

TO: Sydney Central City Planning Panel

SUBJECT: 7 Hyland Road GREYSTANES NSW 2145

APPLICATION No: DA2023/0164 / PPSSCC - 444

Application accepted	2 May 2023	
Applicant	Sydney Marae Alliance C/- Urbis	
Owner	Cumberland City Council	
Application No.	DA2023/0164 & PPSSCC - 444	
Description of Land	7 Hyland Road GREYSTANES, Lot 2 DP 525167	
Proposed Development	Construction and operation of a multi-purpose community facility known as the Sydney Maori Cultural Centre	
Site Area	2.329 hectares proposed lease area 3,510m ² proposed licence area 15.07 hectares total site area	
Zoning	RE1 Public Recreation	
Disclosure of political donations and gifts	Nil disclosures	
Cost of works	\$8,056,631	
Heritage	Not a heritage item or within a Heritage Conservation Area. In the vicinity of heritage items including: <ul style="list-style-type: none"> Lower Prospect Canal Reserve and Prospect Hill, State heritage items, surround the land to the west and north. Former Hyland Road Inn, Farm and Post Office (local item) at 2 Hyland Road opposite to the south-west. Hyland Road Archaeological Group (local Archaeological item) at 2 Hyland Road opposite to the south-west. 	
Principal Development Standards	Floor Space Ratio Nil	Height of Buildings Nil
Issues	No outstanding issues.	

SUMMARY

- Development Application No. DA2023/0164 was accepted on 2 May 2023 for the Construction and operation of a multi-purpose community facility known as the Sydney Maori Cultural Centre.
- The application was publicly notified to occupants and owners of the adjoining properties for a period of 28 days between 11 May 2023 and 8 June 2023. In response, a total of 83 submissions comprising 56 letters of support, 27 letters raising concerns/objections and 2 petitions were received.
- Following an initial assessment of the application, a request for additional information was uploaded to the NSW Planning Portal on 27 July 2023 relating to outstanding flooding, engineering and environmental matters. In response, amended plans and additional information were received from the applicant on 18 October 2023.
- The amended application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 30 October 2023 and 13 November 2023. In response, a total of 22 submissions comprising 6 letters of support (3 unique) and 16 letters raising concerns/objections (12 unique) were received.
- A further request for additional information was issued to the applicant on 7 December 2023 relating to outstanding flooding, engineering, parks and open space, lease area and environmental matters. In response, amended plans and additional information were received from the applicant on 28 March

2024. The amended application did not require re-notification given that they did not result in any changes to the overall development and mainly resolved outstanding concerns.

6. The subject site is not a heritage item or within a Heritage Conservation Area. However, the site is located in the vicinity of heritage items.
7. The applicant has obtained an Agreement For Lease with Cumberland Council in May 2021 for a Term up to 20 years. It is noted that the final lease agreement shall be obtained following determination of this subject application.
8. The proposed development is consistent with the Gipps Road and Hyland Road Regional Parklands - Plan of Management (POM). The proposed development is consistent with the POM for the Park.
9. The application does not propose any variations to the LEP or DCP controls applicable to the development.
10. The application has been assessed by an independent external Town Planning Consultant and is referred to the Panel as the proposal is on land that is owned by the Council.
11. The application is recommended for Approval subject to the conditions as recommended in the Council's assessment report.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The site is legally described as Lot 2 DP 525167 which is generally known as Hyland Road Reserve, 7 Hyland Road, Greystanes.

The subject site has a frontage to Hyland Road, Greystanes to the south and a small frontage to Munro Street to the east. The area of the site the subject of this Development Application (DA) benefits from direct access from Hyland Road only with heavy vegetation preventing direct access from Munro Street from the east.

The site is irregular in shape and according to Council records, the site occupies an area of 15.07 hectares as a total site area. The portion of the site the subject of this DA has an area of 2.329 hectares proposed to be leased and referred to as the "Leased Area" and an area of 3,510m² proposed to be licenced and referred to as the "Licenced Area". References to "the site" within the remainder of this report will be a reference to the leased and licenced areas.

Land adjoining the site to the immediate west and north comprises the Lower Prospect Canal Reserve and Prospect Hill, which are heritage items. Land adjoining the site to the immediate east comprises low density residential housing and land situated opposite the site to the south comprises recreational land.

The Locality

The site, the subject of the development application is situated within an area that is predominately recreation land to the north, south and west with residential land uses on the eastern boundary of the site and to the west beyond the adjoining canal.

The site is shown below edged in red.

