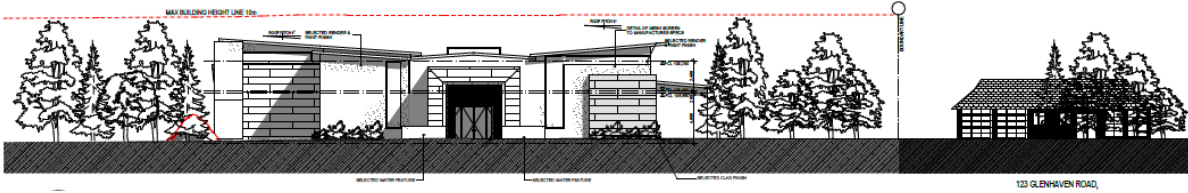


East Elevation

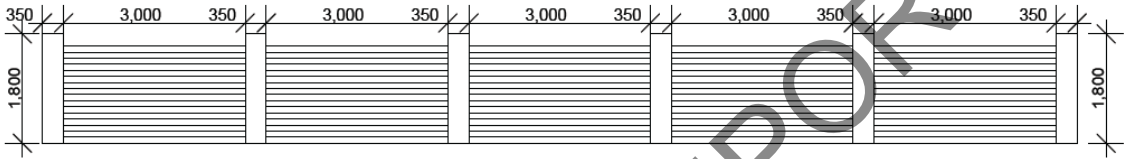


West Elevation

ATTACHMENT 9 – STREETScape ELEVATION AND FENCE DETAIL

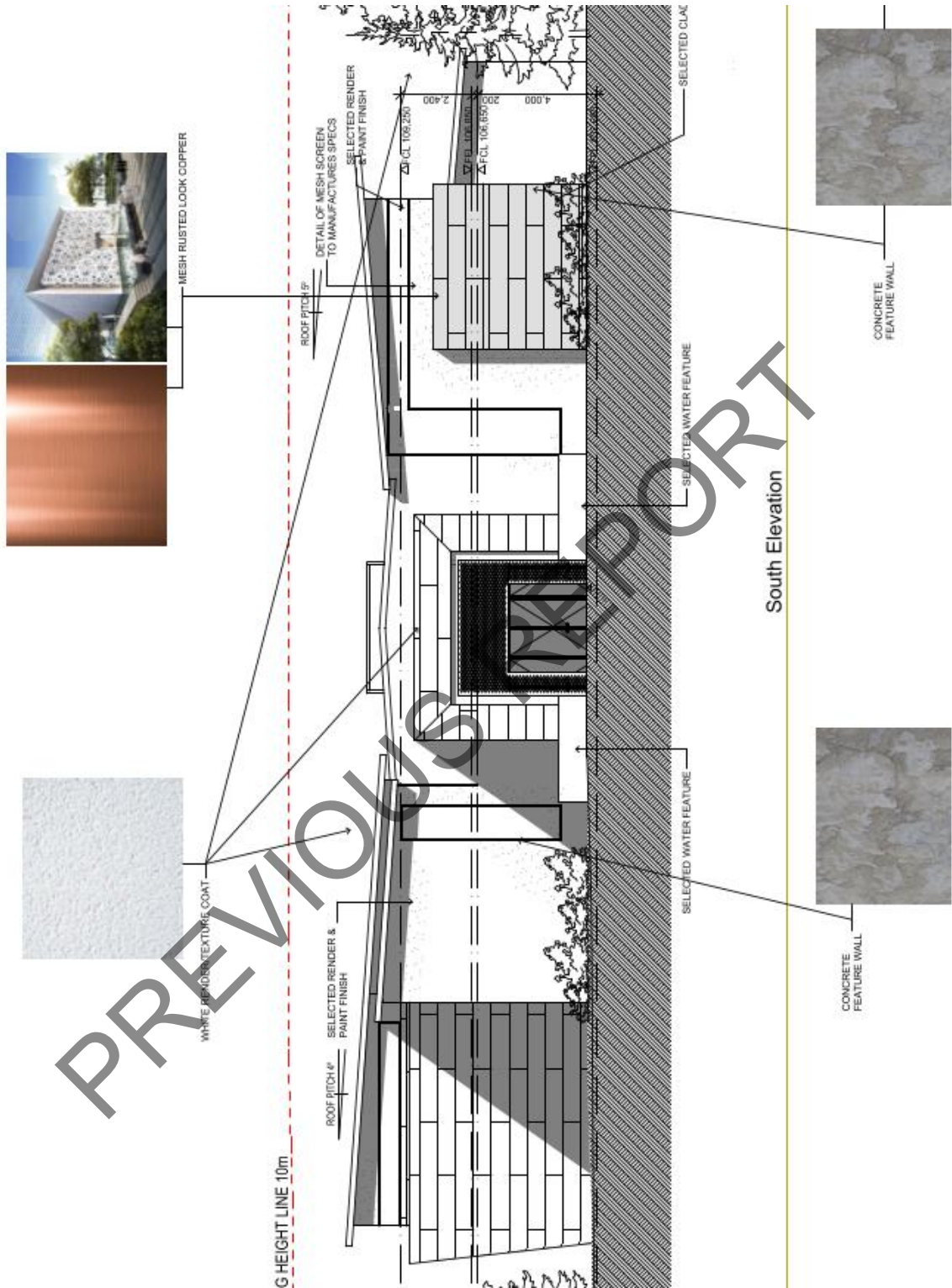


Glenhaven Streetscape



Fence Detail

ATTACHMENT 10 – COLOURS AND FINISHES



PREVIOUS REPORT



WHITE RENDER TEXTURE COAT

MESH RUSTED LOOK COPPER

SELECTED RENDER & PAINT FINISH

SELECTED MESH SCREENING

MAX BUILDING HEIGHT LINE 10m

BOX GUTTER DOWNPIPE

BOX GUTTER DOWNPIPE

2 CLAD FINISH

SELECTED CLAD FINISH

SELECTED MASONRY FINISH

SELECTED WATER FEATURE

West Elevation

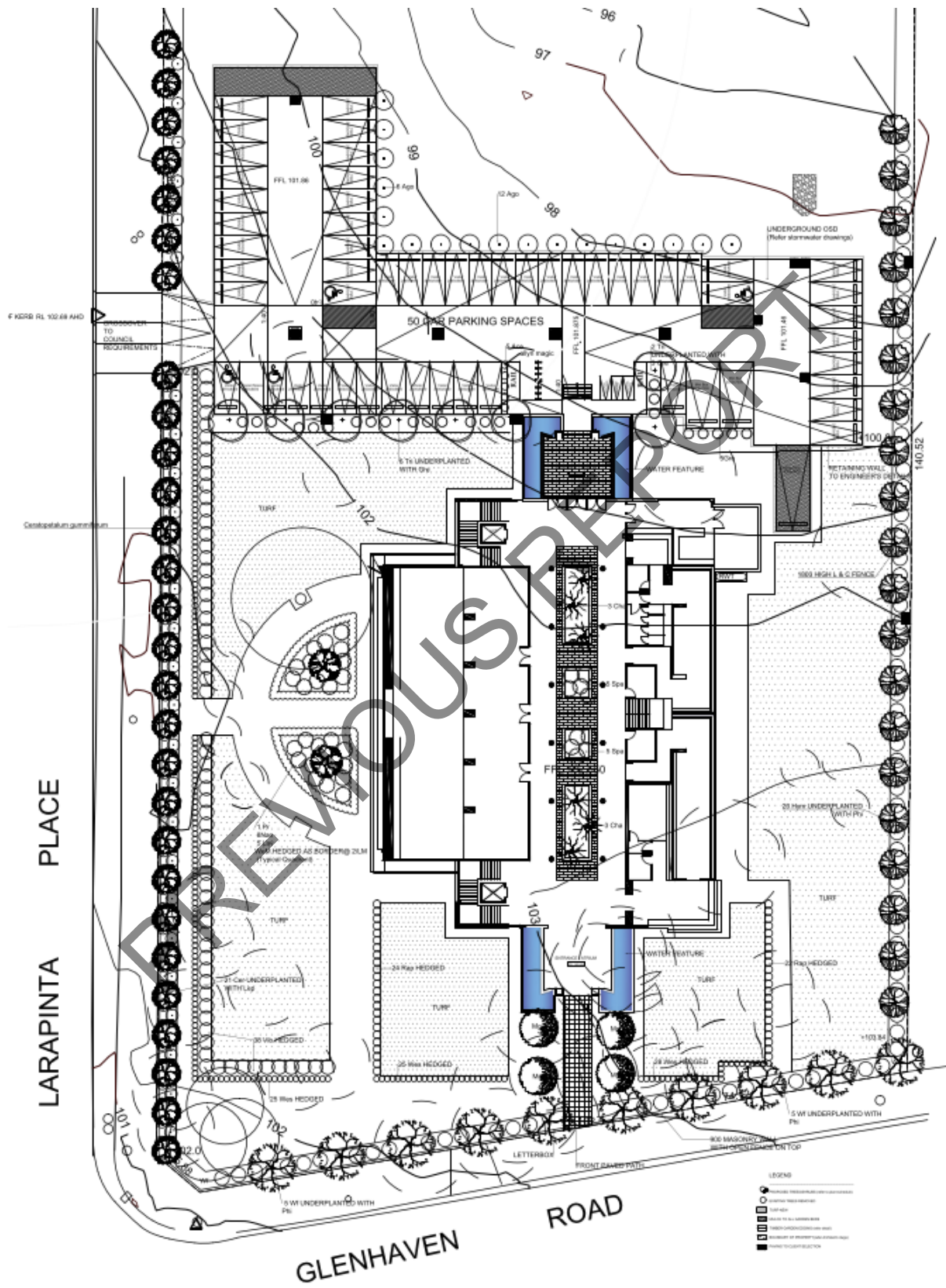
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1
1002, 1006, 1013

CONCRETE
PEASURE WALL

CONCRETE
PEASURE WALL

ATTACHMENT 11 – LANDSCAPE PLAN



All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

Your Ref: 1867/2018/JF
Our Ref: D18/5396
DA18050212884 AS

ATTENTION: Sandra Watts

21 May 2018

Dear Sir/Madam

**Integrated Development Application - 7//249716 1 Larapinta Place Glenhaven
NSW 2156**

I refer to your correspondence dated 23 April 2018 seeking general terms of approval for the above Integrated Development Application in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information provided. General Terms of Approval, under Division 5 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the area around the building shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' as follows:
 - North: Inner Protection Area (IPA) for a distance of 85 metres; and,
 - All other directions: IPA to the property boundaries.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and

electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
4. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'. This plan is to be submitted to the local NSW Rural Fire Service district office for liaison and approval prior to the proposed development being occupied.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

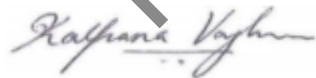
5. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Should you wish to discuss this matter please contact Adam Small on 1300 NSW RFS.

