

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	18 August 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Ned Attie and Eddy Sarkis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 12 August 2020 and 18 August 2020.

MATTER DETERMINED

PPSSCC-87 – Cumberland - DA2020/0081, 64 Mountford Avenue, Guildford, Demolition of existing structures and construction of a place of public worship (mosque) with basement parking (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

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

REASONS FOR THE DECISION

1. The proposed development will have an adverse environmental impact in the locality as the amount of traffic likely to be generated will impact on the movement of traffic in the local road system.
2. The proposed development will have an adverse environmental impact in the locality given the inadequate access and manoeuvring of vehicles within the site.
3. The proposed development will have an adverse environmental impact on the locality as it represents an overdevelopment of the subject site given the inadequate provision of on-site car parking to satisfy section 5.3.3.5 – Traffic, Parking and Access of Parramatta Development Control Plan 2011.
4. The site is unsuitable for the proposed development given the inadequate provision of car parking and impact upon the local road network.
5. The proposed development does not satisfy the objectives and provisions of Parramatta Development Control Plan 2011 at the following parts: 5.3.3.5 – Traffic, Parking and Access.
6. Insufficient information has been submitted with the development application to allow a proper and thorough assessment of the environmental impacts of the proposed development in terms of traffic on the local road network.
7. Insufficient information has been submitted with the application in terms of acoustic and stormwater drainage to assess the environmental impacts of the proposed development on the locality.
8. The proposed development will have an adverse environmental impact in the locality as it is likely to result in adverse noise impacts and adverse visual impacts due to the height of the noise wall, on the adjoining residential development.

9. The proposed development will have an adverse environmental impact in the locality as it fails to demonstrate acceptable disposal of stormwater from the subject land.
10. The proposed development does not satisfy clause 4.3 of the Parramatta Local Environmental Plan 2011 in relation to height and the lack of Cl 4.6 request.
11. The proposed development is not considered to be in the public interest.

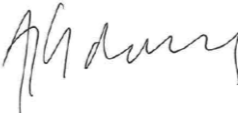
The decision was unanimous.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and notes that issues of concern included:

- Car parking
- Traffic
- Noise impacts
- Height
- Privacy

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 meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Gabrielle Morrish	 Ned Attie
 Eddy Sarkis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-87 – Cumberland - DA2020/0081
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a place of public worship (mosque) with basement parking
3	STREET ADDRESS	64 Mountford Avenue, Guildford
4	APPLICANT/OWNER	Applicant - ICMG Sydney Inc Owner - Australian Islamic Social Association INC

5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy No 64 – Advertising and Signage - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) - Parramatta Local Environmental Plan 2013 - Draft environmental planning instruments: - Draft Cumberland Local Environmental Plan 2020 - Development control plans: - Parramatta Development Control Plan 2011 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: Regs 92, 93, 94, 94A and 288. - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: July 2020 - Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	- Briefing to discuss council's recommendation, 18 August 2020, 10.30am. Attendees: <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Ned Attie and Eddy Sarkis <u>Council assessment staff</u>: Jai Shankar, Fay Ong and Michael Lawani <u>Points discussed were</u> – - Height exceedance and lack of a CI 4.6 application - Significant parking variation - Inadequate information regarding stormwater and acoustic impacts for the site. - Current Mosque capacity and parking provision versus the new proposal's capacity and parking provision - The date of approval of current Mosque capacity and parking provision and differences since that time in controls and operations

		○ Potential for new draft DCP to reduce parking number requirements however the proposal would still have a significant shortfall ○ Current GFA for the existing building ○ Stormwater inadequate information relates to use of the wrong DCP for assessment and no updated information provided to address this issue ○ Acoustic fence not considered able to adequately ameliorate impacts • Briefing to discuss council's recommendation, 18 August 2020, 11.00am. Attendees: • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Ned Attie and Eddy Sarkis • <u>Applicant Representatives</u>: Joe Vescio, Yasar C Cekic and Orhan Kaba • <u>Council assessment staff</u>: Jai Shankar, Fay Ong and Michael Lawani • <u>Applicants representatives raised the following points in summary</u> – ○ Height exceedance acknowledged and unintended. Proposed condition to reduce height to ensure compliance ○ Noise – unsure why Council not persuaded by Applicants Acoustic report – no additional information discussed ○ Traffic and parking – noted existing parking provision versus capacity. Suggested condition to maintain current capacity with no increase in capacity given changes in operation due to the current COVID environment. ○ Noted that Council report did not give weight to Plan of Management proposed for traffic movements or that ancillary uses do not occur at the same time as prayers. • Panel member raised questions in relation to the height of the existing boundary fence, reduction in GFA and massing if capacity reduced, frequency and timing of prayer sessions under new operations. • Meeting to discuss Council's recommendations and Applicants commentary, 18 August 2020, 11.18am. Attendees: • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Ned Attie and Eddy Sarkis • Agreement of panel members that the final Council report should ensure adequate discussion of the impact of the height of the proposed acoustic fence on the adjoining neighbouring properties. • Meeting closed at 11.30 with all panel members confirming readiness to consider and receive the report for electronic determination. • Papers were circulated electronically between 12 August 2020 and 18 August 2020.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A