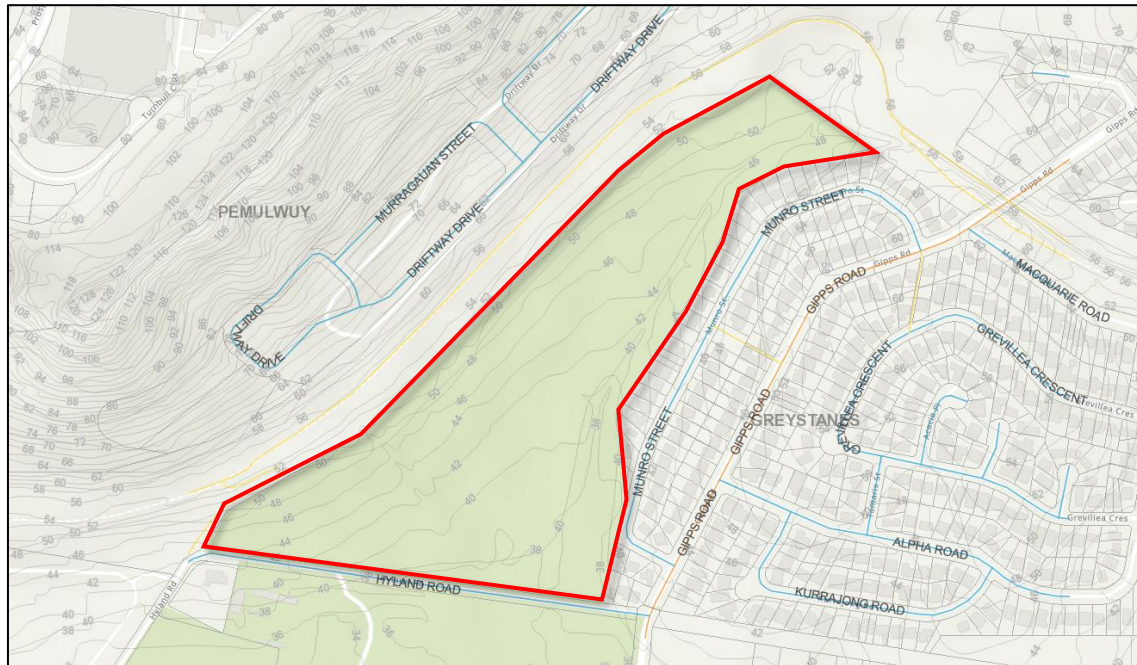


Figure 1 - Location Map (Overall Reserve Site)

