

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH-45
DA Number	DA-893/2020
LGA	Canterbury-Bankstown
Proposed Development	Alterations and additions to the existing community facility and construction of a mixed-use development including a place of public worship with ancillary facilities, food and drink premises, and basement car parking
Street Address	15-19 Enterprise Avenue, Padstow
Applicant/Owner	UMA Incorporated/UMA Centre Limited
Date of DA lodgement	4 November 2020
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • Thirty-one (31) • Twenty-eight (28)
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	CIV greater than \$5million (\$28,474,129)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP) • State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) • State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP 2) • Bankstown Local Environmental Plan 2015 (BLEP 2015) • Draft Canterbury Bankstown Local Environmental Plan 2021 (DCBLEP 2021) • Bankstown Development Control Plan 2015 (BDCP 2015) • Bankstown Development Contributions Plan • Relevant Clauses of the Environmental Planning and Assessment Regulation 2000, including Clauses 92 and 98.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Council Assessment Report • Attachment A - applicants Letter dated 14 September 2021 • Attachment B - applicants Letter dated 8 November 2021 • Attachment C - applicants Letter dated 20 November 2021 • Attachment D - Locality Plan • Attachment E – Architectural Plans (excluding floor Plans), elevations and sections • Attachment F – Floor Plans
Clause 4.6 requests	<ul style="list-style-type: none"> • None
Summary of key submissions	Traffic, parking, safety, noise impacts, community impacts and site suitability
Report prepared by	Canterbury-Bankstown Council: Planning Directorate, Development Unit
Report date	29 November 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

N/A

**SYDNEY SOUTH
PLANNING PANEL REF:**

PPSSSH-45

ADDRESS

15-19 Enterprise Ave, Padstow

**DESCRIPTION OF
DEVELOPMENT**

Alterations and additions to the existing community facility and construction of a mixed-use development including a place of public worship with ancillary facilities, food and drink premises, and basement car parking

FILE

DA-893/2020 - Revesby Ward

ZONING

IN2 Light Industrial

DATE OF LODGEMENT

4 November 2020

APPLICANT

Ghazi Al Ali Architects

OWNERS

**UMA Incorporated
UMA Centre Limited**

ESTIMATED VALUE

\$28,474,129 (excl. GST)

AUTHOR

Nicholas Aley

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979* for regionally significant development, being works for 'private infrastructure and community facilities' with a capital investment value exceeding \$5 million, in accordance with Clause 20(1) and Schedule 7 – Regionally Significant Development of State Environmental Planning Policy (State and Regional Development) 2011.

Development Application No. DA-893/2020 proposes alterations and additions to the existing community facility and construction of a mixed-use development including a place of public worship with ancillary facilities, food and drink premises, and basement car parking

DA-893/2020 has been assessed, amongst other things, against Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015 and the application was found to not comply in regards to multiple aspects of Part B8 – Places of Public Worship – of the BDCP 2015, in relation to traffic management, setbacks, deep soil zones and ancillary uses, and Part B5 - Parking. There is also a lack of information, ranging from missing plan details to inaccurate Traffic Impact Studies, that

prevent an accurate assessment of the impacts of the proposed development from being undertaken.

The application was advertised and notified for a period of twenty-one (21) days. Thirty-one (31) unique submissions were received during this period, a combination of which either demonstrate support for the proposal or raise concerns relating to traffic, parking, safety, noise impacts, community impacts and site suitability.

POLICY IMPACT

The proposed development fails to address aspects of Council's planning controls for Places of Public Worship, particularly with regard to the need for Traffic Impact Studies to accurately assess the impact on the environmental capacity of the road network and the level of service at road intersections. Approval of the development as proposed would undermine the ability to enforce these requirements for similar types of development under future applications.

FINANCIAL IMPACT

There are no direct financial implications.

RECOMMENDATION

It is recommended that the application be refused, for the following reasons:

1. The proposed development is not consistent with Clause 1.2(2)(j) of the Bankstown Local Environmental Plan 2015 being the Aim of the Plan that deals with potential impact of traffic on the local road network [pursuant to Clause 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act, 1979*]
2. The proposed development is not consistent with Clause 1.2(2)(k) of the Bankstown Local Environmental Plan 2015 being the Aim of the Plan that deals with the cumulative impact on the capacity of the road network [pursuant to Clause 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act, 1979*].
3. The proposed development is not consistent with the objectives of the IN2 Light Industrial Zone under Clause 2.3(2) of the Bankstown Local Environmental Plan 2015 [pursuant to Clause 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*].
4. Insufficient information has been submitted to address Clause 3.5 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to the environmental capacity of the street [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
5. Insufficient information has been submitted to address Clause 3.6 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in

relation to the level of services of intersections [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].

6. Insufficient information has been provided in the Traffic Impact Assessment submitted to address Clause 3.7 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
7. The information submitted in the Traffic Impact Assessment fails to adequately address Clause 3.8 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to the timing of events and the associated generation of traffic [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
8. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (d) of Section 3 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to encourage intensive trip generating places of public worship in locations most accessible to rail transport [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
9. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (e) of Section 3 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to ensure the location and size of places of public worship maintain the existing environmental capacity and service levels of streets [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
10. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (g) of Section 3 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to limit the size of places of public worship in and in the vicinity of established residential areas to ensure this type of trip generating activity does not adversely impact on the existing residential amenity [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
11. Insufficient information has been submitted to address Clause 6.1 of Part B8 (Places of Public Worship) and Clause 2.1 of Part B5 (Parking) of the Bankstown Development Control Plan 2015 in relation to car parking [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
12. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (a) of Section 6 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to minimise the impact of street parking on adjoining development [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
13. Insufficient information has been submitted to address Clause 4.8 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in

relation to setbacks [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].

14. Insufficient information has been submitted to address Clause 8.16 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to deep soil zones [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
15. Insufficient information has been provided to satisfactorily demonstrate compliance with Objectives (d), (f) and (g) of Section 8 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, with regard to deep soil zones [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
16. Insufficient information has been submitted to address Clause 9.2(e) of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to whether proposed ancillary uses will cause nuisance to residents by way of traffic movement [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
17. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (a) of Section 9 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to ensure ancillary uses are compatible with the prevailing character and amenity of the locality of the area [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
18. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (b) of Section 9 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to ensure ancillary uses do not adversely impact on the residential amenity of neighbouring dwellings and the surrounding area [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
19. For the above reasons, the site is not considered suitable for the proposed development [pursuant to Clause 4.15(1)(c) of the *Environmental Planning and Assessment Act, 1979*].
20. The proposed development fails to satisfactorily address the issues raised in submissions made against the proposed development [pursuant to Clause 4.15(1)(d) of the *Environmental Planning and Assessment Act, 1979*].
21. For the above reasons, the proposed development is not considered to be in the wider public interest [pursuant to Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act, 1979*].

DA-893/2020 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 15-19 Enterprise Avenue, Padstow. The site is an irregular allotment that is currently zoned IN2 Light Industrial and is located at the end of a cul-de-sac, known as Enterprise Avenue. The site is located at the northern end of Enterprise Avenue, a street approximately 270m in length which is accessed via a T-intersection at Watson Road controlled via a roundabout.

The site contains a new community facility previously approved by the Land and Environment Court of NSW in the south-eastern corner, with an open, unsealed car park located in the north-eastern corner, with older industrial buildings located on the remainder (western section) of the site. The surrounding development consists of industrial buildings of various age, size and condition, on properties to the north, east and south, including similar building along the eastern and western sides of the full length of Enterprise Avenue. Behind the properties on the western side of Enterprise Avenue is Padstow North Public School. Further west are low density residential zones, as well as on the southern side of Watson Road. These are predominantly occupied by single dwellings, with the occasional newer dual occupancy development interspersed amongst them.

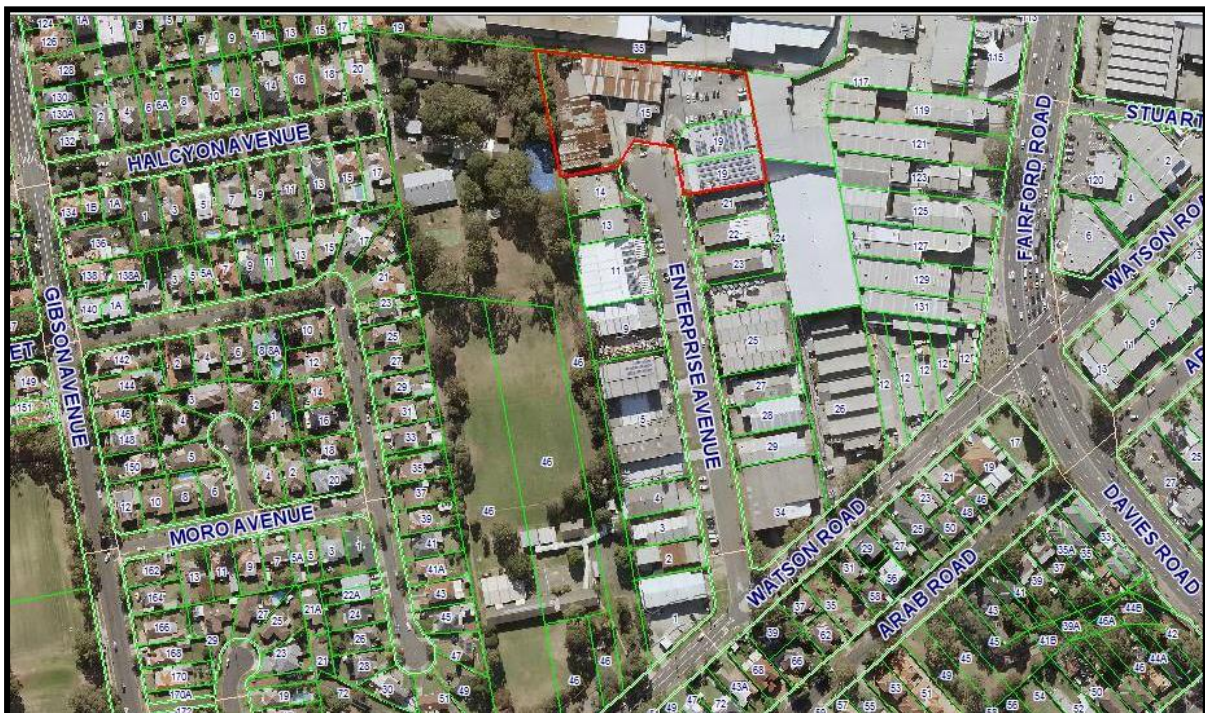
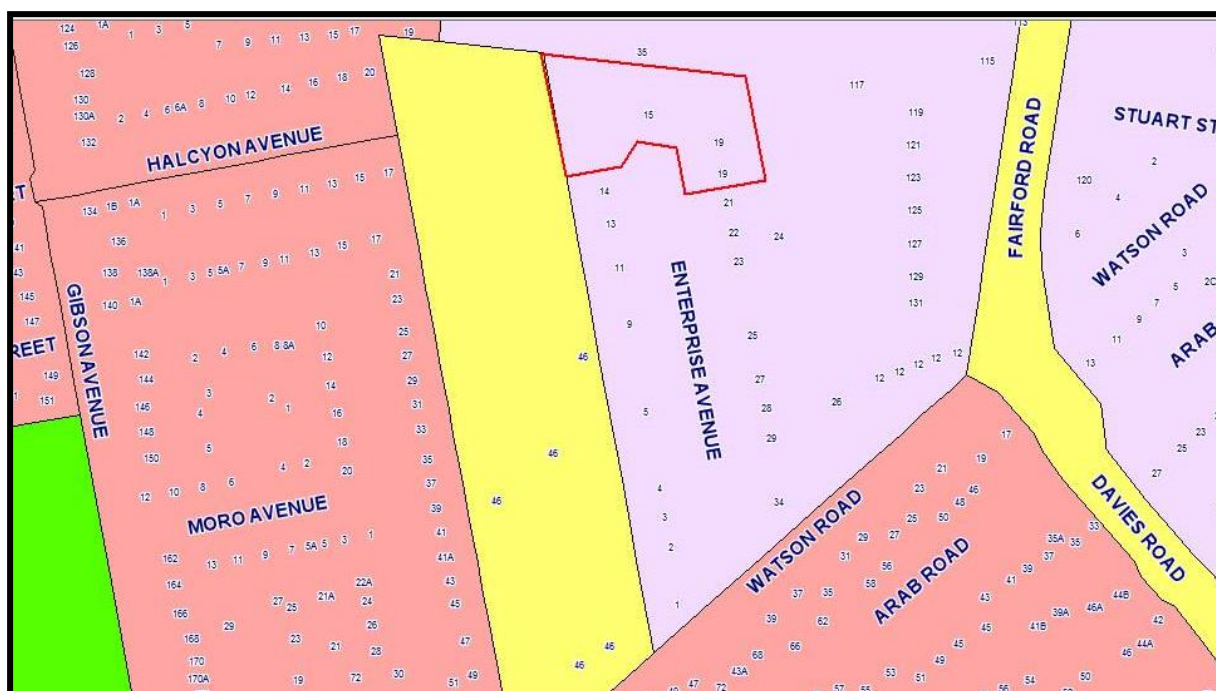