Yours sincerely



Kalpana Varghese

A/Team Leader - Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

ATTACHMENT 3 – AMENDED ARCHITECTUAL AND LANDSCAPE PLANS

iconim

ICONIM ARCHITECTURAL & LANDSCAPE ARCHITECTURE

10/100 MOUNTAIN VIEW DRIVE, GLENHAVEN NSW 1511

TEL: 02 9638 1000

WWW.ICONIM.COM.AU

DRAFT

DATE: 10/10/2018

BY: J. DODD

CHECKED: J. DODD

PROJECT: LARAPINTA PLACE GLENHAVEN

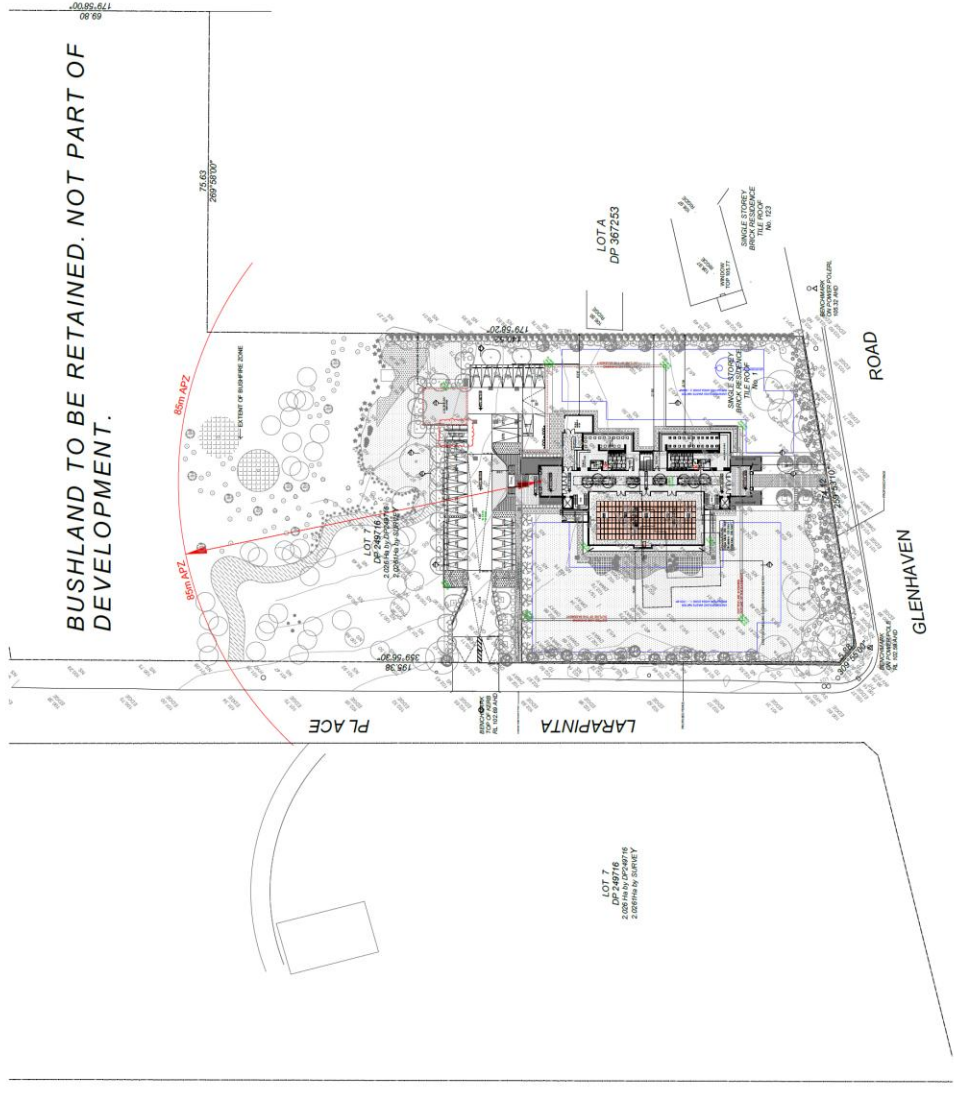
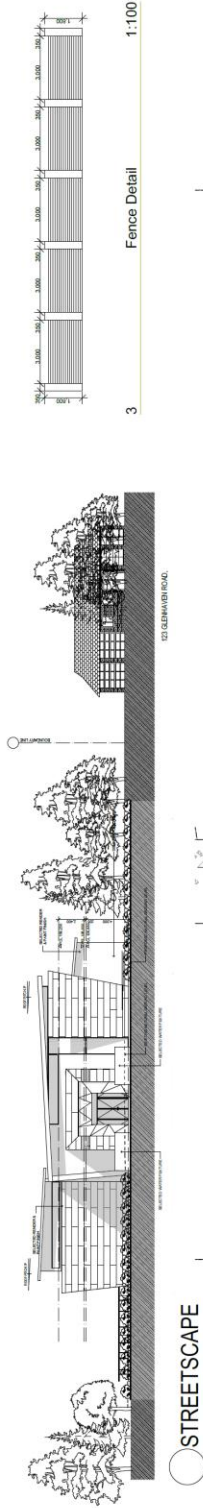
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DP 307253

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1 Larapinta Place Glenhaven

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Site Plan

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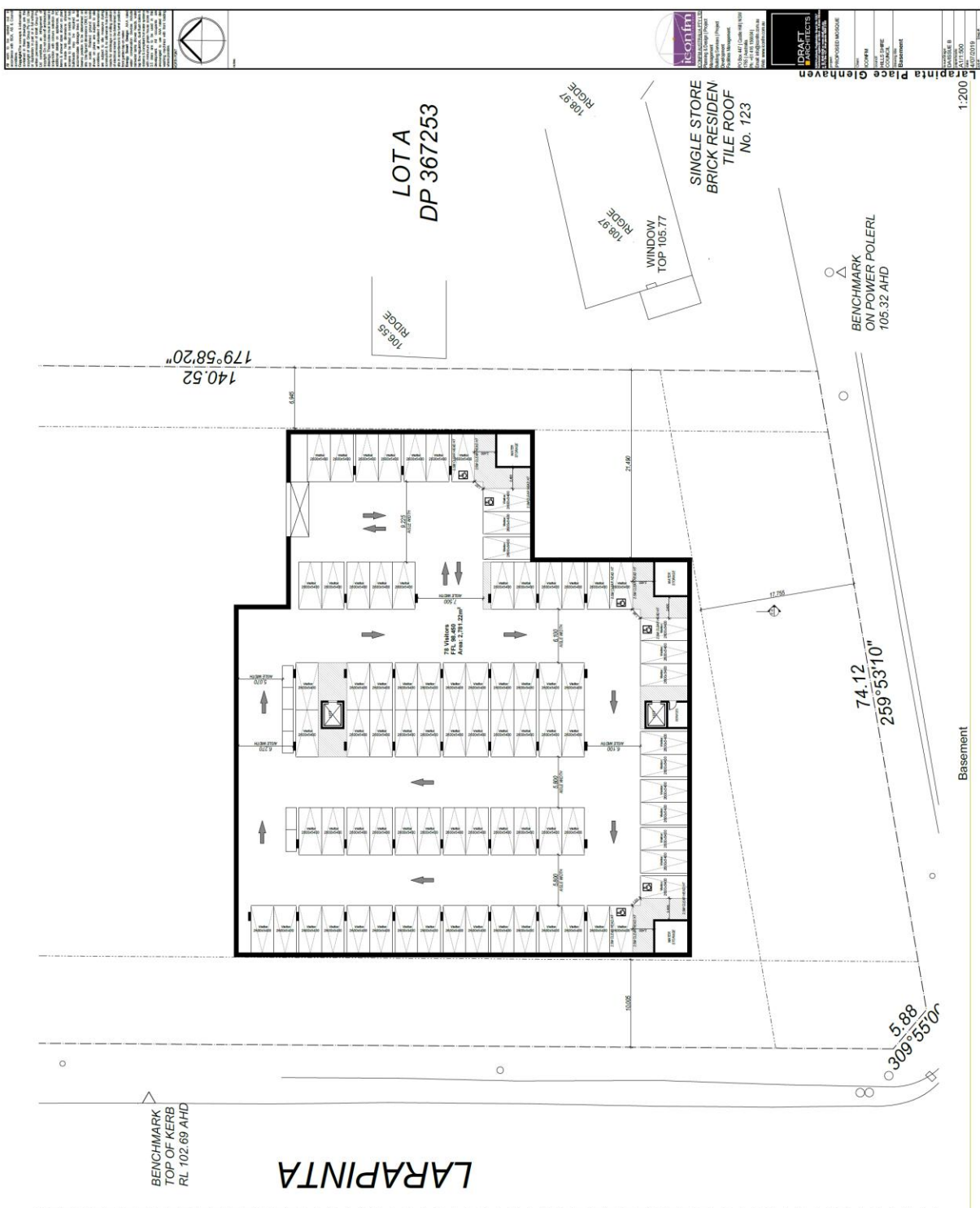
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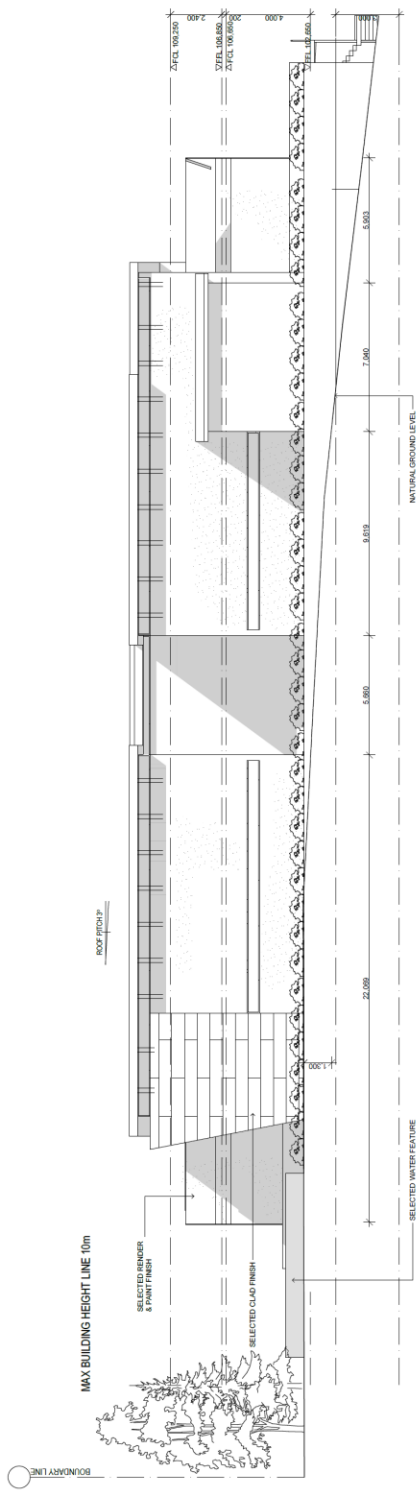


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1	Interior Perspective (Lobby)	1:182.91
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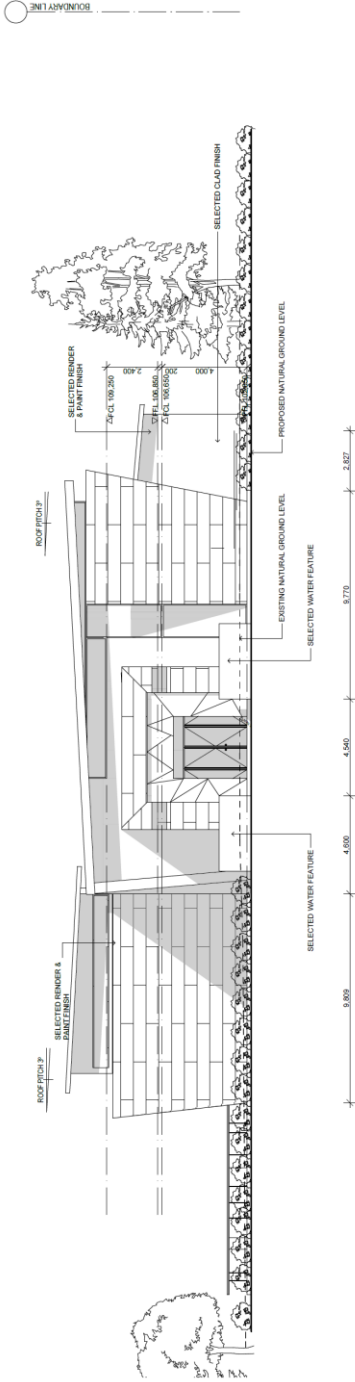
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East Elevation

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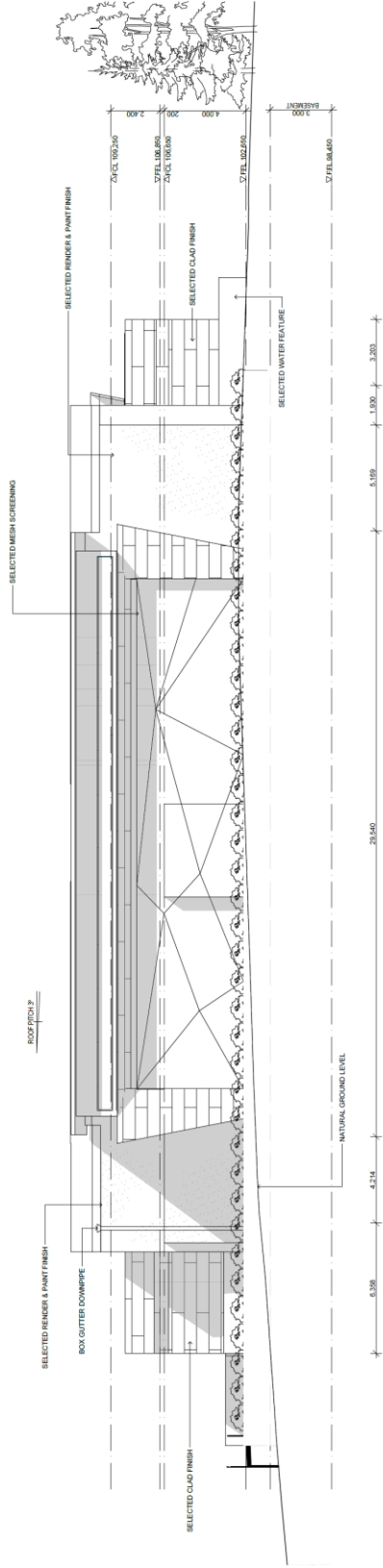




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South Elevation

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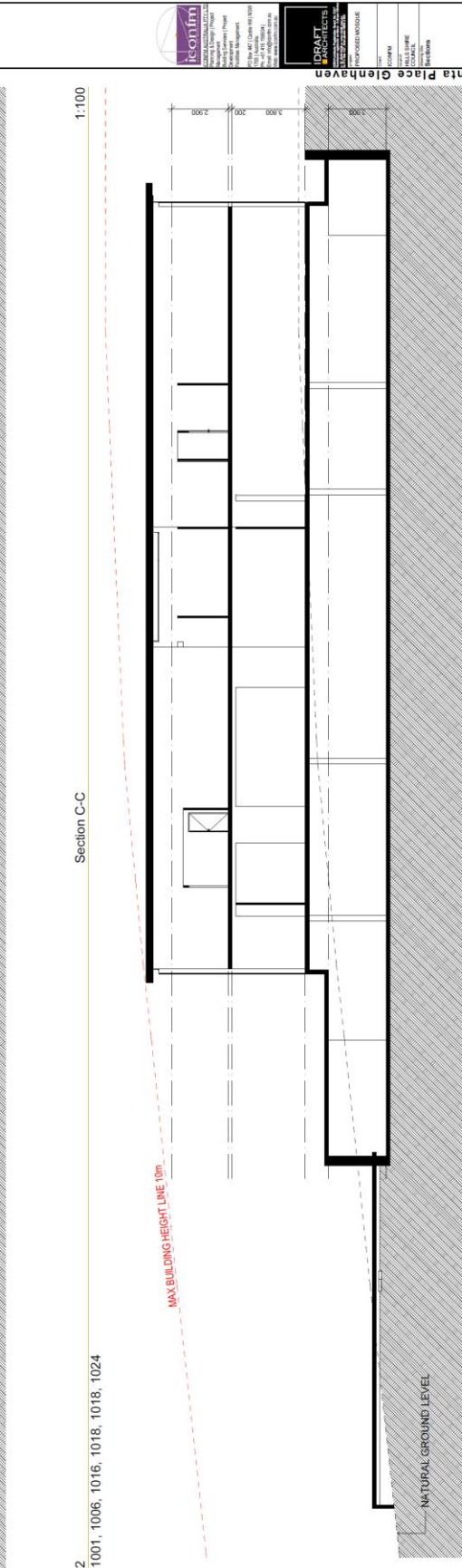
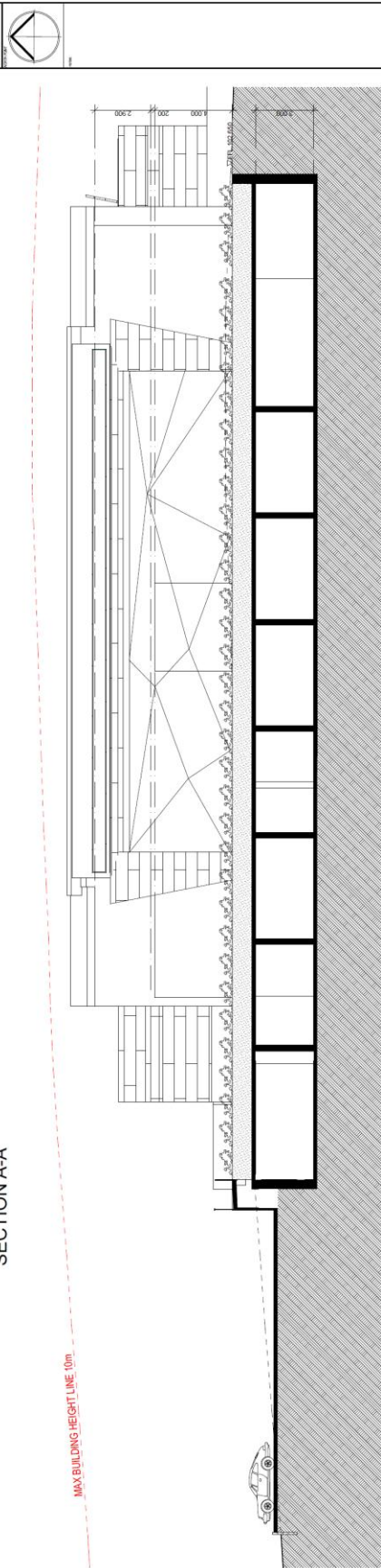
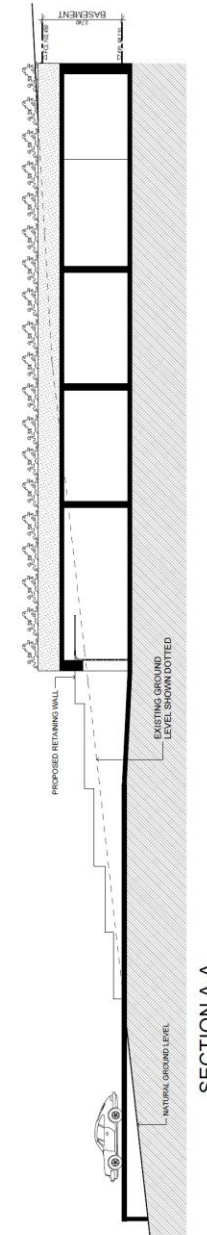
West Elevation

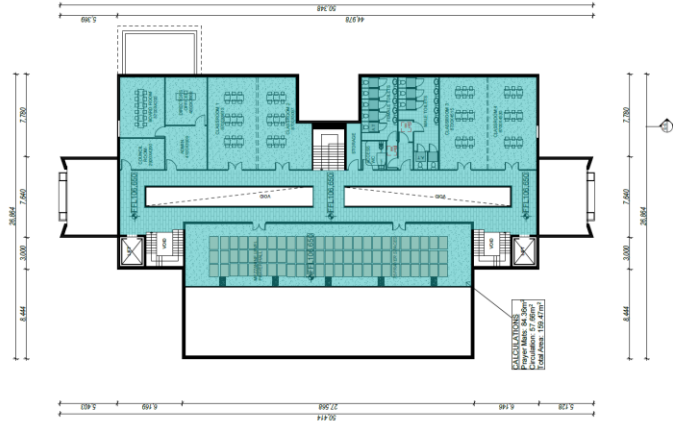
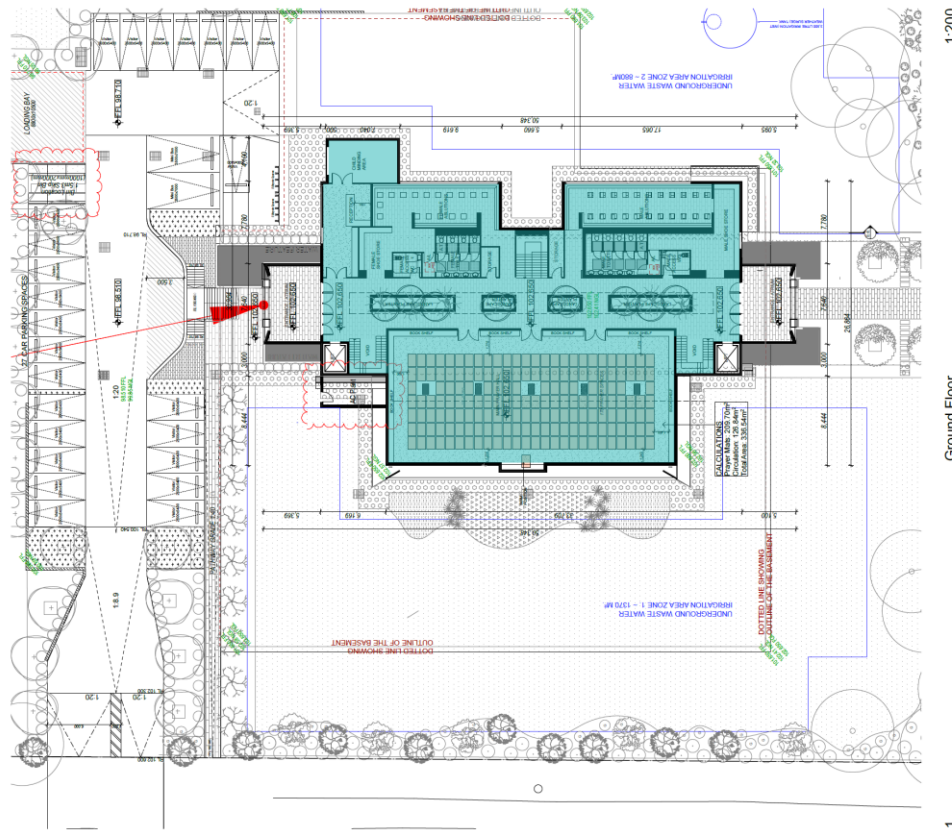
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1001, 1006, 1016, 1018, 1018, 1018, 1024



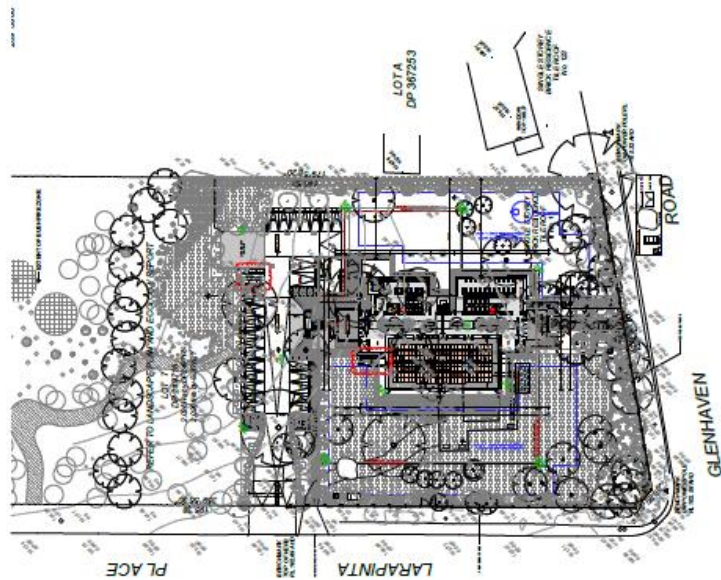
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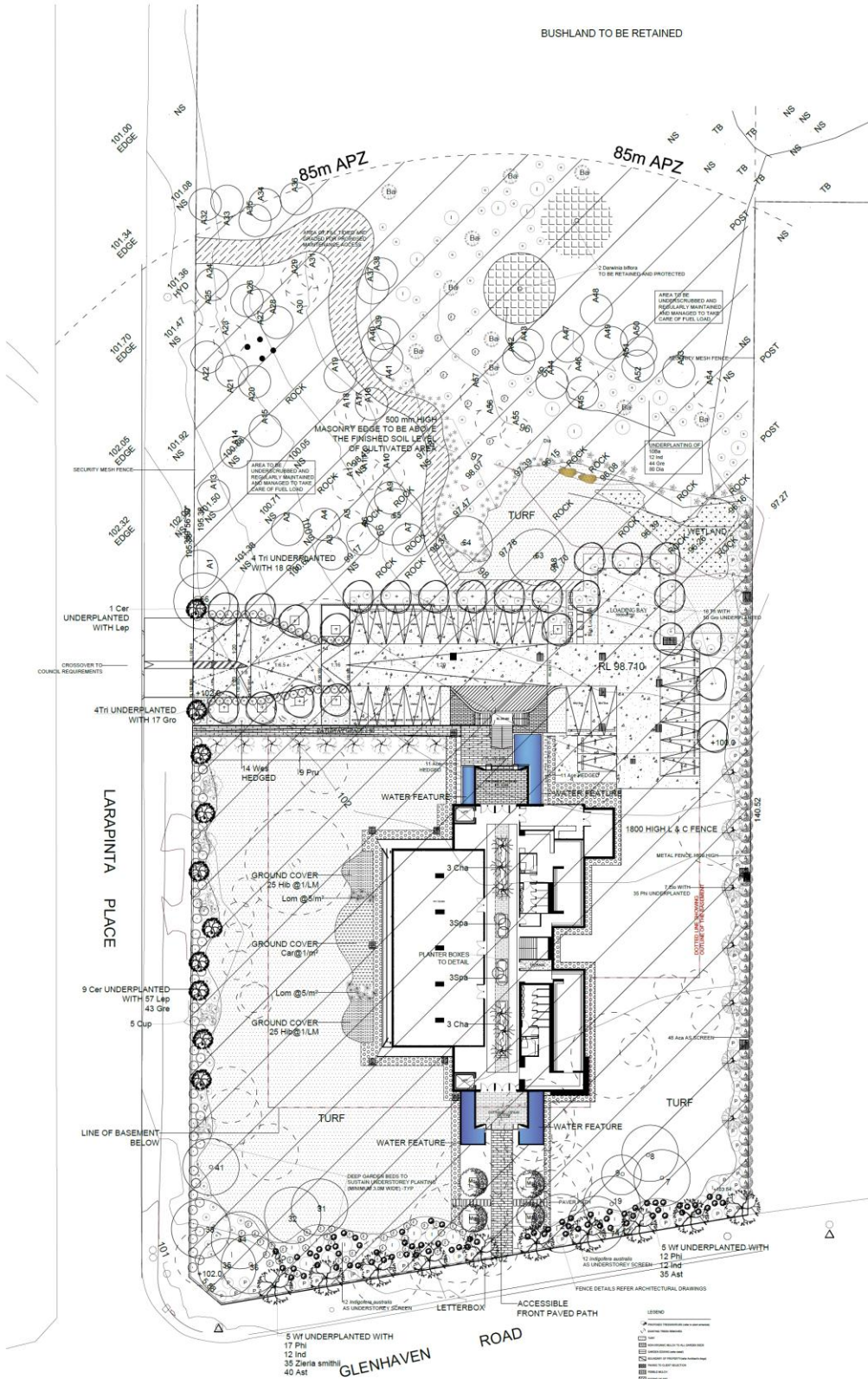




LEGEND

	FSR AREA:
	GROUND FLOOR: 916.18m ²
	FIRST FLOOR: 673.40m ²
	TOTAL: 1,589.58m ²







1 Larapinta Place, Glenhaven Peer Review

Prepared for:

The Hills Shire Council

9 July 2019

The Transport Planning Partnership

1 Larapinta Place, Glenhaven

Peer Review

Client: The Hills Shire Council

Version: Final

Date: 9 July 2019

TTPP Reference: 19185

Quality Record



Version	Date	Prepared by	Reviewed by	Approved by	Signature
Draft 01	24/6/2019	D. Lee	K. Hollyoak	K. Hollyoak	
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1 Introduction

1.1 Background

The Transport Planning Partnership Pty Ltd (TPPP) has been commissioned by The Hills Shire Council to undertake an independent review of a Development Application (DA) that was submitted to The Hills Shire Council. The DA proposes demolition of the existing residence and construction of place of worship at 1 Larapinta Place, Glenhaven.

The operation of the site is expected to accommodate a maximum of 250 people at any one time. This maximum capacity applies to mid-day prayers on Fridays and special events such as Eid morning prayer services, mid-day prayer service on Easter Friday and evening prayer services during the month of Ramadan (although no confirmation of the Ramadan activity has yet been submitted).

It is understood that the subject DA is intended to be a replacement of the existing place of worship located in Wrights Road Community Centre, Kellyville.

The above DA is a regional planning panel matter which has been deferred by the Panel. Council is in the process of assessing additional information submitted by the applicant. TPPP understands that there are a significant number of objections and some local residents have engaged McLaren Traffic Engineering to present their concerns.

This independent peer review assesses traffic and parking implications of the proposed DA.

1.2 Proposed DA

The subject site consists two storeys as follows:

- Ground floor
 - › Entrance atriums at the northern and southern ends of the building
 - › A reception area and adjoining child minding area
 - › Separate male and female toilet and washing facilities
 - › A main prayer hall (170 prayer spaces).
- First floor
 - › Four classrooms
 - › Administration and office area
 - › Separate male and female toilets
 - › A secondary prayer hall (75 prayer spaces).

The DA proposes the following parking provision in the on-site car park:

- 103 car parking spaces (including six accessible parking spaces)
- Two mini bus parking spaces
- Six motorcycle parking spaces
- 10 bicycle parking spaces
- A service bay to accommodate Medium Rigid Vehicles (MRVs)
- A set-down and pick up area at the main entrance.

Vehicular access to the site is proposed via a driveway connecting with Larapinta Place, which is situated approximately 100m north of its intersection with Glenhaven Road.

Pedestrian access gates are located on Glenhaven Road (50m east of Larapinta Place) and on Larapinta Place (5m south of the vehicular access driveway).

The opening hours are proposed to be 5am to 10pm Monday to Sunday, with the following proposed attendance:

- 10 to 50 people for daily prayer services, administration and youth/counselling
- A maximum of 250 people for weekly Friday mid-day prayer services (between 12pm and 2pm)
- A maximum of 200 to 250 people for special events held a few times per year (services extend between 160 and 120 minutes).

1.3 Scope

In preparing this review, TTPP has undertaken the following tasks:

- Review of the DA documents listed in Section 1.4.
- Review of the car occupancy rate in the DA documents and compared with the parking rates specified in The Hills Shire Council Development Control Plan (DCP) and other sources including TTPP Surveys at other sites, McLaren's review and Fairfield Council DCP.
- A traffic survey undertaken at the Wrights Road place of worship on Friday 21 June 2019 to determine the existing car park occupancy rate at that site.
- Estimated parking demand based on a more conservative parking rate.

1.4 Reviewed Material

TTPP reviewed the following DA documents as part of this peer review:

- Stanbury Traffic Planning's response (12 June 2018)
- Parking and Traffic Impact Assessment, Stanbury Traffic Planning (April 2018)

- Architectural Drawings, Iconfirm (31 January 2019)
- Plan of Management, Willana Urban (1 February 2019)
- Amended Plan of Management, Willana Urban (1 February 2019)
- Updated Parking and Traffic Impact Assessment, Stanbury Traffic Planning (January 2019)
- Council Assessment Report, The Hills Shire Council (27 September 2018)
- Submission from DA documents, Craig McLaren (January 2019)
- Submission from DA documents, Craig McLaren (April 2018).

1.5 References

In the writing of this report, TTPP has referred to the following documents:

- The Hills Shire Council Development Control Plan 2012, Part C Section 1 Parking
- Fairfield Council Development Control Plan 2013, Chapter 12 – Car Parking, Vehicle and Access Management - Amendment No. 13.

2 Review of DA

Following the review of the DA documents listed in Section 1.4, TTPP raises a number of key traffic and parking issues, as detailed in the following sections.

2.1 DA Car Occupancy Rate and Patronage Level

The DA Traffic report (January 2019) recorded the patronage level and mode of transport for eight Friday mid-day prayers between November 2018 and January 2019 at the place of worship located in Wrights Road community centre. The community centre is likely to be replaced by the subject DA site.

The DA claims the car occupancy rate was 2.9 persons per car at the Wrights Road community centre based on the survey data shown in Figure 2.1.

Figure 2.1: DA Survey Data

TABLE 4 SUMMARY OF EXISTING FRIDAY SERVICE ATTENDEE METHOD OF TRAVEL WRIGHTS ROAD COMMUNITY CENTRE, KELLYVILLE						
Date of Service	Car Driver	Car Passenger	Dropped Off	Public Transport	Walk	Total
16/11/18	71	114	13	9	6	213
23/11/18	75	106	8	4	7	200
30/11/18	65	108	6	2	5	186
7/12/18	76	101	9	6	6	198
14/12/18	68	115	11	3	5	202
21/12/18	78	133	10	5	7	213
28/12/18	69	120	5	8	4	206
4/1/19	63	98	6	7	5	179
Total	565	895	68	44	45	1617
% of Total	35%	55%	4%	3%	3%	100%

Source: Updated Parking and Traffic Impact Assessment, Stanbury Traffic Planning (January 2019)

However, it is believed the derived car occupancy rate is incorrect based on the survey data shown in Figure 2.1 because:

$$(565 \text{ car drivers} + 895 \text{ car passengers}) / 565 \text{ car drivers} = 2.58, \text{ not } 2.9$$

Furthermore, the number of surveyed patrons ranged between 179 and 213 on the survey days is questionable. This is because the DA is not clear about whether the surveys captured all patrons, or just a sample on each survey day. On the other hand, the surveys undertaken by Friends of Glenhaven recorded 322 to 513 people at the same site on three Fridays in September 2017.

The large disparity between two survey sources may indicate the DA survey only surveyed a sample of the patrons, and more importantly, the car park occupancy was derived based upon the potentially erroneous data and this would significantly affect the required size of the car park. This matter is further discussed in Section 2.2 where different parking requirements were considered.

2.2 Parking Requirements based on Different Sources

2.2.1 DA

As mentioned in Section 2.1, it is believed the calculation was incorrect as the survey data would result in a car occupancy rate of 2.58 instead of 2.9 people per car. Therefore, the parking generation of **86 spaces** as shown in the DA is incorrect based on the higher car occupancy rate.

2.2.2 TTPP Survey

TTPP staff observed vehicle occupancy at the main car park serving the place of worship at Wrights Road community centre between 12:50pm and 1:50pm on 21 June 2019. The prayer commenced at approximately 1:15pm. Therefore, the TTPP survey undertaken at Wrights Road community centre was a sample count only.

At the beginning of the survey period, 34 stationary vehicles were observed in the Community Hall parking area. Based on a total car park capacity of approximately 120 vehicles, it is understood that there were initially 86 vacant spaces.

Across the survey period, 130 vehicles with a total occupancy of 203 persons were observed entering the main car parking area. A breakdown of the car occupancy is shown in Table 2.1.

Table 2.1: TTPP Car Park Occupancy Survey (Sample Count at Community Centre Car Park)

Vehicle Occupancy (no. of persons)	Frequency (no. of cars)	Total Occupancy
1	74	74
2	43	86
3	10	30

Vehicle Occupancy (no. of persons)	Frequency (no. of cars)	Total Occupancy
4	2	8
5	1	5
Total	130	203

Based on the above, a car occupancy rate of **1.56** persons per car was recorded.

In addition to this, once the main car park at Wrights Road community centre reached capacity, the vast majority of drivers left the main car park and parked in car parks located on the eastern side of the shopping centre directly opposite the mosque car park access, and then walked back over to the mosque. A total of 44 vehicles and 56 occupants were observed to have done this, in accordance with the following as shown in Table 2.2.

Table 2.2: TTPP Car Park Occupancy Survey (Sample Count at Car Park on Eastern Side of Shopping Centre)

Vehicle Occupancy (no. of persons)	Frequency (no. of cars)	Total Occupancy
1	35	35
2	7	14
3	1	3
4	1	4
5	0	0
Total	44	56

There is likely to be some double counting as many of these people were recorded in the car park occupancy survey from vehicles who first entered the main car park before crossing over to the shopping centre via the roundabout.

However, TTPP staff also watched the exit from the mosque at the end of prayers and there were a large number of mosque users parked on the western side of the shopping centre. There were also a small number of cars parking alongside the road on the far side of Harrington Avenue. No formal count was undertaken of this traffic.

However, this indicates the likely patronage level was significantly higher than the 203 people using the main car park and the eastern shopping centre car park. This again suggests that the DA surveys involved only a sample survey only.

The above TTPP survey indicates an average car occupancy rate of 1.56 persons per car based on a sample survey (refer to Table 2.1), noting this does not represent the total attendance of the Friday mid-day prayer. Application of this car occupancy rate to the

proposed 250 attendance would result in a parking demand of **160 spaces** in the DA site, exceeding the proposed 103 spaces in the on-site car park.

In addition, TTPP make reference to another car park occupancy survey conducted by Matrix at an existing mosque in April 2019. At that site, it was observed that 78 people came in 50 cars which resulted in a car occupancy of 1.56, similar to the survey undertaken in Wrights Road community centre.

Table 2.3: TTPP Car Park Occupancy Survey (Fairfield Mosque)

Time Period	No of vehicles leaving classified by occupancy						Grand Total
	1	2	3	4	5	6	
11:00 to 11:15	0	0	0	0	0	0	0
11:15 to 11:30	0	0	0	0	0	0	0
11:30 to 11:45	0	0	0	0	0	0	0
11:45 to 12:00	3	1	1	0	0	0	5
12:00 to 12:15	0	0	0	0	0	0	0
12:15 to 12:30	0	0	0	0	0	0	0
12:30 to 12:45	0	0	0	0	0	0	0
12:45 to 13:00	7	4	2	0	0	0	13
13:00 to 13:15	16	9	3	0	0	0	28
13:15 to 13:30	1	2	0	0	0	0	3
13:30 to 13:45	0	0	0	0	0	0	0
13:45 to 14:00	0	0	0	0	0	0	0
14:00 to 14:15	0	0	0	0	0	0	0
14:15 to 14:30	0	0	0	0	0	0	0
14:30 to 14:45	1	0	0	0	0	0	1
14:45 to 15:00	0	0	0	0	0	0	0
Total	28	16	6	0	0	0	50

2.2.3 McLaren Review

Traffic studies on similar places of worship conducted by McLaren Traffic Consultant supports a lower car occupancy rate of 1.5 people per car for Friday midday prayers. This aligns with the TTPP surveyed rate of 1.56 people per car.

Based on this car occupancy rate, the DA should provide **167 spaces** in the on-site car park.

2.2.4 The Hills Shire Council DCP

The Hills DCP indicates the following parking requirement:

- 1 space per 5 seats

The DCP does not provide parking rates for places of worship without seats. Based on this parking rate, the DA is to provide 50 spaces in the on-site car park. It is considered that the DCP parking rate is considered to be on the low end of parking generation estimate, even with some degree of active transport usage taken into account.

2.2.5 Fairfield City Council DCP

Fairfield DCP provides a more detailed calculation for parking and indicates the following parking rates where no seating is provided (*whichever is greater*):

- 1 space per 2m² worship floor area, OR
- 1.3 persons per vehicle.

These parking rates would result in the following parking requirements:

- 147 parking spaces based on the proposed prayer mat area of 294.06m², OR
- 192 parking spaces based on 250 people (*the greater value is taken*).

The application of these more detailed DCP rates would result in **192 spaces** based on a patronage level of 250.

2.2.6 Discussion

Parking demand and requirements have been assessed based on various sources as described in the above sections and are re-iterated as follows:

- Proposed DA: 86 spaces (based on an incorrect car occupancy rate)
- TTPP survey: 160 spaces
- McLaren survey: 167 spaces
- The Hills DCP: 50 spaces
- Fairfield DCP: 192 spaces.

TTPP recommends an occupancy rate of **1.56 persons per car** be adopted for analytical and approval purposes in this DA. The use of this rate is to reflect the observed conditions in Wrights Road community centre, but this could be higher due to the limited bus services and lack of pedestrian/bicycle linkages available in the vicinity of the subject DA site.

If 160 parking spaces are not provided on site (and only the 103 proposed are provided for the 250 maximum attendees), there would be a shortfall of 57 spaces. This would mean that a significant number of vehicles would need to park on street. Assuming an average vehicle length of 6m, this means that around 350m of on street parking would need to be found.

It should be acknowledged that the an even higher patronage level could be calculated if the following assumptions are taken into account, based on Abu Dhabi Mosque Development Regulations in the absence of any Australian guidelines:

- Standard prayer mats (such as 1.2m x 0.6m instead of the DA's recommended size of 1.2m x 0.8m)
- Narrower passages around the perimeter within the prayer halls (such as 1.2m wide instead of the varying widths up to 2.2m in the DA)

- The use of class rooms as a praying area within the place of worship.

2.3 Traffic Modelling

The DA Traffic report (January 2019) Appendix 4 documents traffic modelling output for AM and PM peak hours only in the "No Development" scenario, but various different hours in the "With Development" scenario, including every hour from 6-7am to 1-12pm and from 2-3pm to 9-10pm for special events. However, analyses were missing for the 12-2pm period to assess traffic impacts for Friday midday prayers during which the proposed DA patronage is 250 people.

Figure 2.2 and Figure 2.3 and shows the comparison of traffic demands between the "No Development" and "With Development" scenarios, for the AM and PM peak hours respectively.

The red boxes in Figure 2.2 highlight the inbound traffic demands of the eastbound left turn movement and westbound right turn movement from Glenhaven Road onto Larapinta Place. The comparison between the "No Development" and "With Development" scenarios indicates the analysis included 10 inbound vehicles between 8am and 9am on special event days.

Similarly, the red boxes in Figure 2.3 highlight the inbound traffic demands of the eastbound left turn movement and westbound right turn movement on Glenhaven Road; and the blue boxes highlight outbound traffic demands of the southbound left and right turn movements from Larapinta Place onto Glenhaven Road. The comparison between the "No Development" and "With Development" scenarios indicates the analysis included nine inbound vehicles and 15 outbound vehicles between 5pm and 6pm on special event days.

It is noted that comparison cannot be made for other hours because the DA only documented modelling output for "No Development" scenarios for AM and PM peak hours only.