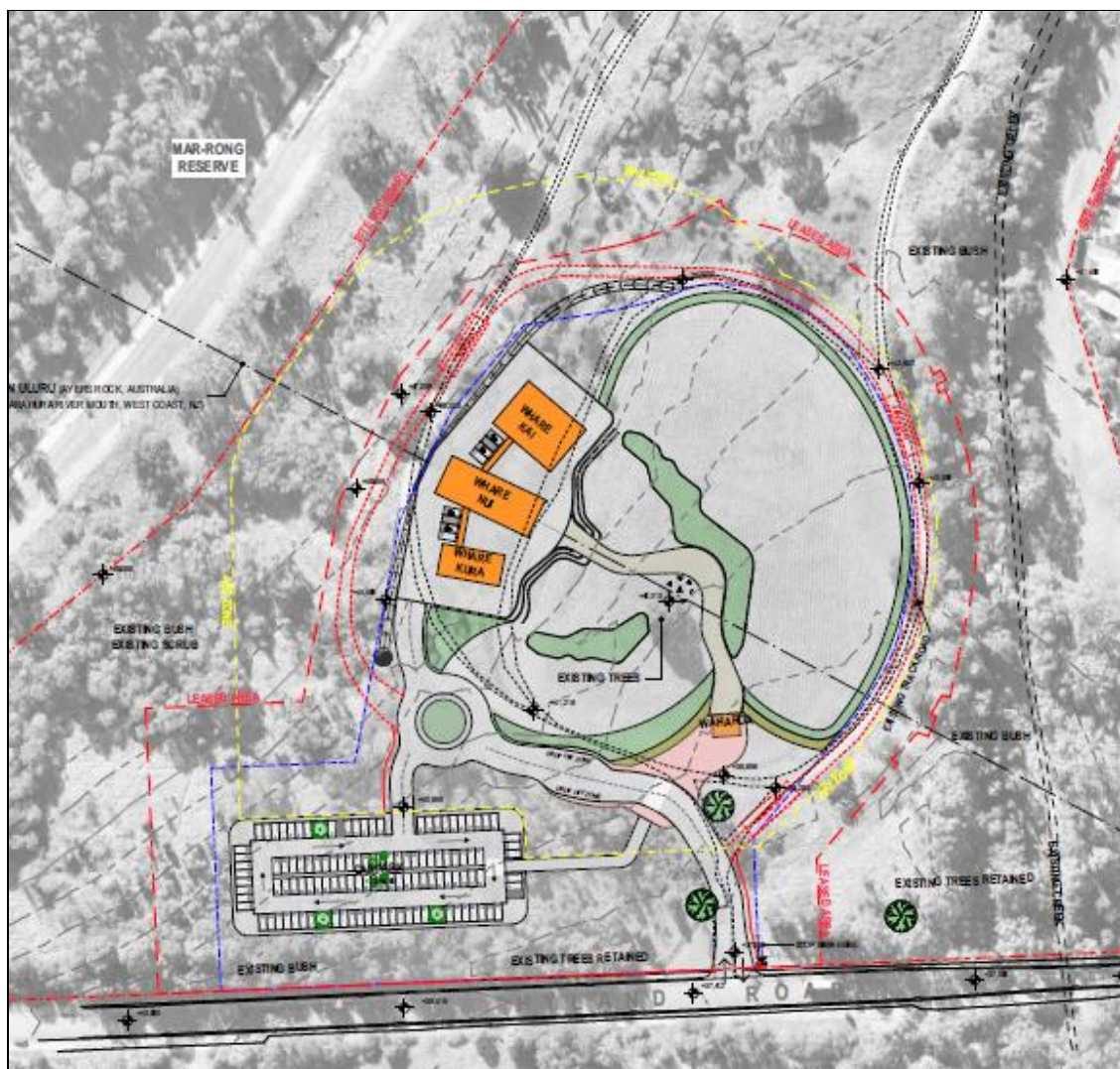


Figure 2 - Proposed site plan. Source: DKO Architecture (NSW) Pty Ltd

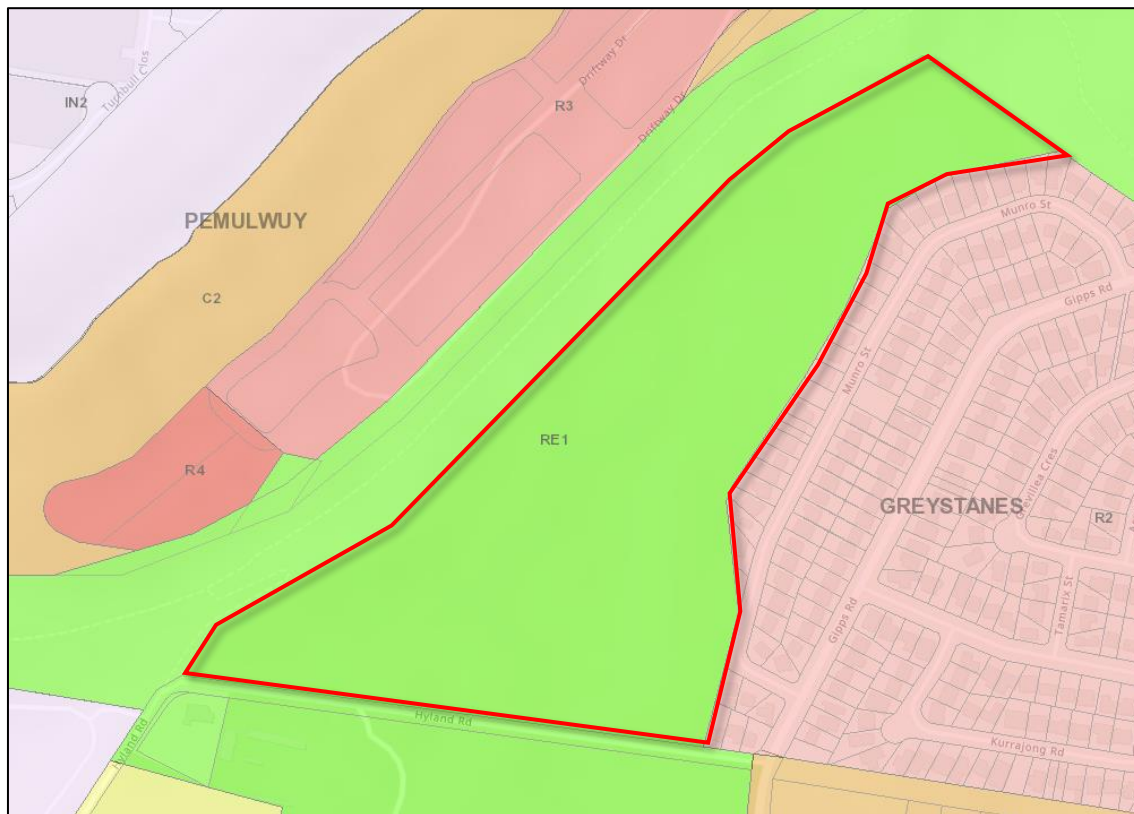


Figure 3 - Land zoning map

DESCRIPTION OF THE DEVELOPMENT

Council has received a development application for construction and operation of a multi-purpose community facility known as the Sydney Maori Cultural Centre.

The application specifically proposes the following works, as detailed within the Statement of Environmental Effects accompanying the DA:

- A community facility comprising 3 single storey buildings connected by an outdoor covered walkway, on the north-western edge of the site and oriented around a centralised open space. The 3 wings of the building will serve the following functions:
 - o Whare Kura (training, seminars, planning and classroom events, informal and formal meetings and administration) which includes a utility storeroom and waste storage;
 - o Whare Nui (formal gatherings and celebrations, milestones, community meetings and events) which includes linen storage, a laundry and bathrooms;
 - o Whare Kai (dining hall, cultural performances, flexible space catering to small and large groups) which includes a kitchen and storage/chiller room and 2 disabled bathrooms;
- A Ringawera (outdoor food preparation space) will be located behind the Whare Kai wing;
- A Wharoa (carving over entry archway) will be located towards the site entrance leading to the main building;
- A service court located behind the Whare Kura building which includes 6 car parking spaces, 4 of which are accessible spaces and allowance for the turning of heavy rigid delivery vehicles;
- Development of internal roadways and paths including a single site entrance from Hyland Road linking to the car park and buildings;
- Extensive sitewide landscaping and tree removal; and
- A 112 space car park south of the proposed community facility and 6 car spaces within the leased area.