Figure 1: Aerial of site and surrounds (subject site in red outline). **Source:** NearMap



PROPOSED DEVELOPMENT

The Development Application proposes:

- Alterations and additions to the existing community facility (including internal relocation of the approved gym, a new female gym, expanded Indoor Activity Area and removal of existing café and lecture hall)
- Additions to the existing community facility, including the construction of a three-storey building in the north-western corner of the site, to be used for the following ancillary uses:
 - Ground Floor – Lecture Hall 1, multi-media room, offices and facilities
 - 1st floor – Lecture Hall 2, 8 classrooms, facilities and Accommodation Rooms 1-4
 - 2nd floor - Lecture Hall 3, 8 classrooms, facilities; and
- Construction of a mixed-use development including:
 - a place of public worship with capacity for 1500 patrons
 - ancillary facilities, including a food and drink premises (café) of 164sqm catering for 64 patrons,
- Basement car parking for 311 vehicles. When coupled with the existing parking approved for the existing community facility, the total number of parking spaces is 332.

The submitted Statement of Environmental Effects describes the ancillary use of the additions to the community facility as follows:

Lecture Hall 1

Daily – Playgroup 60 children, 30-40 adults, 9am-3pm

Workshops – 100-150 persons (no time or day specified) for programs such as drug and alcohol abuse, marriage courses, prophetic medicine, will and inheritance, weight loss, career advice, community awareness, mental health awareness, and healthy living

Lecture Hall 2 and 3

9am-5pm, Tuesday-Thursday 60 students – Sydney Islamic College

6pm-10pm – Tutoring, 30-40 students Year K-6, 30-40 students Year 7-12, hourly.

Classrooms

Monday – Saturday 6pm-10pm, 2 hourly, men and women aged 15 and over
Quran Books 1-3, Arabic Books 1-3 (no detail of patron numbers)

Accommodation Rooms 1-4

For visiting guests/presenters who will often require accommodation for up to 4-5 days.

Patrons/Capacity for the uses are as follows (Saturday-Thursday)

PATRONS	4 - 5.00am	5 - 5.30am	5.30 - 6.00am	6-7.00am	7-8.00am	8-9.00am	9 - 10.00am	10 - 11.00am	11-12.00 noon	12	1-2.00pm	2-2.30pm	2.30- 3.00pm	3-4.00pm	4-4.30pm	4.30- 5.00pm	5-6.00pm	6-6.30pm	6.30- 7.00pm	7-8.00pm	8-9.00pm	9- 10.00pm
15 Enterprise																						
Cafe/Restaurant Staff				2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Multimedia Studio/Office (All staff)							4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Lecture Hall 1 (Playgroup)							100	100	100	100	100	100	100									
Employees (Playgroup)							5	5	5	5	5	5	5	5	5	5						
Lecture Hall 2 Level 1							60	60	60	60	60	60	60	60	60	60		40	40	40	40	40
Lecture Hall 2 Level 1 Staff							1	1	1	1	1	1	1	1	1	1		2	2	2	2	2
Level 1 Classroom 1 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 2 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 3 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 4 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 5 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 6 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 7 Includes 1 Staff																		8	8	8	8	8
Level 1 Classroom 8 Includes 1 Staff																		8	8	8	8	8
Lecture Hall 2 Level 2							60	60	60	60	60	60	60	60	60	60		40	40	40	40	40
Lecture Hall 2 Level 2 Staff							1	1	1	1	1	1	1	1	1	1		2	2	2	2	2
Level 2 Classroom 1 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 2 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 3 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 4 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 5 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 6 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 7 Includes 1 Staff																		8	8	8	8	8
Level 2 Classroom 8 Includes 1 Staff																		8	8	8	8	8
19 Enterprise																						
Indoor Activity Area		10	10				15	15							15	15	15	15	15	15	15	10
Mens Gym Area	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10
Mens Gym Staff	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2
Womens Gym Area	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10
Womens Gym Staff	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2
Childminding Room						5	5	5	5	5	5	5	5	5	5	5						
Childminding Staff						1	1	1	1	1	1	1	1	1	1	1						
Classroom (includes 1 Staff)						4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	
Classroom (includes 1 Staff)						4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	
Classroom (includes 1 Staff)						4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	
Employees at the Centre		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Maximum Occupancy	32	44	44	36	36	69	178	285	285	285	285	285	285	185	202	202	69	281	281	281	281	254

Source: Applicant's Operational Plan of Management

BACKGROUND/HISTORY

Previous DAs

DA-552/2015 was approved by the NSW Land and Environment Court for the use of a Multi-Purpose Community facility at 19 Enterprise Avenue. This included a dedicated 'prayer area' for users of the community facility. The conditions of consent made specific reference that a place of public worship could not occur on the site. A Construction Certificate was issued on 11 October 2016. An interim occupation certificate was issued on 4 May 2017. Council has no record of a final occupation certificate being issued.

