

TO: Sydney Central City Planning Panel

SUBJECT: PPSSCC-327 - 68 McArthur Street Guildford.

APPLICATION No: DA2021/0662.

Application accepted	Thursday 9 December 2021.
Applicant	HB Home Improvements Pty Ltd.
Owner	WD & HD Pty Limited.
Application No.	DA2021/0662.
Description of Land	68 McArthur Street Guildford being Part Lot 1 in DP 748923.
Proposed Development	Removal of site works and associated landscaping and construction of a 2 storey place of public worship including a caretaker's dwelling over three levels of basement car parking including landscaping and civil works.
Site Area	2,417 Square metres.
Zoning	IN1 General Industrial Zone.
Disclosure of political donations and gifts	Nil disclosure.
Heritage	The site is not listed as a heritage item within the Cumberland Local Environmental Plan 2021.
Principal Development Standards	<p>Floor Space Ratio</p> <p>Permissible:- 1:1. Proposed:- 0.519:1.</p> <p>Height of Building</p> <p>Permissible:- 12 metres. Proposed:- 9.123 metres.</p>
Issues	Hours of operation.

SUMMARY

1. Development Application 2021/0662 was accepted on Thursday 9 December 2021 for the removal of site works and associated landscaping and construction of a 2 storey place of public worship including a caretaker's dwelling over 3 levels of basement car parking including landscaping and civil works.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between Wednesday 12 January 2022 and Wednesday 26 January 2022. In response, Council received no submissions.
3. The site is not listed as a heritage item within the Cumberland Local Environmental Plan 2021.

4. The variations are as follows:

Control	Required	Provided	% variation
Part 2.5 -Subpart C2 (Part E4 Places of Public Worship) Cumberland Development Control Plan 2021.	Hours of operation 7 am to 9 pm daily.	5 am to 9.30 pm daily.	17.8%.

5. The development application is referred to the Panel as the proposal is identified as being Regionally Significant Development under the heading “Private Infrastructure and Community Facilities” with a capital investment value of greater than \$5 million.
6. The application is recommended for consent subject to conditions.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site is legally described as 68 McArthur Street being Part Lot 1 in DP 748923.

The other part of the site known as Part Lot 1 in DP 748923 is situated on the northern side of McArthur Street which is known as 65 McArthur Street. It is a corner lot located off Oxford Street, Marian Street and McArthur Street. The place of public worship is presently operating from this site although there are no development works proposed for this site.

The site the subject of the development application occupies an area of 2,417 square metres. The site has two street frontages with the site dimensions being:

- Northern boundary (McArthur Street) - 25.3 metres.
- Southern boundary (Woodstock Street) - 30.16 metres.
- Eastern boundary - 87.2 metres.
- Western boundary - 87.2 metres.

There are no buildings constructed within the site the subject of the development works although most of the site is paved for car park use. At the time of the site inspection, the site was being used for the parking of several trucks. Additionally, there are removable empty pallets being stored across the north eastern portion of the site.

The site is line marked for use as a car park although much of the line marking has deteriorated over time.

There are at least 17 trees situated across the site. All the trees will require removal as part of the development works proposed.

The levels of the land are:

- North east corner - 20.71 metres AHD.
- North west corner - 19.93 metres AHD.
- South east corner - 20.67 metres AHD.
- South west corner - 20.55 metres AHD.

This results in the land having a level difference of between 40 mm and 620 mm with a fall of 40 mm towards Woodstock Street along the eastern boundary and a fall of 620 mm towards McArthur Street along the western boundary.

There are three site constraints identified being:

- The presence of an underground Sydney Water sewer main traversing an east to west direction then a north to south direction through the site. The pipe will need to be altered and suspended within the basement car park and suspended from the underside of the concrete slab.
- The presence of a 5.18 metre wide concrete culvert and associated easement managed by Sydney Water Corporation. The asset passes through the site in a north

west to south east direction across the southern third of the site. The asset will be retained in its current position.

- The site forms part of an overland flow path and is also subjected to minor flooding throughout during major storm events. Development works will need to be situated above the flood levels.

The site adjoins residential properties to the east and industrial land to the west. It is identified that the site to the immediate west forming 69 Woodstock Street is being used as a warehouse operation and an associated car park.

There is similar type of development on land to the north and situated on the northern side of McArthur Street while land on the southern side of Woodstock Street is mainly residential in nature.

The site is shown below.

Figure 1 - Aerial photo of site with development site edged in yellow.



Figure 2 - Site photos showing current site conditions.



