

<b>DATE OF DETERMINATION</b>	27 June 2022
<b>DATE OF PANEL DECISION</b>	27 June 2022
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Roberta Ryan, David Ryan, Clr Glenn Elmore, Clr Diane Colman
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Clr Ola Hamed declared a conflict as she has had discussions with members of the community concerning the development application.

Papers circulated electronically on 20 June 2022.

### **MATTER DETERMINED**

**PPSSCC-327 – Cumberland – DA2021/0662 - 68 McArthur Street, Guildford** – Removal of site works and associated landscaping and construction of a two-storey place of public worship including caretaker's dwelling, over three levels of basement car parking including landscaping and civil works.

### **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 briefings listed at item 8 in Schedule 1.

#### **Development application**

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

The decision was unanimous.

### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report noting that matters relating to site flooding and a Sydney Water Corporation easement that encumbered the site have been addressed through conditions. The number of trees required for removal on the site have also been addressed through conditions relating both to tree removal and the planting of replacement trees.

The Panel determined that it would be prudent to amend Condition 100 relating to the Plan of Management for the place of worship by expanding the proposed complaints mechanism to assist in protecting local amenity for the adjoining residential and industrial uses.

### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment to Condition 100 contained in the Conditions of Consent, drafted and provided by Council as follows:






*Section 5 of the Plan of Management is to be expanded to incorporate the following requirements:*

- The register is to include all complaints, both verbal or written, on all issues in addition to noise, and all responses and mitigation actions are to be recorded in the register.*
- The register is to be made available to Council at any time on request.*
- A permanent sign shall be placed in a location outside the place of worship that is visible from the public domain, providing 24 hour contact details in the case of complaints.*

*(Reason: To protect local amenity)*

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during the public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Roberta Ryan	 Clr Diane Colman
 Clr Glenn Elmore	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-327 – Cumberland - DA2021/0662
2	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.
3	STREET ADDRESS	68 McArthur Street, Guildford
4	APPLICANT/OWNER	HB Home Improvements Pty Ltd/WD & HD Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Section 4.15 (EP&amp;A Act) – Satisfactory.</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Cumberland Local Environmental Plan 2021</li> <li>• Cumberland Development Control Plan 2021</li> <li>• Part E Section E4 – Places of Public Worship</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 16 June 2022</li> <li>• Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Kick-Off Briefing: 10 February 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair)</li> <li>○ <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Harley Pearman, Esra Claim, Sarah Hussein</li> </ul> </li> <li>• Applicant Briefing: 24 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, David Ryan, Clr Glenn Elmore, Clr Diane Colman</li> <li>○ <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Harley Pearman</li> <li>○ <u>Applicant representatives</u>: Lisa Chatto</li> </ul> </li> <li>• Panel Determination Discussion: 23 June 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, David Ryan, Clr Glenn Elmore, Clr Diane Colman</li> <li>○ <u>Council assessment staff</u>: Jai Shankar, Esra Calim <ul style="list-style-type: none"> <li>○ <u>Key issues discussed</u>:</li> <li>○ Mechanisms for managing complaints</li> </ul> </li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report