DA-1267/2016 was approved on a deferred commencement basis by the NSW Land and Environment Court on 16 November 2016, for the additional use of the prayer area within the Multi-Purpose community facility approved under DA-552/2015 as a place of public worship (for a maximum 177 patrons). The site also expanded to include 15 Enterprise Avenue as an area of car parking, both in an open unsealed area and within existing industrial buildings on the site (155 spaces in total). The deferred commencement items were satisfactorily addressed on 2 May 2019 and the consent became operational as of that date. Council has no record of a construction certificate or occupation certificate having been issued for DA-1267/2016.

Pre-DA Meeting 11 September 2020

A Pre-DA meeting was held between Council Officers, the Applicant and the Applicants Team on 11 September 2020 regarding the proposed development of the site to incorporate a standalone place of public worship for 1,500 worshippers, along with other ancillary uses including the continued operation of the approved Multi-Purpose Community Facility, with expansion. The main outcome of the Pre-DA meeting was Council's need for the applicant to provide a detailed analysis of traffic and parking associated with the proposed use, as this was likely to be the most significant issue affecting the assessment of any future Development Application.

DA Lodgment – 4 November 2020

DA-893/2020 was lodged with Council via the NSW Planning Portal on 2 October 2020, and application fees were paid on 4 November 2020, which became the official date of lodgment of the DA.

Exhibition Period

The Development Application was advertised and notified for a period of 21 days from 10-30 November 2020. Thirty-one (31) unique submissions were received by Council as a result of the exhibition process.

SSPP Briefing Meeting – 17 December 2020

A Briefing Meeting was held with the SSPP on 17 December 2020. The Panel discussed a range of issues that needed further attention, identified in the minutes of the Briefing Meeting as follows:

- *Traffic generation impacts on local network and parking provision relative to demand*
- *Capacity of building and patron occupancy is questioned relative to realistic parking requirements notably on Fridays. Additional information is required.*
- *Height and scale of development in relation to context and nearby airport.*
- *Impacts on neighbouring uses and pedestrian safety*

January 2021

On 20 January 2021, Council requested the applicant provide additional information referred to in the Traffic Impact Assessment submitted by the Applicant (prepared by PDC Consultants and dated 5/08/2020 – the 'PDC Report'), specifically relating to SIDRA analysis, as requested by Council's Traffic Consultants undertaking a peer review of the PDC Report. This information was provided to Council by the applicant on 22 January 2021.

Request for Information Letter – 25 February 2021

On 25 February 2021, Council issued a Request for Information (RFI) letter to the applicant, providing details of the outstanding matters identified during Council's assessment that required further detail to be provided in order to allow the assessment of the application to progress. The critical items in this letter included:

- Traffic and Parking Assessment (which was itself broken into 5 further subcategories)
 - insufficient information/assessment
 - parking demand
 - traffic generation – proposal
 - vehicular queuing
 - design
- setbacks
- landscaping and deep soil zones
- ancillary uses
- plan details
- stormwater drainage
- submissions

Meeting - 17 March 2021

A meeting was held between Council Officers, Applicant and the Applicant's team on 17 March 2021 to discuss the issues raised in the RFI letter. Of particular focus in this meeting was the need for the applicant's assessment of traffic and parking to be updated to address the key areas identified in the list above, particularly the need to undertake surveys of other similar uses to establish vehicle occupancy rates and likely parking demand.

Meeting - 6 May 2021

A representative of the Applicant met with Council to discuss the application. Items discussed included the fact that traffic and parking is a threshold issue and Council's position was that data/modelling is necessary to demonstrate the application as submitted can work. Concern was raised that the capacity of the proposal cannot be supported on traffic / parking grounds.

Meeting – 10 June 2021

A further meeting was held on 10 June 2021 to discuss the progress of the application, since the meeting on 17 March 2021. At this meeting the applicant advised that the work on the traffic and parking assessment had not commenced. Council staff indicated that the need for traffic surveys and modelling remain critical to the assessment of the application.

Meeting – 16 June 2021

A representative of the Applicant met with Council to discuss the outcome of the meeting held on 10 June 2021. It was reiterated that Council's position remains that traffic data collection and modelling need to be undertaken.

Applicant's Letter – 14 September 2021

The applicant submitted a letter to Council on 14 September 2021 seeking whether Council/the Panel would accept a proposal whereby approval of the development could be issued on a trial basis, based on a vehicle occupancy rate (VOR) of 2.7 persons per vehicle, with detailed traffic and parking surveys to be undertaken during the trial period of operation, following construction of the development, in order to determine whether the VOR was accurate, with changes made to the Operational Plan of Management should the surveys find that the VOR is otherwise.

Supplementary SSPP Briefing Meeting – 22 September 2021

A Supplementary Briefing Meeting was held with the SSPP on 22 September 2021 to discuss the matters raised in the applicant's letter of 14 September 2021. The Panel considered the applicants request for a staged approval, in the absence of a traffic and parking assessment, seeking to provide the traffic and parking information in stages as the development progressed. The Panel advised that the approval of a development application without key information that informs the assessment of that application could not be supported, and that the traffic engineers would need to resolve the matters. The Panel suggested the date of 13 December 2021 as being the date on which they would seek to have the development application reported to them for determination.