DESCRIPTION OF THE DEVELOPMENT

Development application 2021/0662 has been submitted to the Council for determination for construction of a place of public worship, a 3 level basement car park and an ancillary caretaker's dwelling. The development application includes the construction of a new driveway off McArthur Street, stormwater drainage works and tree removal.

The following is a summary of the proposed development:

- Construction of a 2 storey place of public worship to support 170 worshippers or a maximum of 300 worshippers during festival times.
- Construction of a new driveway off McArthur Street to service a 3 level basement car park for 122 vehicles.
- Drainage and stormwater detention works.
- Tree removal.

The proposed place of public worship will contain amenities including:

Ground floor

- An open entry forecourt to be located on the southern side of the building where attendees to the place of public worship can socialise. This area will be situated behind a protective wall element and will be partially undercover.
- A men's prayer hall occupying an area of 513 square metres.
- Access from both street frontages.
- Toilets.
- An electricity substation facing Woodstock Street.

First storey

- A women's prayer hall occupying an area of 104 square metres.
- A religious training room occupying an area of 181 square metres and with a maximum capacity of 20 patrons.
- An office to support the training room and place of public worship which occupies an area of 26.6 square metres.
- A small 1 bedroom caretaker's residence that includes a combined kitchen and living room, toilet and laundry that occupies an area of 50 square metres.

There is lift access connecting the building with all 3 basement car park levels.

The place of public worship is expected to operate between 5 am and 9.30 pm with numbers not exceeding 170 during normal worship or 300 during festival events.

The Management plan submitted with the development application is identifying the following in relation to the proposed daily intensity of use:

Type of Prayer	Time	Number in attendance
Early Morning Prayer.	5.00am to 6.30am.	15 - 20.
Midday Prayer.	12.30pm to 1.30pm.	15 - 20.
Afternoon Prayer.	3.00pm to 3.30pm.	15 - 20.
Evening Prayer.	6.00pm to 6.30pm.	15 - 20.

Night time Prayer.	7.30pm to 8.30pm.	15 - 20.
Friday Prayer.	12 noon to 1.30pm.	170 (peak at 300 during festival times).

All the trees on site require removal to facilitate the development. Additionally:

- The 5.18 metre wide Sydney Water Corporation easement supporting the pipe remains unaffected by the works and the basement car park is designed to avoid any encroachments into this area.
- The site will incorporate landscaping including 10 replacement trees to offset the loss that will occur.

Car parking

Onsite car parking for 122 vehicles is provided within a 3 storey basement car park with vehicle access from McArthur Street. The car park includes 3 spaces for people with disabilities, room for parking 24 bikes and space for parking 6 motorbikes.

Building or Business Identification Signs

The development application does not propose the erection of any signage on site. Any signage would be the subject of a separate future application.

Closure of the place of public worship at 65 McArthur Street

The applicant has advised that Development Application 2011/394 was approved for the use of a portion of an existing industrial building fronting Marian Street being 65 McArthur Street as a place of public worship with the site (68 McArthur Street) being used as a car park to support the place of public worship.

The statement of effects specifies that the development consent 2011/394 will be surrendered and the place of public worship will be relocated to 68 McArthur Street. As such, the place of public worship approved at 65 McArthur Street will cease operations. Proposed condition number 120 attached to the recommendation addresses the matter of voluntary surrender of the existing consent for Panel consideration.

HISTORY

The applicant attended a pre lodgement meeting with Council officers to discuss the project on Wednesday 29 September 2021 (PL2021/0096).

The development application was lodged with the Council for determination and accepted on Thursday 9 December 2021.

The development application was notified for a period of 14 days between Wednesday 12 January 2022 and Wednesday 26 January 2022. During the notification period, there were no submissions received.

The first Panel briefing occurred on Thursday 10 February 2022 between Council officers, the applicant and the Panel members to discuss the project including any issues that may arise. The primary issues of site flooding and the impact of the Sydney Water Corporation

easement upon the development were discussed. It was concluded that the development would be satisfactory for the site however the issues raised by Sydney Water Corporation would need to be resolved prior to determination.

The application was presented to the Panel for a detailed briefing and discussion on Thursday 24 March with the Panel being advised that that applicant had resolved most of the issues raised by the Sydney Water Corporation and a detailed submission was close to being finalised. The Panel raised no significant objection to the progress of the application.

The applicant lodged additional details on Monday 11 April 2022 addressing concerns raised in Council's correspondence of Thursday 10 February 2022 with the application being referred back to Sydney Water Corporation for review. Sydney Water Corporation provided concurrence subject to conditions on Friday 3 June 2022.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by DMPS (Town Planning and Property Development Services) and dated December 2021 which was received on Wednesday 9 December 2021 in support of the development application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and the number of car parking spaces provided is supported. The development is recommended for consent subject to conditions. The applicant still needs to clarify flood models across parts of the site and undertake minor alterations to the driveway which are addressed at Condition 14 attached to the recommendation.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory subject to conditions. In this regard, standard conditions addressing construction and the variations to the National Construction Codes will be required for any consent issued.

Environment and Health

The development application was referred to Council's Environment and Health Officer for assessment who has advised that the development proposal is satisfactory subject to conditions. In this regard:

- Noise and acoustics are satisfactory and outstanding issues are capable of being addressed via conditions.
- A detailed site investigation has been prepared by Foundation Earth Sciences (Job Number E2740) and dated 30/11/2021. The contamination report is satisfactory subject to the conclusions of the report being adopted during the construction phase of the development as outlined in Section 17 of the report.

Tree Management Officer

The development application was referred to Council's Tree Management Officer due to the number of trees that are required for removal. Council's Tree Management Officer has not raised any objections to the works sought. Conditions are provided addressing tree removal and planting of replacement trees.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory. No formal conditions are provided addressing waste.

EXTERNAL REFERRALS

The development application was referred to the following:

Endeavour Energy

As per comments provided Thursday 3 February 2022, the development application is supported subject to conditions.

New South Wales Police

A referral was undertaken but Council did not receive any advice or objections to the development application. It is determined that no objection is raised to the proposed development.

Sydney Water Corporation

Sydney Water Corporation granted its concurrence subject to conditions on Friday 3 June 2022.

PLANNING COMMENTS

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

The proposed development is affected by the following State Environmental Planning Policies:

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
• State Environmental Planning Policy	Schedule 6 Clause 5(b)	Development of a type that is listed in Schedule 6 of the State Policy is defined

<p>(Planning Systems) 2021.</p>		<p>as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979.</p> <p>The proposed development constitutes "Regionally Significant Development" as it has a Capital Investment Value (CIV) which exceeds the \$5 million threshold for private infrastructure and community facilities including a place of public worship. While Council is responsible for the assessment of the application, determination of the Application will be made by the Sydney Central City Planning Panel.</p>
<ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 	<p>Chapter 2 - Vegetation in non Rural Areas.</p>	<p>The development application is requesting the removal of 17 trees across the site.</p> <p>Part 2.2 (Clause 2.6) of the State Policy requires a permit to clear vegetation in any non rural area while Clause 2.6(2) provides that a person must not clear vegetation in any non rural area of the state that exceeds the biodiversity offsets scheme without an approval from the Native Vegetation under Part 2.4.</p> <p>The development site occupies an area of 2,417 square metres. There is no minimum lot size specified in the zone and therefore the minimum lot size must be taken as the entire site. Based upon the development site, the area threshold would be exceeded if the development involved the clearing of 0.25 hectares (2,500 square metres) or more of native vegetation.</p> <p>The project involves the clearing of a tree canopy that occupies approximately 848.49 square metres across land that is significantly disturbed and mostly paved.</p> <p>Approval under Part 2.2 (Clause 2.6) is not required and Clause 2.7 will not apply to the development.</p> <p>Part 2.3 (Clause 2.9) states that the Policy applies to vegetation in any non rural area of the state that is declared by a</p>

		<p>development control plan to be vegetation to which this part applies. It is identified that Part 2.3 will apply to the clearing of the vegetation / trees on site. In this regard, the application seeks consent for the removal of the trees. Additionally:</p> <ul style="list-style-type: none"> • The site does not form part of a heritage item. • Is not known to be part of an Aboriginal object or located within an Aboriginal place of heritage significance or within a heritage conservation area. • The area to be cleared does not exceed the biodiversity offsets scheme. <p>The arborist report prepared by The Tree MD Pty Ltd and dated Tuesday 30 November 2021 identifies that:</p> <ul style="list-style-type: none"> • 9 of the trees are assessed as having medium retention value while the remaining 8 trees have been assessed as having low retention value. • The older trees are at least 60 years of age and some of the younger species have seeded. They are less desirable species such as Camphor Laurels and the African Olive <i>Olea Europaea</i> subspecies. <p>Many of the larger trees have been managed and pruned over time with the majority of the work conducted in accordance with the Australian Standard Pruning of Amenity Trees AS 4373 200710. If retained, further canopy management is recommended. The limited garden beds can reduce a tree's long term viability however many of the subject trees are moderately impacted and optimised under the hard surfaces. The reduced soil media may have contributed to previous branch failures and dieback which may continue. The subdominant nature of smaller trees has limited the long-term retention value of trees on site.</p>
--	--	---

		<p>The report recommends the removal of all trees on site.</p> <p>Council's Tree Management Officer has assessed the reports submitted and has agreed to the conclusions made and supports the removal of the trees.</p>
	Chapter 6 - Bushland in Urban Areas.	N/A - No bushland zoned or reserved for public open space is affected by the development application.
	Chapter 10 - Sydney Harbour Catchment.	<p>The development raises no issues as no impact on the catchment is envisaged.</p> <p>(Note: - the subject site is not identified on the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items within the catchment area. Hence the provisions are not directly relevant to the development application.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management.	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 4 - Remediation of Land.	<p>Part 4.6 - Contamination and remediation to be considered in determining development application.</p> <p><u>Discussion</u></p> <p>The development application has been referred to Council's Environmental Health Officer for assessment following the submission of a detailed site investigation report prepared by Foundation Earth Sciences (Reference Number E2740) and dated Tuesday 30 November 2021.</p> <p>The report concludes that the site is capable of being made suitable to support the development subject to the recommendations including waste classification, asbestos clearance and unexpected finds protocol which is made at Section 17 of the report.</p> <p>Appropriate conditions are provided by Council's Environmental Health Officer addressing land contamination matters.</p>

<ul style="list-style-type: none"> • State Environmental Planning Policy (Transport and Infrastructure) 2021 	Chapter 2 - Infrastructure.	<p>State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows.</p> <p><u>Chapter 2 Infrastructure.</u></p> <p>2.48 Determination of development applications (Subpart 2) Give written notice to electricity providers and take account of responses received within 21 days.</p> <p><u>Comment</u></p> <p>The development application has been referred to Endeavour Energy for any comment given that there are works close to property boundaries where powerlines exist. As per comments dated Thursday 3 February 2022, the development application is supported subject to conditions.</p> <p>There are no other provisions applicable to the proposed development.</p>
<ul style="list-style-type: none"> • State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 	Clause 6.	<p>A review of the certificates has been undertaken and it is identified that the caretaker residence will achieve a Pass mark for Water and Energy. As such, the Certificate is acceptable for approval.</p>

Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provisions of the Cumberland Local Environmental Plan 2021 are applicable to the development application. It is noted that the development achieves compliance with the key statutory requirements of the Cumberland Local Environmental Plan 2021. It is also identified that there are no specific objectives relevant to the proposed development notwithstanding the fact that a place of public worship is a permissible development within the IN1 General Industrial zone.

It could be argued that the proposed development will not have adverse impacts upon adjoining industrial premises in which case, the development would be compliant with the third objective being the most relevant.

(a) Permissibility:

The site is within the IN1 General Industrial zone under the Cumberland Local Environmental Plan 2021 and the proposed development is defined as “A place of public worship”. In accordance with the standard instrument, a place of public worship is defined as:

“A building or place used for the purposes 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”.

A place of public worship is a permissible development in the IN1 General Industrial zone.

In addition, there is an office, a training room and a caretaker's residence within the premises and the following is noted.

1 - The office is a minor addition to the place of public worship which only occupies 26.6 square metres. The building will be managed from this room. The office room functions as an ancillary addition to the place of public worship thus establishing its permissibility.

2 - The training room fits within the definition of a place of public worship thus establishing its permissibility.

3 - The caretaker's residence occupies an area of 50 square metres and functions as part of the place of public worship. The residence incorporates one bedroom, one living area and a kitchenette, bathroom and laundry. Given its size, it is determined as being an ancillary addition to the place of public worship occupying 3.98% of its floor area.

The relevant matters to be considered under the Cumberland Local Environmental Plan 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained Appendix A attached to the report.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 - Height of Buildings. 12 metres.	Yes	The building has a maximum height of 9.123 metres.
4.4 - Floor Space Ratio. 1:1.	Yes	Proposed: - 0.519:1.
4.6 Exceptions to Development Standards.	N/A	Not applicable to the development application.
5.21 Flooding.	Yes	While land is impacted by overland flows, Council engineers support the development.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instrument.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Cumberland Development Control Plan 2021 provides guidance for the design and operation of development to achieve the aims and objectives of the Cumberland Local Environmental Plan 2021. Subpart E4 of Part E is most relevant chapter for the development being - Places of Public Worship chapter.