Proposed Hours of operation:

The Māori Cultural Centre will operate from Monday to Friday, 8:30am to 5:30pm. However, variances to these core hours will be allowable for different facilities as follows:

Uses	Days	Hours
Primary Event Facility (Whare Nui)	Monday to Sunday	7:00am to 10:00pm
Dining Hall and Event Facility (Whare Kai)	Monday to Sunday	7:00am to 10:00pm
Educational Facility (Whare Kura)	Monday to Sunday	7:00am to 10:00pm

Patrons:

A maximum of 250 patrons will occupy the premises at any one time.

No subdivision of the site is proposed.

The design elements of the proposal are highlighted within the table below.

Planning aspects	Number
Height in metres	9.83 metres
Gross floor area	1,057.5sqm
Car parking	118 car parking spaces including 4 accessible spaces

Figure 4 - Design Elements of Proposed Development

In May 2020, Council held an expression of interest process for interested community organisations to develop a community facility on Hyland Road Reserve. The Sydney Marae Alliance (SMA) is a registered charity organisation with the Australian Charities and Not-for-profits Commission (ACNC). The SMA has obtained an Agreement For Lease with Cumberland Council in May 2021 for a Term up to 20 years. A Development Approval forms part of the conditions in granting the final Lease Agreement to SMA over the proposed Leased Area which allows for the development of a multi-purpose facility that will support cultural and educational activities of a traditional Māori Marae. In association with the Lease Agreement, SMA will enter into a separate Car Park Licence Agreement with Cumberland Council allowing patrons and members of the public to use the Licenced Area for the purpose of parking motor vehicles. Refer to figures 5 and 6 below that outline the proposed lease and licence areas.

A copy of the site/licence area plan and floor and elevation plans accompanying the application are provided below:

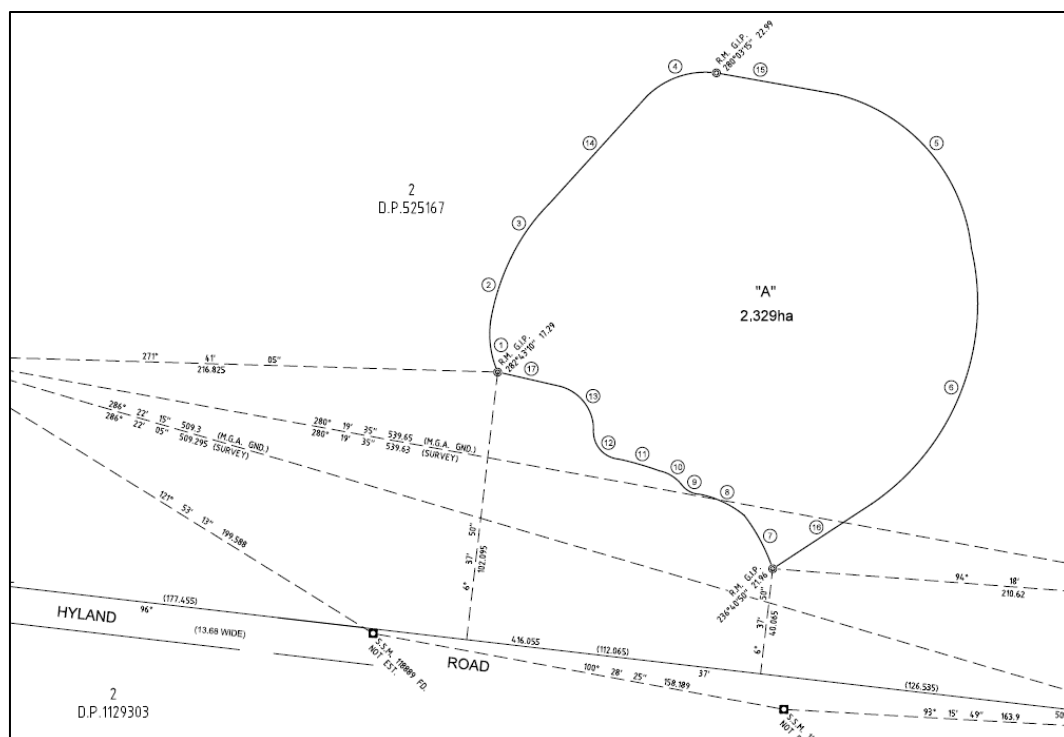


Figure 5 - Extent of Proposed Lease Area

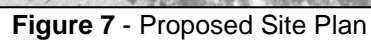
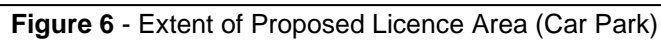