Meetings – 27 September and 1 October 2021

A further meeting was held with the Applicant and the Applicant's team on 27 September 2021 to update the applicant on the outcomes of the Supplementary Briefing Meeting, including that the Panel had suggested 13 December 2021 as the date it would seek to have the application determined. This resulted in the Applicant's Traffic Consultants meeting with Council's Traffic Consultants on 1 October 2021, to try to determine whether any common ground could be established with regard to the outstanding traffic and parking matters.

October 2021

Council wrote to a representative of the Applicant/Owners early in October 2021, to gauge what changes might be needed to the proposal in order to progress the assessment, particularly following the Supplementary Briefing of the SSPP (22 September) and the meeting of the Traffic Engineers (1 October). It was again reiterated that the traffic modelling was a critical aspect of the development, that a vehicle occupancy rate of 1.6 persons per vehicle was the only option for Council to adopt (consistent with the data previously accepted by the Court in past appeals for the site) if the applicant could not provide data to prove otherwise, and that it would be expected that the building be designed and built reflecting the maximum number of patrons likely to be on site at any one time.

November 2021

On 8 November 2021, Council received a letter from the Applicant advising that the Applicant had accepted the vehicle occupancy rate discussed by the Traffic Engineers representing both Council and the applicant (i.e. 1.6 persons per vehicle), and would be preparing amended plans based on that rate, with a commensurate reduction in the number of patrons to 531.

However, the letter included the following statements: *“the building envelope, including the height, footprint or external façade will remain – no change. The internal room function or area size will be amended to suit the abovementioned total occupancy including...praying area will be reduced...space previously for prayers...will be dedicated for other use such as storage or bookstore for library”*. The letter advised that the amended plans and details would be provided within 1-2 weeks and would require a new date to be set for a meeting with the SSPP for determination, beyond 13 December 2021 as suggested at the Supplementary Briefing Meeting on 22 September 2021.

As with all SSPP applications, Council Officers meet with the SSPP Secretariat throughout the process to advise on the progress of the application. This briefing meeting occurs on a fortnightly basis.

On 9 November 2021, the letter from the applicant received by Council on 8 November 2021 was presented to the Panel Secretariat. Based on the information that had been provided to Council since its initial request for information letter dated 25 February 2021, and the amount of time that had elapsed since that initial request for information and since the Supplementary Briefing meeting on 22 September 2021 where the 13 December 2021 date had been suggested, Council were instructed to provide a report to the SSPP Meeting on 13 December 2021 for determination of the matter. The applicant was informed of this on 10 November 2021.

On site meeting 16 November 2021

Council met to discuss the application with the owners and representatives of the Applicant. Council noted that matters raised in the 25 February letter had yet to be addressed, with agreement reached only on vehicle occupancy rates (1.6 persons per vehicle). Also discussed was the relationship between the traffic planning, maximum number of occupants, the proposed structure and operation of the various uses proposed at the site. The applicant's representatives indicated that they would likely seek to have the matter deferred on the basis that the applicant had been undertaking analyses and had progressed work in response to issues raised by Council.

Applicant's Letter 20 November 2021

The applicant submitted a letter to Council on 20 November 2021, seeking to ask the SSPP to defer the matter until such a time as amended plans and details along the lines of the Applicant's letter of 8 November 2021 could be prepared, submitted and assessed. Of note, the following is reproduced:

“The applicant agrees that 510 worshippers should be the maximum for the site and has commissioned modified plans to demonstrate how that number of worshippers could be accommodated in the Mosque. Preliminary plans have demonstrated that, with appropriate floor area for each worshipper and COVID 19 safe separation of worshippers in place, that the 510 worshippers can be accommodated in the Mosque as now proposed without undue modification to the built form.

In light of the decision of the applicant to limit the number of worshippers to 510, there is now a significant possibility that the issues originally identified by both

the Council and the Panel can be resolved. This being the case, we are of the opinion that the amount of time and money which has been invested to date by both the applicant and the Council would be wasted if the application were to be determined based on the current information available. As such, we respectfully request that the Panel defer its determination of the application until such time as the modified plans and accompanying reports are finalised to allow the Council Town Planning Staff to provide revised assessment of the proposed development.”

This letter was presented to the Panel Secretariat at Council’s fortnightly briefing meeting on 23 November 2021 and discussed with the Panel Chair. Council were advised to submit the report for the meeting on 13 December 2021, where the full Panel would hear any request for the matter to be deferred.

29 November 2021

At the time of finalising this report, no amended plans have been submitted in response to Council’s RFI letter dated 25 February 2021. The items raised in the RFI letter remain outstanding, and the following assessment is based on the information before Council at the current time.

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Statutory Considerations

When determining this application, the relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP 2)
- Bankstown Local Environmental Plan 2015 (BLEP 2015)
- Bankstown Development Control Plan 2015 (BDGP 2015)
- Bankstown Development Contributions Plan

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011

The development is defined as ‘regionally significant development’, being works for the purposes of “Private Infrastructure and Community Facilities” with a capital investment value exceeding \$5million, in accordance with Clause 20(1) and Schedule 7 – Regionally Significant Development of State Environmental Planning Policy (State and Regional Development) 2011.

As such, the matter is reported to the Sydney South Planning Panel, as the consent authority in accordance with Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979*.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 – Remediation of Land requires the consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

The applicant has submitted a contamination report. Council's Environmental Health Officer has reviewed the document and is satisfied subject to the imposition of suitable conditions of consent. Accordingly, the submitted documentation demonstrates that the site is suitable for the purpose of the proposed development in accordance with SEPP 55 – Remediation of Land.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The proposal is Traffic Generating Development in accordance with Clause 104 of the Infrastructure SEPP, being development that proposes more than 200 car parking spaces.