Subpart E4 of Part E - Places of Public Worship chapter.

A comprehensive assessment and compliance table is contained in Appendix B addressing Subpart E4. The development application is identified as having the following variations when considered under Subpart E4 of the development control plan.

Part	Control	Proposed	Complies
Part 2.5 -Subpart C2 (Part E4 Places of Public Worship).	Hours of operation are to be 7 am to 9.00 pm daily.	5 am to 9.30 pm.	No

As indicated in the compliance table above, the proposed development provides for one variation as discussed below.

1 - Part 2.5 (Subpart C2) specific to hours of operation.

The proposed hours of operation are from 5 am to 9.30 pm daily.

Council's Environmental Health Officer has not raised any objection to the proposed hours of operation in terms of noise and acoustics. The acoustic report prepared by Vipac Engineers and Scientist Limited (ref: 20E-21-0415-TRP-22216-0) and dated Monday 6 December 2021 addresses external glazing, frames, seals, external doors, absorption panels and noise barriers in a satisfactory fashion. Section 7 of the report provides for appropriate recommendations for addressing noise to an acceptable level to permit the operational hours as requested. Conditions numbered 48, 99, 102 and 115 are provided to the draft condition set addressing noise controls and plan of management.

Car parking

The car parking rate for such developments is 1 space per 8 square metres of gross floor area or 1 space per 3 people, whichever is the greater amount. Council's engineers have calculated the car parking requirement at 78 spaces.

It is considered appropriate to provide an additional 1 space to support the office and 1 additional space to support the care takers residence for a total of 80 spaces. The plans show 122 car parking spaces being provided on site. This is being supported as this will address any overflows should it occur during the larger gatherings.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulations 2000 (EPA Reg)*

Environmental Planning and Assessment Regulation 2021

It is identified that the new Environmental Planning and Assessment Regulation came into effect on Tuesday 1 March 2022 which repealed the previous Regulations "Environmental

Planning and Assessment Regulation 2000". However, there are savings provisions contained in Schedule 6.

The 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a complying development made but not finally determined before 1 March 2022.

Comment - Given that the application was lodged prior to the change, the provisions of the Regulations "Environmental Planning and Assessment Regulation 2000" will still apply.

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any additional natural hazards other than those described within the report. or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Cumberland Development Control Plan 2021, the development application was notified for a period of fourteen (14) days between Wednesday 12 January 2022 and Wednesday 26 January 2022. During the notification period, Council received no submissions.

The applicant provided a detailed submission on Monday 11 April 2022 which included the following alterations to the original development:

- Adjustments to the southern side of the building to ensure that there are no encroachments into the easement and Sydney Water underground culvert.
- A reduction in car parking numbers within the basement car park levels from 133 spaces to 122 spaces which improves vehicle manoeuvring.
- A reduction in the size of the office to manage the building.
- A reduction in the numbers likely to attend the religious training from 50 to 20 students.

The intensity of use is slightly reduced or maintained at satisfactory levels. It is considered that there are no additional impacts being created by the changes made. As such, the changes were not notified. It is considered that Part 2.6 of the Cumberland Development Control Plan of Part A "Introduction and General Controls" may apply on the grounds that an additional likely environmental impact is not being created.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The development would require the payment of contributions in accordance with the Cumberland Local Infrastructure Contributions Plan 2020. In accordance with the Contribution Plan, a contribution is payable which is calculated at \$101,378. This is addressed at conditions numbered 20 and 21 attached to the draft conditions.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and the following planning instruments:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004.
- Cumberland Local Environmental Plan 2021.
- Cumberland Development Control Plan 2021.

The proposed development is appropriately located within the IN1 General Industrial zone under the relevant provisions of the Cumberland Local Environmental Plan 2021. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

1. That Development Application 2021/0662 for the removal of site works and associated landscaping and construction of a 2 storey place of public worship including a caretaker's dwelling over a 3 level basement car park including landscaping and civil works on land at 68 McArthur Street Guildford be approved subject to conditions.

ATTACHMENTS

1. Panel Assessment Report Cover Sheet -
2. Draft Notice of Determination -
3. Architectural Plans and Shadow Diagrams
4. Landscape Plan -
5. Appendix A - Cumberland Local Environmental Plan 2021 assessment
6. Appendix B - Cumberland Development Control Plan 2021 Assessment Sheet
7. Plan of Management
8. Survey Plan