Figure 8 - Perspective of Development



Figure 9 - Perspective of Development

HISTORY

A pre lodgement application PL2021/0104 was finalised by Council officers on 18 November 2021 for:

- Bulk earthworks;
- Construction of:
 - o A community facility comprising three (3) buildings connected by an outdoor covered walkway with a total GFA of 1,012m² and maximum height of 10m;
 - o An at-grade car park containing 51 car parking spaces (including 3 accessible spaces);
 - o An overflow car park containing 52 car parking spaces;
 - o Internal access roads from Hyland Road to the car park and drop off area;
- Landscaping works, including:

- Pathway from the southern boundary of the site to the buildings; and
- Vegetation buffer around the boundary of the site.
- Essential service works.

Following an initial assessment of the subject development application, a request for additional information was uploaded to the NSW Planning Portal on 27 July 2023 relating to outstanding flooding, engineering and environmental matters. In response, amended plans and additional information were received from the applicant on 18 October 2023.

A further request for additional information was issued to the applicant on 7 December 2023 relating to outstanding flooding, engineering, parks and open space, lease area and environmental matters. In response, amended plans and additional information were received from the applicant on 28 March 2024.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Urbis dated 27 March 2023, an Addendum Statement of Environmental Effects prepared by Urbis and were received by Council in support of the 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

Department	Comments
Engineering (Flood, stormwater, civil works, parking, traffic, access)	The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
Health (contamination, acoustics, amenity)	The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory as it satisfies Council's requirements in relation to noise/acoustics, food/public health, contamination/remediation and air quality/water protection/general environmental and therefore can be supported subject to recommended conditions of consent.
Trees (removal of trees)	The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
Waste (waste provisions)	The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory as the Waste Management Plan meets the conditions of Council's DCP and addresses the development stage and final ongoing waste management generation stage and therefore can be supported subject to recommended conditions of consent.
Parks - Hyland Road Reserve	The development application was referred to Council's Landscape Architect for comment who has advised that the development proposal is satisfactory as the modified approach has been discussed and agreed with Council and therefore can be supported subject to recommended conditions of consent.

Figure 10 - Internal Referral Summary

EXTERNAL REFERRALS

Agency	Comments
NSW Rural Fire Service	The development application was referred to the NSW Rural Fire Service (RFS) for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Agency	Comments
Endeavour Energy	The development application was referred to Endeavour Energy for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
New South Wales Police - Cumberland Police Area Command	The development application was referred to the NSW Police - Cumberland Police Area Command for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
Transgrid	The development application was referred to Transgrid for comment who advised that the development proposes no impacts for Transgrid and so no assessment was required.
NSW Aboriginal Land Council	The subject land falls within the boundary of Deerubbin Land and Council's Aboriginal Engagement and Programs Officer referred the application to the NSW Aboriginal Land Council and Deerubbin LALC for comment. At the time of finalising this assessment report, no response had been received.

Figure 11 - External Referral Summary

PLANNING COMMENTS

Local Government Act, 1993

Section 36(4) of the *Local Government Act 1993* (LG Act) provides the legislative framework for a Council's day-to-day operations including details on the use and management of community land. The application proposes to establish the Sydney Māori Cultural Centre on community land and accordingly, the provisions of the LG Act are relevant to this application.

Section 36 (4) of the LG Act states that community land must be categorised as one or more of the following:

- (a) a natural area,
- (b) a sportsground,
- (c) a park,
- (d) an area of cultural significance,
- (e) general community use.

The Gipps Road and Hyland Road Regional Parklands Plan of Management 2013 categorises Hyland Road Reserve as a “general community use”. Section 36I of the LG Act contains the following core objectives for management of community land categorised as general community use:

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The proposed development is consistent with the above core objectives as it will provide a community facility that will promote, encourage and provide for the use of the land, and will provide facilities on the land, that will meet the current and future needs of the local community and of the wider public.

Planning for Bush Fire Protection 2019

The land is identified as bushfire prone land and therefore the provisions of the *Planning for Bush Fire Protection 2019* apply to the development. A Bushfire Hazard Assessment Report prepared by Control Line Consulting accompanies the development application and concludes that ‘this development can comply to the requirements of Planning for Bush Fire Protection 2019 as required under section 100b of the Rural Fires Act 1997 with the inclusion of the 13 recommendations contained within this report’. Conditions referencing the report and recommendations are included in the draft notice of determination.

