

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

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| DATE OF DETERMINATION | 3 June 2024 |
| DATE OF PANEL DECISION | 3 June 2024 |
| DATE OF PANEL MEETING | 30 May 2024 |
| PANEL MEMBERS | Abigail Goldberg (Chair), David Ryan, Steve Murray |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | The Panel Chair reviewed the particulars of PPSSCC-444 – Cumberland – DA2023/0164 – 7 Hyland Road, Greystanes - proposed construction and operation of a multi-purpose community facility known as the Sydney Māori Cultural Centre, and noted that as the landowner of the site is identified as Council there is pursuant to Clause 3.8 of the Panels Code of Conduct a reasonably perceived conflict of interest for Cumberland Councillors for this matter. As a result, the Panel Chair excused all Councillors from sitting for determination of this matter. |

Public meeting held by videoconference on 30 May 2024, opened at 10:30am and closed at 11:37am.

MATTER DETERMINED

PPSSCC-444 – Cumberland – DA2023/0164 – 7 Hyland Road, Greystanes - The proposed development is the construction and operation of a multi-purpose community facility known as the Sydney Māori Cultural Centre.

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 and the matters 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 key community concerns regarding biodiversity including impacts on fauna and flora, noise, traffic and parking as well as hours of operation have been adequately examined and assessed by the applicant and appropriately addressed in council's report as well as through conditions put forward by council.

The panel requested strengthening of the condition relating to the operational plan of management to address community concerns, particularly with regard to how complaints will be managed by the applicant, with the opportunity for examination by the council. Details of this amended condition are noted below.

The panel also sought inclusion of a condition ensuring the retention of public access to the reserve in response to community concerns. Again, details of this amended condition are noted below.

The panel noted in addition community support for the application and the multi-cultural, inclusive opportunities which it presents, as well as the way in which the facility will maintain and continue a long-standing relationship between First Nations and Maori communities.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments as made by council:

- Conditions 29 and 40 have been amended to address technical engineering matters raised by the applicant
- The amended plan of management condition (105) has been updated to address community concerns by ensuring consistency with the conditions of development consent, and to include a complaints management procedure that incorporates:
 - contact methods and details of where complaints can be directed;
 - acknowledgement process and timeframes for acknowledgement and resolution;
 - contact details of the nominated person that will be looking after the complaints;
 - the timeframe expected to resolve the complaints; and
 - keeping of a complaints register available to Council at all times that includes the following:
 - contact details of the person making the complaints;
 - the nature of the complaints;
 - details as to times of an incident to which the complaints relates; and
 - action taken to resolve the complaints.
 - The plan of management is also required to include a Traffic Management Plan for special events as well as an Evacuation and Emergency Management Plan.
- Also to address community concerns condition 129 has been added to ensure public access to the reserve shall be maintained at all times.

CONSIDERATION OF COMMUNITY VIEWS



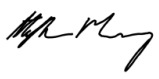
In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic and parking concerns
- Environmental concerns, including flora and fauna impacts
- Acoustic impacts
- Tree removal
- Hours of operation
- Potential anti-social behaviour of guests
- Types of functions
- Capacity of venue
- Public access to the reserve
- Impact on the riparian corridor
- Concerns about the process of leasing/licensing the land
- Consistency with the management plan
- Aboriginal cultural heritage impacts
- Capacity of local infrastructure.

The panel noted support for the application including:

- Community benefits resulting from a place to meet, educate and share cultural experiences
- Provision of a place for families to come together to support others, demonstrate kindness and help each other
- Provision of a place for children to learn about culture and history.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

| PANEL MEMBERS | |
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| Abigail Goldberg (Chair)  | David Ryan  |
| Steve Murray  | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSCC-444 – Cumberland – DA2023/0164 |
| 2 | PROPOSED DEVELOPMENT | The proposed development is the construction and operation of a multi-purpose community facility known as the Sydney Māori Cultural Centre. |
| 3 | STREET ADDRESS | 7 Hyland Road, Greystanes – Lot 2 DP 525167 |
| 4 | APPLICANT/OWNER | Applicant: Sydney Marae Alliance/Urbis Owner: Cumberland City Council |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Council related development over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 (Industry and Employment) 2021 Cumberland Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cumberland Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil 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 | <ul style="list-style-type: none"> Council assessment report: 16 May 2024 Written submissions during public exhibition: Notification 1 - 83 submissions comprising 56 letters of support, 27 letters raising concerns/objections and 2 petition and Notification 2 - 22 submissions comprising 6 letters of support (3 unique) and 16 letters raising concerns/objections (12 unique) Verbal submissions at the public meeting: <ul style="list-style-type: none"> Donna Subritzky, Jenetta Haim, Rodrigo Roman, Leanna Subritzky, Debbie Piper (Hyland Road Reserve Action Group), Kim Strong, Grace Errington Council assessment officers – Jai Shankar, Ali Hammoud (consultant) On behalf of the applicant – Rosie Sutcliffe, Kiri Barber, Uncle David Williams OAM, Alex Fraser (ecologist), Adam Shearer (acoustics) Total number of unique submissions received by way of objection: 41 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Kick Off Briefing: 25 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, David Ryan |

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| | | <ul style="list-style-type: none">○ <u>Council assessment staff</u>: Haroula Michael, Ali Hammoud (consultant)○ <u>Applicant representatives</u>: Rosie Sutcliffe, Kiri Barber, Amber Tamaka• Final briefing to discuss council’s recommendation: 30 May 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, David Ryan○ <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Haroula Michael, Ali Hammoud (consultant) |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |