

DATE OF DETERMINATION	28 August 2019
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 22 August 2019 opened at 5.30pm and closed at 10.08pm.

MATTER DETERMINED

2018SWC052 - The Hills Shire, DA1867/2018 AT 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.

The Panel adjourned during the meeting to deliberate on the matter.

The Panel has determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The Panel believes there is a real prospect that the patronage at proposed mosque will be greater than forecast because of the internal area being substantially larger than is needed for the proposed maximum of 250 worshippers. As such, the Panel believes there is potential for impacts to be greater than stated by the applicant and that enforcing ongoing compliance would be impractical.
2. The application is incomplete because the proposed building would exceed the height of buildings standard in The Hills Local Environmental Plan and no written request to vary the standard has been provided.
3. The proposal is of an excessive intensity and will have adverse noise, traffic and parking implications on the immediate locality. In particular, traffic noise impacts will be unsatisfactory during the shoulder and evening travel periods as defined by the NSW Environmental Protection Authority.
4. The proposal is inconsistent with relevant objectives of the RU6 zone, specifically it does not provide a suitable transition between the proposed use and other lands nor does it minimise conflict between land uses.




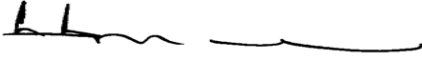

5. The subject site is not suitable for the proposed development. It is located in a cul-de-sac in a quiet rural residential area. The site area is small in relation to the scale of development proposed meaning site coverage is excessive. The area available for irrigation of sewage effluent is insufficient and posing a risk that the receiving watercourse will be polluted.
6. The road access to the subject site is unsatisfactory, particularly the intersection of Glenhaven Road and Larapinta Place which does not enable efficient and safe movement of vehicles during peak periods.
7. The Panel resolved to write to Council seeking its assistance to find a suitable location to establish this mosque community in The Hills Shire.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered all written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- The reduction in the scale of the proposal to 250 people is only in order to gain approval, as the group has over 800 members;
- The site will be constrained in accommodating future operations;
- The traffic and noise reports are flawed as they base their conclusions on car sharing that is not reflective of the actual use anticipated;
- Inadequate and conflicting information for an accurate assessment to be undertaken;
- Accurate data has not been provided by the applicant to show the full extent type and nature of the current operation;
- The maximum capacity of the Wrights Road Community Centre is 330 persons within four rooms, this capacity was exceeded on 14 of 16 occasions surveyed;
- The amendment to the application including the addition of a third floor and a larger building footprint warrant the submission of a new development application;
- The car park lighting will be a nuisance to adjoining neighbours;
- Proposal to rely on a Plan of Management is unsatisfactory and the proposal is located on the wrong site;
- Sewerage treatment system risks in terms of contamination to the stormwater which drains to the area classified as biodiversity;
- The earthworks associated with the basement are excessive and will impact on a number of existing trees;
- Visual impact of a LED sign saying 'prayer hall full', near Glenhaven Road;
- No provision for the parking of trucks;
- Extent of excavation required to achieve the underground car parking is excessive;
- No ducted air conditioning in the building;
- Further clarification of the exact uses undertaken is required to properly assess the application;
- Lack of information in the Biodiversity development assessment report;
- Lack of comprehensive noise modelling or calculations to allow Council staff to properly consider the noise impacts from the development.

The Panel considers that concerns raised by the community have not been adequately addressed in the assessment report and issues requiring further assessment were raised during the public meeting. The Panel notes that many concerns were relevant to this development application.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Mark Grayson
 Paul Mitchell, OAM	 Chandi Saba
 Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC052 - 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 Sydney Regional Environmental Plan 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 • 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 • Council addendum report – August 2019 • Written submissions during public exhibition: 1st Notification – 1015 objections, 40 in support 2nd Notification – 223 objections, 401 in support • Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – <ul style="list-style-type: none"> ○ Hamed Baqaie on behalf of Pevlin Price ○ Sohail Faridy ○ Fazlul Huq ○ Khaled Hamed ○ Taimoor Sehgal ○ Monirul Islam ○ Richard Cook speaking on behalf of St Andrews, Glenbrook Uniting Church, Church Council ○ Sama Akram ○ Saadia Rehman ○ Sadia Sheikh ○ Suzan Meguid ○ Saima Bangash ○ Fatima Wahab Object – <ul style="list-style-type: none"> ○ Mayor (The Hills Shire Council) Dr Michelle Byrne ○ Cllr Brooke Collins OAM, The Hills Shire Council ○ Cllr Dr Peter Gangemi, Liberal Party Councillor, North Ward, The Hills Shire Council ○ Cllr Tony Hay OAM, The Hills Shire Council ○ Allan Barry behalf of community group and registered organisation Friends of Glenhaven Inc ○ Louise Hedges ○ Damien Berridge ○ Kay Rankine ○ Margaret Mieczkowski ○ Mitch Vinton

		<ul style="list-style-type: none"> ○ Nicole Balzan ○ Jamie Hull ○ Michael Roberts ○ Stephen Cromie ○ Patrick DoRozario ○ David Vinton ○ Iain Hedges ○ Mitchell Blue ○ Michael Albrecht ○ Robert Aldric ○ Estelle Zivanovic ○ Richard Murton ○ Rick Allison ○ Sandy Smith ○ Joan Stone ○ David Badger ○ James Duncan On behalf of the applicant – ○ Stuart Harding On behalf of The Hills Shire Council – ○ Cameron McKenzie, Paul Osborne and Robert Buckham
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection and Briefing – 19 September 2018 ● Public Meeting – 27 September 2018 ● Final briefing to discuss council's recommendation, 22 August 2019, 3.30pm. ● Public Meeting – 22 August 2019 <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