The development application was referred to the NSW Rural Fire Service (RFS) for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

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

State Environmental Planning Policies

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

(a) State Environmental Planning Policy (Planning System) 2021

Development of a type that is listed in Schedule 6 of Planning System SEPP is defined 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. The proposed development constitutes 'Regional Development' as it is development on land that is owned by the Council and is development that will be used as a community facility and has a Capital Investment Value (CIV) of \$8,056,631 which exceeds the \$5 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

(b) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 –Vegetation in non-rural Areas

The area of the subject site proposed to be used for the community facility does not contain any critical habitats as confirmed by the Biodiversity Values Map reproduced below:

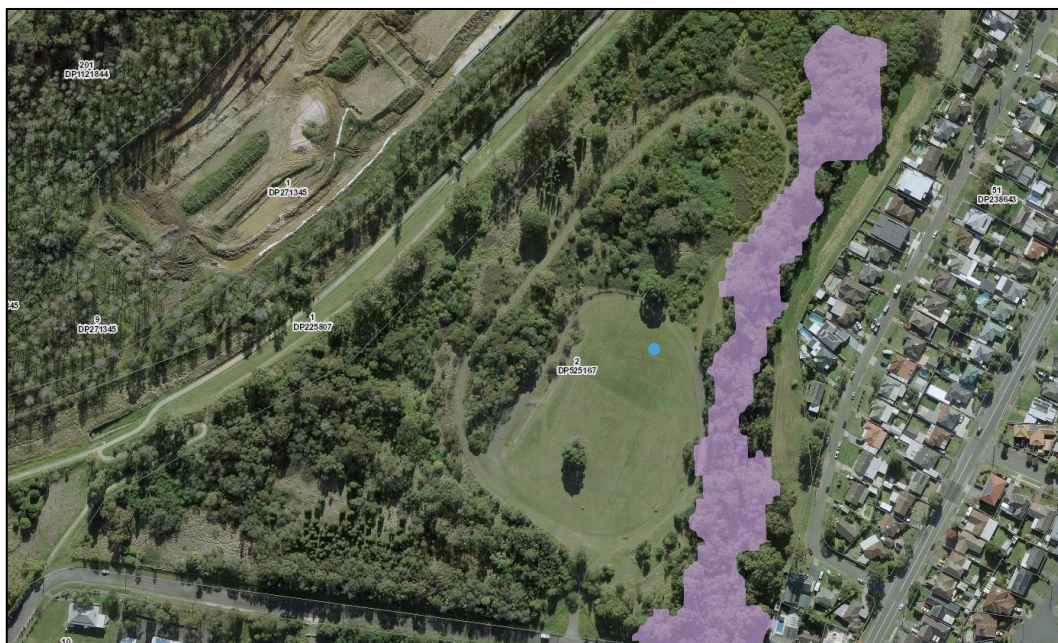


Figure 12 - Biodiversity Values Map and Threshold Tool

As the subject site has an area between 1 Ha to 40 Ha, a maximum 0.5 Ha clearing is permitted before exceeding the biodiversity offsets scheme threshold. The application proposes the clearing of 1.94 hectares of vegetation however clearing will not occur outside of the proposed lease and licence areas.

A Biodiversity Assessment Report (BDAR) prepared by Fraser Ecological and submitted for the proposed development. The report identifies that the proposed development would involve clearing of up to 1.94 hectares of vegetation within 2 main vegetation zones (Zone A and B) based upon condition and development impact, as well as vegetation within an additional Zone C as follows:

- *Vegetation Zone A: Proposed carpark and OSD (7,094 sqm)*
- *Vegetation Zone B: Proposed APZ (12, 384 sqm)*

- *Vegetation Zone C: Unclassified vegetation community (mixture of planted natives)*

The BDAR recommends that a Construction Environment Management Plan (CEMP) be prepared prior to the release of a Construction Certificate and offset credits for up to 0.7 Ha of clearing should be obtained.

Subject to imposition of conditions to this effect, the proposed vegetation removal is considered acceptable. Please refer to the DCP compliance table for further discussion.

Chapter 6 – Water catchment - Georges River Catchment

The subject site is not affected by acid sulphate soils, does not disturb the bank or foreshore along the Georges River tributaries, and the proposed development will not increase flooding or stormwater runoff, will not discharge industrial waste and will not cause land degradation by way of erosion, sedimentation, pollution, salinity or acidity. The proposed development will not cause adverse impacts to the sensitive natural environments within the catchment area and sewer is proposed to be connected directly into the Sydney Water sewerage system.

(c) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Not applicable. 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

Clause 4.6 of Resilience and Hazards SEPP requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development.

A Preliminary Site Investigation (PSI) and PSI addendum were prepared by ADE Consulting Group in 2016 and 2022 along with a Detailed Site Investigation (DSI) by ADE dated 2023 to assess the potential risks from contamination at the site to the proposed development to inform on the potential need for remediation and/or management. The reports did not reveal any potential matters of concern with regard to contamination and conclude that the site is suitable for its intended use.

Council's Environmental Health Officer has reviewed the reports and determined that the site is suitable to support such a development given that the report provides that the site is suitable for the proposed use. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.

(d) State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

The application does not propose any signage and the applicant has confirmed in response to a request for further information that any proposed signage will be subject to a separate development application to be submitted to Council at a later date. A draft condition to this effect is included in the draft notice of determination.

(e) State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of the Transport and Infrastructure SEPP have been considered in the assessment of the development application.

