

DATE OF DETERMINATION	24 February 2022
DATE OF PANEL DECISION	17 February 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Roberta Ryan and David Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 17 February 2022, opened at 2.30pm and closed at 3.05pm.

MATTER DETERMINED

PPSSCC-127 – The Hills Shire – DA 179/2021/JP, Lot 2 DP 1200708, 118-120 Arnold Avenue Kellyville, Lot 3 DP 1200708, 8 Raymond Court Kellyville, Removal of a Temporary Place of Worship and Construction of a Permanent Place of Worship (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

The Panel determined to **refuse** the application for the following reasons:

1. Insufficient operational management details have been provided to enable a full and proper assessment of whether the intensity and nature of the development is appropriate for the site and within its surrounding context.

Particulars

The submitted Operational Management Plan fails to provide adequate details on matters including, but not limited to, the following:

- Anticipated patron numbers by site venue, event, day, time and duration
- Management of cumulative parking numbers for major events
- Measures to reduce private vehicle trips to and from major events
- Measures to monitor and enforce site users' compliance with on-site operational management measures and off-site impacts such as noise mitigation, on-street parking, bus stop operation, pedestrian safety and general measures to mitigate amenity impacts on neighbours
- Complaints' recording and response mechanisms
- Neighbour engagement in the formulation of the OMP.

(Section 4.15 1(b) of the NSW Environmental Planning and Assessment Act 1979).

2. Insufficient detail has been provided with respect to the extent of excavation required for the basement.
(Section 4.15 1(b) of the NSW Environmental Planning and Assessment Act 1979).

3. Insufficient detail has been provided to demonstrate that the development will not have negative acoustic impacts on surrounding residential uses.
(Section 4.15 1(b) of the NSW Environmental Planning and Assessment Act 1979).

4. Inconsistencies between documentation provided with the application, including between the Operational Management Plan, architectural plans and stormwater management plans, and between the landscape design and stormwater drainage design.
(Section 4.15 1(b) of the NSW Environmental Planning and Assessment Act 1979).

The decision was unanimous.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered twenty-five submissions made during the public exhibition.

Issues of concern included:

- intensity of use,
- building scale,
- streetscape and character, traffic and parking, acoustic impacts, and management issues

The Panel considers that concerns raised in the submissions have been adequately addressed in Council's Assessment Report and/or the reasons for the Panel's refusal.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Roberta Ryan
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-127 – The Hills Shire – DA 179/2021/JP
2	PROPOSED DEVELOPMENT	Removal of a Temporary Place of Worship and Construction of a Permanent Place of Worship
3	STREET ADDRESS	Lot 2 DP 1200708, 118-120 Arnold Avenue Kellyville, Lot 3 DP 1200708, 8 Raymond Court Kellyville
4	APPLICANT/OWNER	Applicant – Father Joshua Tadros Owner - Coptic Orthodox Church (NSW) Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	Community facilities with a capital investment value (CIV) exceeding \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy (State and Regional Development) 2011 - The Hills Shire Local Environmental Plan 2019 - Draft environmental planning instruments: Nil - Development control plans: - The Hills Development Control Plan 2012 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: - Coastal zone management plan: 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	- Council assessment report: February 2022 - Written submissions during public exhibition: 25 - Verbal submissions at the public meeting: - Members of the community – Vanessa De Bono, Mitchell Fleming - Council Assessment Officers – Paul Osborne, Cameron McKenzie and Ellen Robertshaw (consultant) - On behalf of the applicant – Andrew Martin
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	- Briefing – 15 October 2020 - Briefing – 08 December 2021 - Final briefing to discuss council's recommendation, 17 February 2022, Attendees: <u>Panel members</u>: Abigail Goldberg - Chair, David Ryan and Roberta Ryan (Suzie Jattan and George Dojas on behalf of Panel Secretariat) <u>Council assessment staff</u>: Paul Osborne, Cameron McKenzie and Ellen Robertshaw (consultant) - Papers were circulated electronically 04 February 2022.

		Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A