Figure 2.2: Traffic Modelling Results for AM Peak Hour (8-9am)

"No Development" Scenario

Site: [Glenhaven Road & Larapinta Place]

Existing AM Peak
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
East: Glenhaven Road East											
5	T1	517	5.0	0.275	0.0	LOS A	0.0	0.2	0.01	0.00	59.9
6	R2	1	5.0	0.275	12.4	LOS A	0.0	0.2	0.01	0.00	57.4
Approach		518	5.0	0.275	0.1	NA	0.0	0.2	0.01	0.00	59.9
North: Larapinta Place											
7	L2	4	5.0	0.011	10.1	LOS A	0.0	0.3	0.69	0.78	48.8
9	R2	1	5.0	0.011	19.6	LOS B	0.0	0.3	0.69	0.78	48.4
Approach		5	5.0	0.011	12.0	LOS A	0.0	0.3	0.69	0.78	48.8
West: Glenhaven Road West											
10	L2	1	5.0	0.424	5.7	LOS A	0.0	0.0	0.00	0.00	58.0
11	T1	800	5.0	0.424	0.1	LOS A	0.0	0.0	0.00	0.00	59.9
Approach		801	5.0	0.424	0.1	NA	0.0	0.0	0.00	0.00	59.9
All Vehicles		1324	5.0	0.424	0.1	NA	0.0	0.3	0.00	0.00	59.8

"With Development" Scenario

Site: [Glenhaven Road & Larapinta Place]

Projected 8-9am Special
Giveaway / Yield (Two-Way)

Difference between two scenarios indicates the traffic model included 10 inbound vehicles between 8am and 9am

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
East: Glenhaven Road East											
5	T1	517	5.0	0.263	0.2	LOS A	0.2	1.2	0.03	0.01	59.7
6	R2	6	5.0	0.263	12.6	LOS A	0.2	1.2	0.03	0.01	57.2
Approach		523	5.0	0.263	0.3	NA	0.2	1.2	0.03	0.01	59.6
North: Larapinta Place											
7	L2	4	5.0	0.011	10.1	LOS A	0.0	0.3	0.69	0.78	48.8
9	R2	1	5.0	0.011	19.8	LOS B	0.0	0.3	0.69	0.78	48.4
Approach		5	5.0	0.011	12.0	LOS A	0.0	0.3	0.69	0.78	48.7
West: Glenhaven Road West											
10	L2	6	5.0	0.427	5.7	LOS A	0.0	0.0	0.00	0.00	58.0
11	T1	800	5.0	0.427	0.1	LOS A	0.0	0.0	0.00	0.00	59.8
Approach		806	5.0	0.427	0.1	NA	0.0	0.0	0.00	0.00	59.8
All Vehicles		1334	5.0	0.427	0.2	NA	0.2	1.2	0.02	0.01	59.7

Figure 2.3: Traffic Modelling Results for PM Peak Hour (5-6pm)

“No Development” Scenario

Site: [Glenhaven Road & Larapinta Place]

Existing PM Peak
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
East: Glenhaven Road East											
5	T1	922	5.0	0.489	0.0	LOS A	0.0	0.2	0.00	0.00	60.0
6	R2	1	5.0	0.489	10.2	LOS A	0.0	0.2	0.00	0.00	57.4
Approach		923	5.0	0.489	0.0	NA	0.0	0.2	0.00	0.00	60.0
North: Larapinta Place											
7	L2	1	5.0	0.007	7.6	LOS A	0.0	0.2	0.73	0.76	46.3
9	R2	1	5.0	0.007	24.6	LOS B	0.0	0.2	0.73	0.76	45.9
Approach		2	5.0	0.007	16.1	LOS B	0.0	0.2	0.73	0.76	46.1
West: Glenhaven Road West											
10	L2	4	5.0	0.275	5.6	LOS A	0.0	0.0	0.00	0.00	58.0
11	T1	515	5.0	0.275	0.0	LOS A	0.0	0.0	0.00	0.00	59.9
Approach		519	5.0	0.275	0.1	NA	0.0	0.0	0.00	0.00	59.9
All Vehicles		1444	5.0	0.489	0.1	NA	0.0	0.2	0.00	0.00	59.9

“With Development” Scenario

Site: [Glenhaven Road & Larapinta Place]

Projected 5-6pm Special
Giveaway / Yield (Two-Way)

Difference between two scenarios indicates the traffic model included 9 inbound vehicles between 5pm and 6pm

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
East: Glenhaven Road East											
5	T1	922	5.0	0.493	0.1	LOS A	0.1	0.9	0.01	0.00	59.9
6	R2	5	5.0	0.493	10.3	LOS A	0.1	0.9	0.01	0.00	57.4
Approach		927	5.0	0.493	0.1	NA	0.1	0.9	0.01	0.00	59.9
North: Larapinta Place											
7	L2	9	5.0	0.060	7.7	LOS A	0.2	1.3	0.72	0.82	46.2
9	R2	8	5.0	0.060	25.9	LOS B	0.2	1.3	0.72	0.82	45.8
Approach		17	5.0	0.060	16.3	LOS B	0.2	1.3	0.72	0.82	46.0
West: Glenhaven Road West											
10	L2	9	5.0	0.278	5.6	LOS A	0.0	0.0	0.00	0.01	58.0
11	T1	515	5.0	0.278	0.0	LOS A	0.0	0.0	0.00	0.01	59.8
Approach		524	5.0	0.278	0.1	NA	0.0	0.0	0.00	0.01	59.8
All Vehicles		1468	5.0	0.493	0.3	NA	0.2	1.3	0.02	0.02	59.6

Difference between two scenarios indicates the traffic modelling included 15 outbound vehicles between 5pm and 6pm

A review of the traffic modelling output prompted the following questions:

1. The proposed 250 people attending special events generates only 10 vehicles in the AM peak hour and 24 vehicles in the PM peak hour
2. The worst-case (i.e. greatest impact) scenarios have not been assessed for the traffic generation and time periods indicated in DA Traffic report (January 2019) Table 3 and the Friday mid-day prayer?

Further comments on SIDRA modelling are shown as follows:

- The peak hour factor is the ratio of average flow rates in the total and peak flow periods. It is not clear what peak hour factor was adopted in the traffic model. As

indicated in McLaren's review, arrival generally occur within 30 minutes before the prayer and similarly 30 minutes after the prayer. This means arrival trips do not distribute evenly across the analysed hour as the 30-minute period is a sharper peak within the analysed hour. On this basis, the peak hour factor should be reduced to consider the peak 30 minute period in the model, but there is no evidence in the DA that a lower peak hour factor was adopted.

- It is not clear whether gap values were calibrated to match with the existing site conditions to reasonably replicate the gap acceptance behaviour.
- The modelling results indicate average travel speeds in Larapinta Place exceed 50km/h on approach to the intersection with Glenhaven Road. This is considered excessive for a local road.

2.4 Intersection Layout

The Glenhaven Road and Larapinta Place intersection is currently a T-junction with no right turning facilities provided on the major road, Glenhaven Road. The shared through and right lane on Glenhaven Road westbound is some 2.9m wide and is not able to accommodate a passing vehicle. As such, traffic waiting to turn right from Glenhaven Road onto Larapinta Place would block subsequent traffic increasing traffic delay and safety risks.

The traffic survey undertaken by McLaren indicates Glenhaven Road carries in the order of 1,890 vehicles/hour (two-way) during the PM peak hour (5:15pm to 6:15pm).

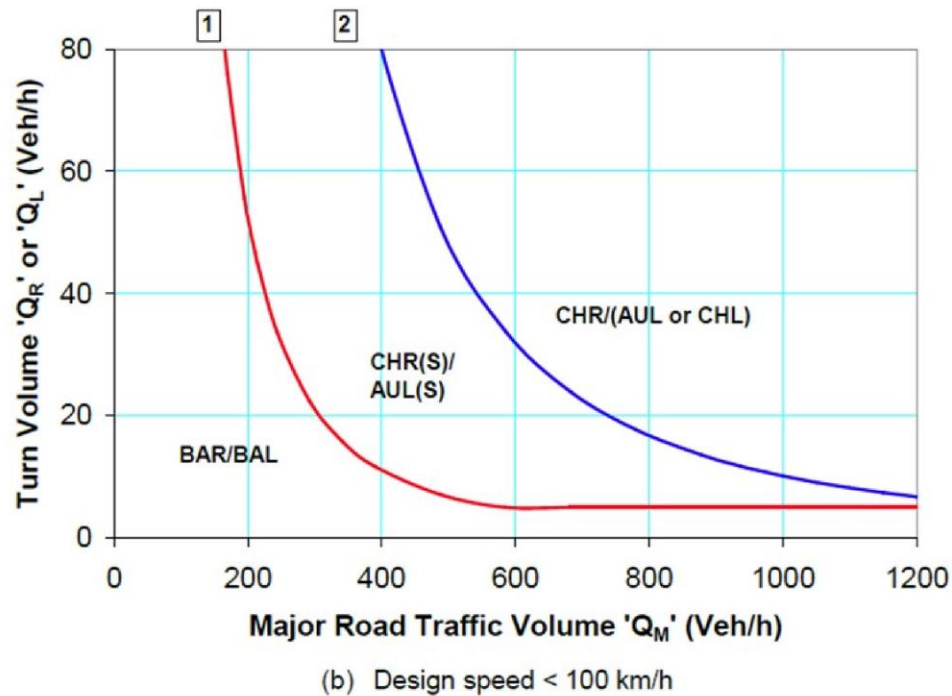
Based upon a car occupancy rate of 1.56 persons per vehicle for the proposed maximum of 250 patrons, the site is expected to generate 160 inbound vehicles before the prayer/special event and 160 outbound vehicles after the prayer/special event.

Assuming half of the site related vehicular trips come from the east, the right turning traffic volumes would be 80 vehicles/hour from Glenhaven Road onto Larapinta Place.

Even if only 25% came from the east, there would still be 40 vehicles per hour turning right into Larapinta Place, which meets the warrant of a high order of right turn treatment for a CHR.

Figure 2.4 shows the warrants for right turn treatments.

Figure 2.4: Warrants for Right Turn Treatments



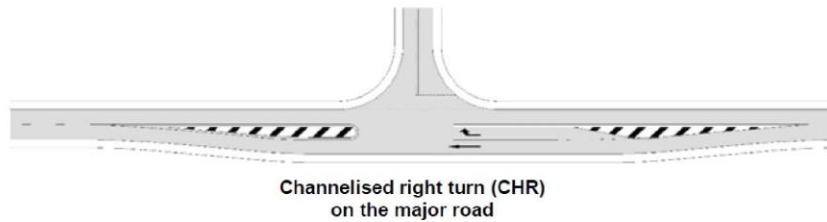
Source: Austroads Guide to Road Design (2018)

The assessment indicates that the proposed traffic demands at the Glenhaven Road and Larapinta Place intersection meet the warrant for a Channelised Right Turn (CHR) Treatment on Glenhaven Road, based on the traffic volumes associated with the DA site. The CHR layout would improve road safety by separating the through and right turning movements on Glenhaven Road and by providing a right turn bay to facilitate the turning traffic at this intersection.

The key features of the CHR layout are listed below and are shown in Figure 2.5:

- Short right turn lane from major road
- Tapered median for deceleration on approach to minor road
- Tapered median on departure.

Figure 2.5: Typical Rural Channelised Right Turn (CHR) Layout



Source: Austroads Guide to Road Design Part 4 (2017)

2.5 Impacts of Road Improvements

Should a CHR treatment be proposed, an examination of the roadside conditions on Glenhaven Road indicates that there would be significant, and possibly prohibitive, costs associated with such an improvement. There appear to be some drainage issues as the edge of the road has a small "bund-type" kerb formed, presumably to stop surface water flooding into adjacent properties. Such a road widening may also necessitate the acquisition of third party lane and there are a number of utilities located on the south side of the road which would need relocation. The difference in levels between the existing road and the properties from which land may be required would probably necessitate the provision of retaining walls to accommodate level differences.