Chapter 2 – Infrastructure

Clause 2.48 - Development likely to affect an electricity transmission or distribution network

The subject application does not propose development to which Section 2.48 would apply. Notwithstanding this, the application was notified to Endeavour Energy who raised no objection to the proposal and recommended conditions that have been imposed within the draft conditions of consent.

The proposed development does not include the construction of a new substation to service the development. It is noted that an existing substation is situated within close proximity to the site and as such a separate new substation may not be required for this development. Notwithstanding this, a condition of consent has been imposed within the draft conditions of consent, noting no approval is granted or implied for the erection of a substation, and that separate approval from Council is required.

Clause 2.117 – Frontage to classified road

The application is not subject to Section 2.117 of the SEPP as the site has a frontage to Hyland Road which is a local road and not a classified road.

Clause 2.118 – Impact of road noise or vibration on non-road development

The application is not subject to Section 2.118 of the SEPP as the annual average daily traffic volume of Hyland Road is less than 40,000 vehicles.

Clause 2.119 – Traffic generation developments

The application is not subject to Section 2.119 of the SEPP as the proposal does not trigger the requirements for traffic generating developments listed in Schedule 3 of the SEPP, particularly the development includes less than 200 car parking spaces and less than 200 motor vehicle trips per hour.

Local Environmental Plans

Cumberland Local Environmental Plan 2021 (CLEP)

The provision of the *Cumberland Local Environmental Plan 2021* is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the CLEP 2021 and the objectives of the RE1 Public Recreation zone.

(a) Permissibility:

The proposed development is defined as a 'community facility' and is permissible in the RE1 Public Recreation zone with consent.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
 - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

In May 2020, Council held an expression of interest process for interested community organisations to develop a community facility on Hyland Road Reserve. The Sydney Marae Alliance (SMA) is a registered charity organisation with the Australian Charities and Not-for-profits Commission (ACNC).

The relevant matters to be considered under CLEP and the applicable clauses for the proposed development are summarised below. A comprehensive CLEP assessment is contained in **Attachment 9**.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
2.3 Zone Objectives and Land Use Table	Yes	The proposed development is defined as a 'community facility' and is permissible with consent in the RE1 Public Recreation zone. The assessment of the proposed development contained within this report and the attachments has had regard to the objectives for development in the zone and is considered acceptable in this regard.
4.3 Height of Buildings	Yes	9.83 metres proposed.

Not prescribed		
5.10 Heritage Conservation	Yes	The site is not identified as a heritage listed item and is not located within a heritage conservation area.
5.21 Flood planning	Yes	Acceptable subject to conditions.

Figure 13 - Cumberland LEP 2021 Compliance Table

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 Instruments.

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*.

A comprehensive assessment of the proposed development against the DCP is provided in the DCP Compliance Table contained in **Attachment 10**.

The application complies with the provisions of the *Cumberland Development Control Plan 2021* and does not propose any non-compliances with the DCP. The application is therefore considered acceptable from an environmental planning view point.

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)(iiia))

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 2021* (EP&A Reg).

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 natural hazards 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 Community Engagement Strategy 2022 and the Cumberland Development Control Plan, the proposal was publicly notified for a period of 28 days between 11 May 2023 and 8 June 2023. In response, a total of 83 submissions comprising 56 letters of support, 27 letters raising concerns/objections and 2 petitions were received. The amended application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 30 October 2023 and 13 November 2023. In response, a total of 22 submissions comprising 6 letters of support (3 unique) and 16 letters raising concerns/objections (12 unique) were received.

The issues raised in the public submissions are summarised and commented on as follows:

Issue	Planner's Comment
Tree removal	A Biodiversity Assessment Report (BDAR) prepared by Fraser Ecological Consulting, a Flora and Fauna Assessment prepared by Fraser Ecological Consulting and Arboricultural Summary Report prepared by Landscape Matrix