The application was referred to Transport for New South Wales (TfNSW) who, on 25 November 2020, advised as follows:

TfNSW has reviewed the submitted application and due to the developments proximity to the network raises no objection to the application as it is unlikely to have a significant impact onto the classified road network.

As such, TfNSW are satisfied there will be no impact on the classified road network. The local road impacts will be discussed in later sections of this report.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP 2)

The site is located within land identified as being affected by Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, (being a deemed SEPP under Clause 120 of Schedule 6 of the *Environmental Planning and Assessment Act, 1979*, as in force on 1 July 2009).

The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

Bankstown Local Environmental Plan 2015

The following clauses of the Bankstown Local Environmental Plan 2015 (BLEP 2015) were taken into consideration:

Clause 1.2 – Aims of Plan
Clause 2.1 – Land use zones
Clause 2.3 – Zone objectives and Land Use Table
Clause 2.7 – Demolition requires development consent
Clause 4.4 – Floor space ratio (note: proposed development has FSR of 0.9:1)
Clause 4.5 – Calculation of floor space ratio and site area
Clause 6.1 – Acid Sulfate Soils
Clause 6.2 – Earthworks

An assessment of the Development Application revealed that the proposal fails to comply with the provisions of Bankstown Local Environmental Plan 2015 relating to the following

Clause 1.2 – Aims of Plan

The following relevant aims of the BLEP 2015 are considered to have not been satisfactorily addressed:

- 1.2(2)(j) *to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network*
- (k) *to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network*

As detailed in later sections of the report, the impact of the proposed development, which is considered to be an intensive trip generating activity, has not been demonstrated to be '*limited*' with regard to additional traffic likely to be generated as a result of the proposed development, nor has it been demonstrated that the capacity of the road network can accommodate the proposed development.

Clause 2.3 – Zone objectives and Land Use Table

The following relevant objectives of the IN2 Light Industrial zone are considered to have not been satisfactorily addressed:

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

As proposed, the development is intended to cater for 1500 patrons, along with other ancillary uses on the site, a number of which will cater for large numbers of people. The development as proposed is captured as being 'regionally significant' and the information submitted appears to indicate that the attendees of the premises will be drawn from significant distances away. It does not appear that this 'other land use' -

as envisaged in the objectives of the IN2 Light Industrial zone - will provide facilities or services to meet the 'day to day needs of workers in the area'. Rather it appears to be catering for a much larger catchment than the zone objectives anticipate.

Based on the above, the proposed development is considered to be inconsistent with the objectives of the zone.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

Draft Canterbury Bankstown Local Environmental Plan 2021

The draft Canterbury Bankstown LEP 2021 is essentially an administrative update, consolidating the provisions of the BLEP 2015 and CLEP 2012. The proposed development is not inconsistent with any additional relevant provisions contained within the draft CBLEP 2021, beyond those already covered in the assessment of the Development Application against the BLEP 2015, above.

Development control plans [section 4.15(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Part B8 (Places of Public Worship) of Bankstown Development Control Plan 2015.

STANDARD	PROPOSED	BDCP 2015 PART B8		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
CI 3.5 – Traffic Management: environmental capacity	Not demonstrated	Not result in a street in the vicinity to exceed the max. environmental capacity	No – see below	Fails Clause 1.2 Aims of Plan and is inconsistent with zone objectives – see above
CI 3.6 – Traffic Management: level of service	Not demonstrated	Not result in a street intersection in the vicinity to have a level of service below Level B or must maintain the existing level of absolute delay of that intersection	No – see below	Fails Clause 1.2 Aims of Plan and is inconsistent with zone objectives – see above
CI 3.7 – Traffic Impact Studies	A Traffic Impact Assessment (TIA) report was provided	Traffic Impact study must be submitted addressing Clause 3.7	No – see below	Fails Clause 1.2 Aims of Plan and is inconsistent with zone objectives – see above
CI 3.8 – Temporal spacing of services	TIA relies on 1 hour flows into and out of car park, preceding and following services	To ensure adequate traffic flow, worship services shall not commence until 30 mins have elapsed following the completion of any preceding service	See below	Fails Clause 1.2 Aims of Plan and is inconsistent with zone objectives – see above
CI 4.8 – Height and Bankstown Airport	Spire >20m above natural ground level	Referral to Bankstown Airport for consideration of operational requirements	Yes - Bankstown Airport have no objection to proposed height	N/A
CI 4.9 - setbacks	While no dimensions have been provided, it appears that the	10m	No – see below	N/A

STANDARD	PROPOSED	BDCP 2015 PART B8		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
	minimum required setback has not been satisfied			
Cl 6.1 - Parking	332 Spaces	332 spaces (1 space per 5sq m of assembly area), plus parking for ancillary uses to be provided on the basis of a Parking Study as per Cl 2.2 of Part B5 (Parking),	No – see below	Fails Clause 1.2 Aims of Plan and is inconsistent with zone objectives – see above
Cl 8.16 – Deep Soil Zones	While no dimensions have been provided, it appears that the minimum required setback has not been satisfied	9m to primary frontage 5m to side and rear boundaries	No – see below	N/A
Section 9 – Ancillary Uses	Multiple ancillary uses proposed	Must demonstrate consideration as to whether ancillary uses will cause nuisance by way of traffic movement	No – see below	Fails Clause 1.2 Aims of Plan and is inconsistent with zone objectives – see above

Traffic and Parking

Of relevance, Section 3 of Part B8 of the BDCP 2015 deals with Location and Traffic Management with regard to Places of Public Worship. The objectives of Section 3 are reproduced as follows:

Objectives

The objectives are:

- (a) To maintain the amenity and character of residential areas.*
- (b) To ensure the size of site is suitable to accommodate a place of public worship.*
- (c) To ensure the most suitable location is achieved, by consideration of the physical constraints of the site.*
- (d) To encourage intensive trip generating places of public worship in locations most accessible to rail transport.*
- (e) To ensure the location and size of places of public worship maintain the existing environmental capacity and service levels of streets.*
- (f) To avoid places of public worship locating within close proximity to another existing or approved place of public worship unless it can be demonstrated that the cumulative impacts relating to traffic generation and on-street parking are within acceptable limits for the area.*
- (g) To limit the size of places of public worship in and in the vicinity of established residential areas to ensure this type of trip generating activity does not adversely impact on the existing residential amenity.*

Clauses 3.5 to 3.8 of Part B8 of the BDCP 2015 are of particular relevance to the assessment of Traffic and Parking, and are reproduced as follows:

Traffic management–environmental capacity

- 3.5 *Development for the purpose of places of public worship must not result in a street in the vicinity of the development site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street.*

This clause applies to places of public worship in the residential zones, the special use zone and the industrial zones.

Traffic management–level of service

- 3.6 *Development for the purpose of places of public worship must not result in a street intersection in the vicinity of the development site to have a level of service below Level B. If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection.*

This clause applies to places of public worship in the residential zones, the special use zone and the industrial zones.

Traffic impact studies

- 3.7 *Development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine:*

Existing conditions

- (a) *Existing volumes and environmental capacity of streets adjacent to the development.*
- (b) *Existing volumes and level of service of street intersections in the vicinity of the development.*
- (c) *Existing public transport services in the vicinity of the development.*
- (d) *Existing clearway and peak period parking restrictions that apply to streets adjacent to the development.*
- (e) *Existing proposals for improvements to the adjacent road system.*

Proposed conditions

- (f) *The proposed amount of traffic generation and trip distribution of the development.*
- (g) *The proposed parking provision of the development.*
- (h) *The proposed number of buses likely to service the development.*
- (i) *The proposed safety and efficiency of access between the development and the adjacent road network.*
- (j) *The proposed safety and efficiency of the internal road layout including the set-down and pick-up areas, bus bays, service areas and car parks.*
- (k) *The impact of the proposed generated traffic on the environmental capacity of streets adjacent to the development.*
- (l) *The impact of the proposed generated traffic on the level of service of street intersections in the vicinity of the development.*
- (m) *The impact of the proposed generated traffic on road safety and traffic noise.*

- (n) *The impact of the proposed generated traffic on other major traffic generating development in close proximity.*
- (o) *Whether the development must take certain measures to reduce the impact of the proposed generated traffic to an acceptable level. Measures may include a reduction in the size of assembly areas or the installation of public traffic management devices at the applicant's expense.*
- (p) *Where there are celebration events or other large events attracting larger than average numbers of vehicles, the Traffic Impact Study must assess the traffic and parking impact of these events on surrounding streets, and the measures proposed to minimise any potential impact.*

3.8 *To ensure adequate traffic flow, worship services shall not commence until thirty minutes have elapsed following the completion of any preceding service. This requirement may be imposed as a condition of development consent.*

Section 6 of Part B8 of the BDCP 2015 relates to Access and Parking. Of relevance is the following objective of Section 6:

Objectives

The objectives are:

- (a) To minimise the impact of street parking on adjoining development*

Clause 6.1 of Part B8 of the BDCP 2015 goes on to require the following:

Parking

6.1 *Development must comply with Part B5 of this DCP*

Relevantly, Clause 2.2 of Part B5 (Parking) of the BDCP 2015 includes a table which stipulates the parking rate for certain land uses.

Places of public worship	<p>Car parking must be provided on-site at a minimum rate of 1 car space per 5m² of the assembly area.</p> <p>Car parking for ancillary uses and social / special events must be provided on-site on the basis of a Parking Study, to be submitted with the development application.</p>
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The issues of traffic and parking and the implications for the wider road network as a result of the proposed development operating at peak capacity are considered to be the primary issues of concern for Council.

In order to address the above requirements of Part B8 of the BDCP 2015, Council engaged McLaren Traffic Engineers to undertake an independent review of the Traffic Impact Assessment report prepared by PDC Consultants (the 'PDC Report'), which specifically addresses the traffic and parking impacts of the proposed development.

As noted in the Background/History section of this report, two previous DAs have been approved on site, both via the NSW Land and Environment Court. McLaren Traffic Engineers represented Council in the most recent of those previous matters. It was considered appropriate in terms of maintaining a level of consistency to engage McLaren to independently review the subject application. It is also noted that the Traffic Consultant for the applicant, PDC Consultants, also acted as the Traffic expert for the Applicant in the most recent court matter on the site.

The findings of this review and an indication as to whether the findings and, subsequently, the requirements of Part B8 of the BDCP 2015, have been satisfactorily addressed, are outlined in detail in the following subsections.

Insufficient Information / Assessment

McLaren found that the PDC Report does not accurately estimate the parking or traffic demand associated with the proposed development.

Without the accurate assessment of traffic and parking demand associated with the proposal, it is difficult to determine if the proposal has acceptable traffic and parking impacts.

It was noted in the PDC Report that all uses on the site will cease to operate between 11:00am to 3:00pm Friday with the exception of the Place of Worship but gives no indication of how this will be enforced or managed.

Considering the variety of the uses on-site, this potentially does not appear to be a feasible arrangement. There is potential that the combined nature of all vehicles leaving and entering the site during the abovementioned forced closure of all uses on-site, with the exception of the Place of Worship, could be significant and has not been assessed from a traffic impact perspective.

There needs to be further discussion in the Traffic Impact Assessment as to what impact the forced closure of other uses on the site will have on traffic generation. This has not been provided.