Figure 2.6: Looking West towards the Roadside along Glenhaven Road



2.6 Car Park Design

A review of the architectural design dated 31 January 2019 indicates a number of potential deficiencies in the car park design:

- The drop off zone may not be of sufficient length to accommodate a mini bus entering and exiting the drop off zone.
- No wheelchair access is provided between the drop off zone and the main entrance.
- The 90 degree bend located adjacent to the access ramp and the loading bay results in a blind corner. Motorists travelling up the ramp may not see vehicles accessing/exiting the loading bay due to the limited sight distance. This may increase the likelihood of collisions.
- The grade of the access ramp is unknown but noting that parking spaces are provided along the access ramp, it is questionable if this grade is achievable on the ramp connecting the at-grade parking and basement parking (nb the maximum grade is 1:20 for general parking spaces and 1:40 for accessible parking spaces).

2.7 Plan of Management

TPPP would raise the following concerns to the proposed Plan of Management:

- How practical is to limit the on-site population? How is it to be administered and enforced. What are the penalties for breaches?
- A Plan of Management cannot control how many people attempt to enter the site, it can only restrict the number of persons who can actually enter the site. Patrons would already have entered Larapinta Place and parked their cars and imposed amenity impacts before they arrive at the front door of the place of worship.

3 Conclusion

An independent review was undertaken to assess traffic and parking impacts in relation to the proposed place of worship at 1 Larapinta Place, Glenhaven. There are five primary concerns relating to this application:

- **Insufficient parking provision** due to the incorrect car occupancy rate adopted in the DA, the calculation for parking generation is incorrect. The car park cannot accommodate the projected parking demand of **160 spaces** based on the car occupancy rate of 1.56 (TTPP survey), and hence any overflow parking would impose negative impacts for nearby residents.
- **Incomplete traffic modelling results** as the DA did not assess worst-case scenarios adequately to cover the highest patronage that would use the Glenhaven Road and Larapinta Place intersection.
- **Lack of a right turning facility** at the Glenhaven Road and Larapinta Place intersection to accommodate the increase in the right turning demand from Glenhaven Road onto Larapinta Place as a result of the increased traffic volumes associated with the DA. The estimated traffic volumes meet the warrant for a CHR layout involving a right turn lane on Glenhaven Road. However the roadworks associated with the provision of a CHR treatment are likely to be costly and are likely to require land acquisition, the provision of retaining structures and the relocation of utilities.
- **Deficiencies in the car park design** including insufficient length in the drop off zone, lack of wheelchair access to the main entrance and the blind corner located outside the loading bay at the top of the ramp compromising safety of the car park operation.
- **Impracticality of the Plan of Management** operationally it is not easily practical to enforce a cap on the number of people on site attending prayers thus restrict the number of people on site at any one time. Furthermore, it is not possible that to restrict people who want to attend (and who might get turned away) which would also increase the transport load at the intersection.

Based on the above the current application cannot be supported.

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ATTACHMENT 5 – PEER REVIEW TOWN PLANNING



planning consultants

8 August 2019
Our Ref: 20529A.2ER_DA Assessment

Paul Osborne
Manager, Development Assessment Services
The Hills Shire Council
3 Columbia Court
Baulkham Hills NSW 2153

**Independent Review of amended plans for DA 1867/2018/JP
1 Larapinta Place, Glenhaven
Proposed Place of Public Worship**

Dear Paul and Rob

1.0 Introduction

DFP previously provided advice in relation to an application for a place of worship for 250 worshippers on this site. At a meeting held on 27 September 2018, the Sydney Central City Planning Panel (SCCPP) resolved to defer determination of that application.

The Panel's majority decision was 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."*

We understand that the Panel granted the applicant an extension of time until 1 February 2019 to submit the amended information.

Amended plans and supporting documentation were submitted to Council on 1 February 2019. Following assessment of the submitted documentation by Council, the applicant was requested to provide further information and clarification in relation to certain aspects of the amended proposal. You have advised that this further information, included further amended plans and reports were submitted to Council on 5 July 2019.

It is these further amended plans and reports which have been reviewed by DFP Planning and it is these further amended plans and reports which will be considered by the SCCPP at its meeting on 22 August 2019.

As requested, DFP Planning has undertaken an independent assessment of the amended development application (DA) documentation lodged by Iconfm Australia Pty Ltd on 1 February 2019 and further additional information submitted on 5 July 2019.

The development for which approval is sought proposes the demolition of the existing dwelling and outbuildings and construction of a place of public worship for 250 worshippers together with a basement car park for 81 vehicles and an at grade car park for 27 vehicles at 1 Larapinta Place, Glenhaven (the site).



2.0 Material Assessed

For the purposes of this assessment, we have reviewed the following documentation:

- Amended Statement of Environmental Effects dated February 2019 prepared by Willana Urban;
- Letter prepared by Willana Urban dated 5 July 2019;
- The following architectural plans prepared by IDraft Architects. All plans are dated 4 July 2019. NOTE: There was no Drawing No. 1006 in the plan set provided:
 - Drawing No. 1001 Site Plan
NOTE: This is the only plan showing the location of sections
 - Drawing No. 1002 Streetscape
 - Drawing No. 1003 Perspective
 - Drawing No. 1004 Interior Perspectives
 - Drawing No. 1005 Demolition Plan
 - Drawing No. 1007 Basement
 - Drawing No. 1008 Ground Floor
 - Drawing No. 1009 First Floor
 - Drawing No. 1010 East Elevation
 - Drawing No. 1011 South and West Elevation
 - Drawing No. 1012 Site Analysis, Sedimentation Control Plan
(NOTE: No details of sediment control were shown on this plan)
 - Drawing No. 1013 Sections
 - Drawing No. 1014 Sections
 - Drawing No. 1015 Shadow Analysis
 - Drawing No. 1016 FSR – Site Plan
 - Drawing No. 1017 FSR Diagram
- The following survey plans prepared by Sydney Registered Surveyors:
 - Issue A Initial issue dated 18/12/2017
 - Issue B Additional levels and tree dated 30/05/2019
- Amended landscape plan (LD01 Rev 4) dated 24/6/2019 prepared by Earth Matters Consulting
- Environmental Noise Assessment (Reference 180974-03L-DD) dated 31 January 2019 and response to Council's request for further information dated 4 July 2019
- Plan of Management dated 1 February 2019 prepared by Willana Urban;
- Updated Parking and Traffic Impact Assessment dated January 2019 prepared by Stanbury Traffic Planning;
- Waste Management Plan (Amended) dated January 2019 prepared by Iconfm Pty Ltd;



- Biodiversity Development Assessment Report dated 4 July 2019 prepared by Cumberland Ecology; and
- Vegetation Management Plan dated 4 July 2019 prepared by Cumberland Ecology

In addition, we have also reviewed the following:

- Letter from The Hills Shire Council dated 3 May 2019 to the applicant wherein additional information in relation to the DA was sought. Additional information and further amended plans dated 4 July 2019 were submitted by the applicant in response to this letter.
- Peer review of matters relating to traffic and parking (commissioned by The Hills Shire Council) dated 9 July 2019 prepared by The Transport Planning Partnership
- Draft Council assessment report to the Sydney Central City Planning Panel to be considered at the meeting on 22 August 2019.

A site inspection was previously undertaken in August 2018. A further site inspection has not been undertaken as part of this review.

The following environmental planning instruments, as well as The Hills Development Control Plan (DCP) have also been considered:

- State Environmental Planning Policy 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)
- The Hills Local Environmental Plan (LEP) 2012
- The Hills DCP:
 - Part B Section – Rural
 - Part C Section 1 - Parking

3.0 Insufficient Information

As detailed below, the DA is incomplete and insufficient information has been provided by the applicant to enable Council to be satisfied that the proposed development will not result in adverse impacts on the natural and built environments.

With respect to the more technical aspects of the proposed development including the acoustic assessment, stormwater management and wastewater management, we have relied on the advice from Council's staff in relation to the adequacy or otherwise of the information provided.

3.1 Bulk Earthworks Plan

No bulk earthworks plan has been provided to understand the extent of cut and fill proposed. The waste management plan (WMP) (dated January 2019) indicates that 8,855m³ of material will be required to be excavated. The WMP also identifies that this is to be reused on site as landfill and any surplus will be transported to Alexandria landfill.

Given the ecological sensitivity of the site and the fact that there is a watercourse on the site which drains into Dooral Dooral Creek, it is considered that a plan indicating the location of the area(s) to be filled is necessary so that the environmental impacts of that work can be assessed.

3.2 Landscape Plan

The landscape plan is inconsistent with the architectural plans in that the location of the air conditioning plant is not indicated on the landscape plans.

Furthermore, there is planting shown on the landscape plans which is not included in the planting schedule.



In addition, the landscape plan identifies the extent of the asset protection zone (APZ) as affecting the whole of the site which is inconsistent with the bushfire assessment.

The landscape plan shows an area of fill within the APZ area to the north of the development. The notation on the landscape plans is that this is to be graded for maintenance access. There is no reference to this maintenance access track in the Vegetation Management Plan prepared by Cumberland Ecology and it is not clear if Cumberland Ecology has assessed the environmental impacts of the import of fill into this part of the site or the provision of a track.

3.3 Architectural Plans

The following deficiencies have been identified in relation to the architectural plans dated 4 July 2019:

- No materials and finishes schedule has been provided with the architectural plan set. The only indication as to the external colours proposed for the building are the streetscape plans and perspectives. As these plans are sketches, they are not considered to be reliable for the purposes of assessing whether the colour scheme will have an acceptable environmental impact.
- The Ground Floor plan shows a pedestrian pathway leading to Glenhaven Road. Given that there is no footpath along Glenhaven Road, it is considered that the use of this as an access point by pedestrians poses a significant safety risk. The need to provide pedestrian access to Glenhaven Road is not apparent in the documentation provided.
- Insufficient detail has been provided to confirm if the building complies with the 10m maximum height of building development standard that applies to the site. The section provided does not appear to be centred on that part of the building where the roof is at its highest above existing ground level.
- The plans do not include any RLs to enable an assessment of building height to be made absent the appropriate section drawings.
- The sediment control plan (Drawing No. 1012) does not contain any details as to how areas downslope of the development site will be protected during the demolition and construction phases of the development.

There is an ephemeral watercourse on the site as well as native vegetation which is described by Cumberland Ecology as being intact Hornsby Enriched Sandstone Exposed Woodland of moderate condition.

Therefore, Council has not been provided with sufficient information to be satisfied that the development will not have adverse impacts on the retained native vegetation and water courses.

- No construction management plan has been provided to enable Council to assess whether appropriate measures will be installed in relation to soil and water management, dust management, vegetation management, noise management, vibration management and construction traffic management.
- The site coverage plan has not factored in those parts of the basement which extend above natural ground level.