Issue	Planner's Comment
	accompany the development application. The development application was referred to Council's Tree Management Officer and Landscape Architect for comment who advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
Traffic and parking concerns	A Transport Impact Statement prepared by Stantec was submitted in support of the development. The application and Transport Impact Statement were referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent. The proposed development is considered to provide a sufficient number of car parking spaces for the facility as detailed within the attached <i>Cumberland Development Control Plan 2021</i> Compliance Table.
Environmental concerns, including flora and fauna impacts	A Biodiversity Assessment Report (BDAR) prepared by Fraser Ecological Consulting, a Flora and Fauna Assessment prepared by Fraser Ecological Consulting and Arboricultural Summary Report prepared by Landscape Matrix accompany the development application. The development application was referred to Council's Tree Management Officer and Landscape Architect for comment who advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
Acoustic Impacts	The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory as it satisfies Council's requirements in relation to noise/acoustics and therefore can be supported subject to recommended conditions of consent.
Suitability of the site	The assessment contained within this report and the accompanying attachments considers the suitability of the site for the proposed development. Having regard to the matters for consideration pursuant to Section 4.15 of the EP&A Act, the subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Where potential impacts have been identified, suitable conditions are proposed that are considered to adequately and appropriately minimise and mitigate such impacts. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.
Hours of operation	The development application is accompanied by an Operational Management Plan, prepared by the Sydney Marae Alliance and includes details of the proposed hours of operation, scope of uses and impact management measures. The plan is considered to be appropriate for the operational management of the community facility and a condition is included in the draft notice of determination referencing the plan as an approved document. The proposal seeks to use the Māori Cultural Centre from Monday to Friday, 8:30am to 5:30pm. The events, dining hall and educational facility will operate Monday to Sunday 7:00am to 10:00pm.
Anti-social behaviour of guests	The development application is accompanied by an Operational Management Plan, prepared by the Sydney Marae Alliance and includes details of the proposed scope of uses, management of neighbour amenity and operational noise and proposes impact management measures. The plan is considered to be appropriate for the operational management of the community facility and a condition is included in the draft notice of determination referencing the plan as an approved document.
Types of functions	The development application is accompanied by an Operational Management Plan, prepared by the Sydney Marae Alliance and includes details of the proposed hours of operation, scope of uses and impact management measures. The plan is considered to be appropriate for the operational management of the community facility and a condition is included in the draft notice of determination referencing the plan as an approved document.
Capacity of venue	The development application is accompanied by an Operational Management Plan, prepared by the Sydney Marae Alliance and includes details of the proposed hours of operation, scope of uses and impact management measures. The plan is considered to be appropriate for the operational management of the community facility and a condition is included in the draft notice of determination referencing the plan as an approved document. Furthermore, a condition shall be imposed stating that no more than 250 patrons will be on site at any one time.

Issue	Planner's Comment
Concerns about the process of leasing/licensing the land	This is a separate matter outside of the development application and assessment process that will be undertaken in accordance with the requirements of the Local Government Act 1993.
Consistency with the management plan	The proposed use as a community facility is consistent with the Plan of Management (POM) for the Hyland Road Reserve. The POM envisaged an area of around 2.5ha for several structures to be developed by the Maori Community Group. The subject application is consistent and encompasses a leased area of 2.329ha.
Aboriginal cultural heritage impacts	The subject land falls within the boundary of Deerubbin Land and was accordingly referred to the NSW Aboriginal Land Council and Deerubbin LALC for comment. At the time of finalising this assessment report, no response had been received.
Capacity of local infrastructure	The development would require the payment of contributions in accordance with <i>Cumberland Local Infrastructure Contributions Plan 2020</i> that will be used by Council to deliver a range of local infrastructure works that will support future population growth in the Cumberland LGA.
Proposal for an alternative use of Hyland Road Reserve	This is a separate matter outside of this development application. The assessment of this application is based on the merits of the proposal as lodged by the applicant.

Figure 14- Submission Summary Table

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 *Cumberland Local Infrastructure Contributions Plan 2020*.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.12 of the EP&A Act, calculated on the cost of works. A total contribution of \$80,566.00 would be payable prior to the issue of a Construction Certificate.

HOUSING AND PRODUCTIVITY CONTRIBUTION (HPC)

In accordance with s7.24 of the Environmental Planning and Assessment Act, 1979 as amended by the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Act 2023, the development is subject to the (Housing and Productivity Contribution) Act 2023.

In accordance with Part 2 of Schedule 5 of the Environment Planning and Assessment (Housing and Productivity Contribution) Order 2023 ('the Order'), the Order does not apply to a development consent granted to a pending development application (Pending DA).

A 'Pending DA' as per Schedule 1 of the Order and Schedule 6, Part 9, s16 of the EP&A Reg 2021 is as follows:

- (a) a development application that is made, but not determined, before the commencement of this Order, or
- (b) a development application that is made and determined before the commencement of this Order, but has not been finally determined, or
- (c) an application for a complying development certificate that is made, but not determined, before the commencement of this Order.

As the application was lodged on the 2nd of May 2023, the provisions of the HPC do not apply to this application.

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*, *Local Government Act, 1993*, *State Environmental Planning Policy (Planning System) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021* and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *Cumberland Local Environmental Plan 2021* and *Cumberland Development Control Plan 2021*.

The proposed development is appropriately located within the RE1 Public Recreation zone under the relevant provisions of the *Cumberland Local Environmental Plan 2021*. The proposal is consistent with all statutory and non-statutory controls applying to the development with no non-compliances with Council's controls proposed. 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 No. DA2023/0164 for Construction and operation of a multi-purpose community facility known as the Sydney Maori Cultural Centre on land at 7 Hyland Road GREYSTANES NSW 2145 be Approved subject to conditions listed in the attached schedule.**
2. **Persons who have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural and landscape Plans
3. Stormwater/Engineering Plans
4. Operation Plan of Management
5. Acoustic Report
6. Gipps Road and Hyland Road Regional Parklands – Plan of Management
7. Submissions Received
8. Locality Map
9. *Cumberland Local Environmental Plan 2021* Compliance Table
10. *Cumberland Development Control Plan 2021* Compliance Table