Given the lack of detail on the plans (and inconsistency of the plans) submitted, Council cannot be satisfied that the development will comply with statutory development controls and DCP development standards or be satisfied that the development has been designed to have regard to the site constraints.

3.4 Plan of Management

The Plan of Management (POM) identifies that Youth Group/Counselling will occur on Monday to Friday between 9am and 11am. The POM suggests that the youth group activities will occur



on a regular basis but that the counselling will be by appointment. It is noted that the time of the regular youth group is during school hours and this needs to be clarified with the applicant.

3.5 Traffic and Parking

We have reviewed the TTPP review of the Stanbury Parking and Traffic Assessment that was submitted with the amended application.

We agree that the vehicle occupancy rate as suggested in the Stanbury report is at odds with the findings by TTPP and our previous observations of the operation of the existing facility at the Wrights Road Community Centre.

In this regard, on 24 August 2018 DFP observed the operation of the existing Islamic facility during the Friday Jumah prayer time. During the period of our observations (from 1.00pm until 2.00pm) we noted the following:

- At least 250 people entered the site during the surveyed time period. This excludes those who may have already been on site prior to 1.00pm. We noted that at the time of commencing our survey, there were some 57 vehicles already parked within the community centre car park;
- Approximately 100 vehicles entered the site during the survey period. These vehicles contained approximately 125 people;
- 25 vehicles left the site;
- The majority of vehicles attending the site only contained the driver and no passengers;
- Approximately 80 people entered the site as pedestrians (near the main vehicular entry point off Wrights Road). Many of these pedestrians appeared to have parked their vehicles at the nearby Kellyville Village Shopping Centre car park;
- There are 126 legal car parking spaces within the Wrights Road community centre car park. During the survey period it was noted that the majority of these spaces were full resulting in some attendees parking illegally within the community centre car park and others parking within the nearby shopping centre car park.

We note that TTPP also undertook surveys of the Wrights Road facility and concluded that an occupancy rate of 1.56 persons per vehicle was a more accurate representation of vehicle occupancy rates for that facility than the rate of 2.9 persons per vehicle which was the rate erroneously used in the Stanbury assessment.

We also note that the Wrights Road Community Centre is serviced by four bus routes, whereas the site is only serviced by one bus route which has half hourly services on Monday to Friday commencing at around 6.30am until approximately 9.30am. Thereafter, bus services are hourly until approximately 6.30pm. Between 6.30pm and 7.30pm, there are three half hourly bus services. On Saturdays there are hourly bus services from 8.00am until 8.00pm and on Sundays the first (hourly) bus service is at 9.00am with the last service at 6.00pm. Therefore, public transport is not a suitable option for worshippers attending the proposed development.

The miscalculation in relation to vehicle occupancy has significant implications in terms of:

- the car parking provision for the development;
- the traffic generation; and
- noise impacts.



4.0 Assessment against The Hills LEP 2012 and The Hills DCP

4.1 The Hills LEP 2012

4.1.1 RU6 zone objectives

The site is zoned RU6 – Transition under The Hills LEP 2012.

Based on our assessment of the application as detailed in this letter, we have concluded that the proposed development is inconsistent with the relevant objectives of the RU6 Transition zone.

Specifically, due to the impacts of the proposed development, it is likely to impact on the amenity of adjoining residents and thus will result in conflicts between land uses within the RU6 zone. Furthermore, the development has not been designed having regard to the environmental constraints of the site or its environment and the scale of the development will result in adverse impacts on the natural and built environments.

4.1.2 Building Height

The site is subject to a maximum building height control of 10m. There is some conjecture as to whether the proposed building complies with the 10m maximum building height control.

The provisions relating to the building height control are contained in clause 4.3 of the LEP. The objectives of clause 4.3 are:

- a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- b) *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

Irrespective, of whether the building height does or does not comply with the 10m height maximum, it is considered that the height of the building as proposed is not appropriate given the context within which this development will sit and is inconsistent with the objectives of clause 4.3. In this regard, surrounding development is generally single storey in scale. The prominent corner location of the proposed development will result in this building being a conspicuous element in the streetscape and therefore the bulk and scale of the proposed building is unacceptable.

4.2 DCP Controls

The amended development has been assessed against the relevant provisions of Part B, Section 1 – Rural and Part C, Section 1 – Parking of The Hills DCP.

4.2.1 Part B Section 1 - Rural

There are a number of instances of non-compliances with development controls relating to new development in rural areas, including the extent of excavation, setbacks, acoustic impacts and landscaping.

The aim of this section of the DCP is to ensure that rural development is compatible with the capability of land, has regard to the natural environment, scenic qualities and rural character and contributes to the social and economic wellbeing of the rural area.

The DCP also provides an explanation as to What is Rural Character. In this regard, the DCP states that the rural area of the Shire *is a relatively undeveloped place, with a natural look that could be described as unplanned and non-uniform. In terms of its physical characteristics it is agricultural activities, large land parcels, low scale dwellings, farm sheds and natural scenic beauty.*



Whilst it is acknowledged that this building is not a dwelling, it is considered that the height and scale of the proposed development is not low scale and will dominate the site particularly when viewed from the public domain and adjoining properties.

The character is also described as one of rural lifestyle where people enjoy the qualities of the area that make it rural with open spaces and countryside. It is considered that the intensity of the place of worship use (i.e. a site 'population' of 250 people and hours of operation from 5am to 10pm) is the complete antithesis of the character of the rural area as described in the DCP.

Section 2 of this Part of the DCP relates to new development in rural areas.

The Statement of Outcomes in relation to new development are:

- *The scale, siting and visual appearance of new development maintains the open rural feel of the landscape and preserves scenic and environmental qualities of the area.*
- *The location of new rural/ residential development is to have regard to the potential impacts arising from existing adjacent rural business activities.*

The development controls for new development are the mechanisms for achieving these outcomes.

As noted above, the proposed development does not comply with numerous development controls and therefore the proposed development does not satisfy the outcomes for new development.

5.0 Suitability of the site for the development

Our assessment of the DA based on the information provided indicates that the site is not suitable for the proposed development for the reasons as outlined in this letter.

5.1 Bulk earthworks

Significant excavation is required in order to provide the basement car park. The fact that the development requires the provision of a basement car park also brings into question whether this is an appropriate development on this site.

It is acknowledged that the basement car park has been provided as part of the revised proposal in order to address previous concerns raised in relation to the construction of the large at grade car park and to provide additional car parking, however, it remains that a basement car park is not considered to be appropriate having regard to the rural setting of the site.

The WMP suggests that some of the excavated material will be reused on site however there is not indication as to where this material will be placed. Given the ecological sensitivity of the vegetated area on the northern part of the site and the proximity of watercourses to the development, this detail is required so that impacts of the filling of land can be assessed.

5.2 Car parking demand

The application provides for 108 off street car parking spaces – 81 spaces within a basement and 27 spaces within an at grade car parking area. The SEE argues that the DCP control of 1 space per 5 seats for a place of worship equates, in this instance, to 1 space per 5 prayer mats and therefore the parking provided is well in excess of the 50 spaces the maximum site 'population' of 250 would require.

We note that the car parking provisions in Table 1 of Part C, Section 1 – Parking of The Hills DCP are **minimum** requirements.



In this instance and based on observations of the existing facility at Wrights Road Community Centre, and based on the lack of suitable public transport options, it is considered that a demand for car parking in excess of that proposed to be provided will be generated.

TTPP has indicated that a minimum of 160 car parking spaces would be required to service the proposed development.

There are a number of 'knock on' consequences, even assuming this amount of car parking could be provided on site. These include:

- The significant increase in traffic generation in the locality;
- How additional car parking can physically be accommodated on the site and the potential environmental impacts of additional car parking; and
- The noise impacts of the additional traffic and car parking.

If additional on site parking is not provided, there is potential for worshippers to park on public streets once the on site car park has reached capacity. This will have adverse impacts on the amenity of adjoining residents in terms of pedestrian and traffic safety, potential acoustic impacts based on increased traffic movements and acoustic impacts associated with additional vehicles on site, including opening and closing of doors and starting of engines, particularly based on the proposed hours of operation.

Furthermore, there are no footpaths on Larapinta Place or Glenhaven Road in the vicinity of the site and therefore pedestrians may be at risk if attendees are forced to park on these roads.

The parking of up to 50 vehicles on the verges of the surrounding roads is also considered to be out of character with the rural setting of the site and its surrounds.

The above suggests that the proposed car parking provision is inadequate for the scale of development proposed and the proposed site 'population' of 250 worshippers.

Based on the above, we do not believe that Council can be satisfied that the car parking provision is suitable for the scale and intensity of development proposed and that the impacts of the proposed development in terms of the adequacy of the car parking and traffic generation (and associated acoustic impacts) are likely to be so significant that the amenity of nearby and adjoining residents will be adversely affected.

5.3 Traffic impacts

TTPP has identified that, based on the likely traffic generation, the intersection of Glenhaven Road and Larapinta Place will need to be upgraded to provide a dedicated right hand turn bay from Glenhaven Road into Larapinta Place.

This will require road widening (on the southern side of Glenhaven Road) and possibly land acquisition, together with relocation of services and redesign of drainage. These works are significant and are likely to have significant impacts on nearby residents, as well as ecological impacts (due to the need to remove additional vegetation to accommodate the road widening). Furthermore, the provision of an upgraded intersection in this location would be at odds with the rural context and setting.

5.4 Character of the area

The development is located within an area characterised by rural residential development and buildings which are low scale residential in scale and nature.

The proposed development is an imposing two storey structure which is clearly utilitarian in appearance, scale and function. It has been designed with the end use in mind rather than a desire to integrate with the character and streetscape of the surrounding rural/residential development.



Notwithstanding that there has been some rationalisation of the floor layout, it is considered that the site is not suitable for a development of the scale and intensity proposed and does not respect the rural context of the site and its surrounds.

6.0 Plan of Management

In an effort to provide Council and the community with some comfort in relation to how the proposed development will operate, a Plan of Management (POM) has been prepared.

The POM includes somewhat complicated procedures to ensure the facility does not exceed the maximum projected population of 250 worshippers.

It is considered that the procedures proposed would be difficult to implement and therefore there is the possibility that the maximum capacity could be exceeded.

Notwithstanding, due to the nature of the use (place of worship), even if the maximum population of 250 persons within the building was not exceeded, attendees would not be aware that they could not access the premises until they had arrived at the site, meaning that impacts relating to traffic generation and noise would still occur.

7.0 Conclusion

We concur with the Council assessment report which recommends refusal of the application.

In our opinion, the subject site it is not a suitable location for a proposed place of public worship of the size and intensity of that proposed and has the potential to result in significant adverse impacts on the natural and built environments.

The proposed development is of a scale and intensity which is out of character with the surrounding development and exceeds the environmental capacity of the site due to the unacceptable impacts.

Further, we do not believe that sufficient information has been provided to Council to enable a thorough assessment of the likely impacts of the proposed development or an informed decision as to the appropriateness and suitability of the development for this site.

Yours faithfully
DFP PLANNING PTY LTD


ELLEN ROBERTSHAW
PARTNER


Reviewed: _____