A Traffic Management Plan needs to be provided based upon the findings and recommendations within the Traffic Report, as informed by the Operational Plan of Management, to assist in managing development-generated traffic where required. Again, this has not been provided.

The above matters are critical to the resolution of traffic and parking issues associated with the site. Despite being requested on 25 February 2021, this information has not been provided to Council for assessment.

Parking Demand

McLaren's review found that the PDC Report does not adequately assess the parking demand of the proposed development. There are concerns relating to

the adopted methodology in determining car parking demand for the subject site/development.

Part B5 (Parking) of the BDCP 2015 – Schedule: Off-Street Parking Requirement states the following:

Places of Public Worship

Car parking must be provided on-site at a minimum rate of 1 car space per 5m² of the assembly area

Car parking for ancillary uses and social / special events must be provided on-site on the basis of a Parking Study, to be submitted with the development application.

The car parking rates in Part B5 of the BDCP 2015 set out the minimum car parking rates applicable to the proposed Place of Worship. The above DCP rate does not necessarily mean that all parking demands of the proposal will be contained on-site. An accurate estimation of the maximum car parking demand generated by the proposed Place of Worship will be required to be provided in order to identify the proposed development impacts. Specifically, any overflow parking impacts generated by the proposed development needs to be fully identified.

The Statement of Environmental Effects states that the accommodation rooms will be used by presenters to the various workshops, lectures halls and community meetings. This contradicts what is stated within the PDC Report, which states “*The accommodation rooms will be an ancillary use associated with the Place of Worship and will not generate any parking demand*”. Council has identified that the PDC Report needed to provide further detail with regard to this aspect of the use and demonstrate why it can be considered to not generate any parking demand, and this has not been provided.

The PDC Report states the following “*The parking demand of all other uses was assessed using car parking rates that were derived from surveys of the existing development. This is the most appropriate methodology noting the BDCP 2015 does not include car parking rates for the other uses proposed.*” Whilst Clause 2.1 of Part B5 of the BDCP 2015 does not outline car parking rates for community facilities, Clause 2.2 of Part B5 of the BDCP 2015 states that a parking study is required to establish the required car parking for uses not listed in Clause 2.1. A comparison to various land uses within the BDCP 2015 and/or the TfNSW Guide to Traffic Generating Developments 2002 should be adopted to attempt to estimate car parking requirements for the proposal. There are guidelines available to at least attempt to provide an estimate of parking demand for various uses on-site as per the following:

- Business premises / office premises;
- Hotel or motel accommodation;
- Restaurants;

- Gymnasiums;
- Recreational facilities.

As such, there is a lack of assessment as to whether the adopted car parking rates for the community facility is appropriate for the proposed development.

Notwithstanding the above, the PDC Report adopts questionnaire survey results to determine car parking rates from the built development (DA-552/2015). The subject proposal is substantially different and larger in scale, such that these rates cannot be relied upon to determine the community centre car parking demand. The catchment areas for the subject proposal are expected to be substantially different due to the scale of the proposal in comparison to previous approvals.

In addition, the proposed development will have substantially higher density at the site due to the proposed development such that patron numbers attending the gymnasium and recreational facilities are likely to increase well above previous attendance levels. There is a lack of information within the PDC Report on how patron numbers were derived for the gym and recreational areas.

The proposed development satisfies the minimum parking space requirements as stipulated within Council's DCP when assessed against the scale of the Place of Public Worship only, although as stated above, the PDC Report has not accurately reflected the actual car parking demand for the proposed site. There have not been any occupancy surveys of other Places of Worship to determine an appropriate car parking rate for the proposed site nor does the PDC Report reference any of the survey data previously undertaken from the prior Development Applications (DA-552/2015 & DA-1267/2016). As the plans identify 1,500 prayer mats, it can be assumed that a maximum of 1,500 patrons can be on-site at any one-time during times at which the Place of Worship is in use at peak demand.

Adopting the assumption that all car parking spaces on-site will be capable of being used for the Place of Worship relates to a vehicle occupancy of 4.52 patrons per vehicle. This is not supported. This occupancy rate needs to be verified with numerical and survey data of similar uses and Council requested this data.

In previous court cases related to the property, a vehicle occupancy rate of 1.6 persons per vehicle had been accepted. Given the current Pandemic, if the applicant were able to undertake surveys of other facilities, any surveys undertaken at this point in time would be influenced by the Pandemic and would not reflect true patronage over the life of the development. This is further complicated by the applicant's indication that there are no comparable facilities of this size and that other facilities have denied access for survey purposes. Given the inability of the applicant to now gain survey data of other facilities that would provide any meaningful insights regarding usage once the Pandemic ceases, the vehicle occupancy rate of 1.6 persons per vehicle that was used in Court proceedings has been agreed by Council and the applicant. Applying a

vehicle occupancy rate of 1.6 persons per vehicle to a facility with a prayer hall capacity of 1,500 patrons yields a car parking requirement of 934 parking spaces.

Based on the above, there is a significant parking shortfall which needs to be addressed. The PDC Report does not establish an appropriate vehicle occupancy rate, based on other similar uses.

The alternative is to restrict the Place of Worship patronage to a patronage limit with the on-site car parking supply for that specific use after discounting other on-site car parking associated with other land use activities at that time. Under this methodology, the Place of Worship patronage limit at noon on Fridays would at most be limited to 531 persons in total (i.e. 332 car parking spaces x 1.6 persons per vehicle). This is not considered to be an acceptable or viable outcome given that the proposed capacity of the facility as proposed is 1,500 patrons.

No parking surveys of the on-street car parking areas have been conducted. This is required to accurately assess the availability of on-street parking during periods of overflow parking.

Council accepts that there will likely be a need to rely on overflow parking at the times of greatest use on the site. However, the impact of this overflow needs to be determined and demonstrated, in order for Council to arrive at an acceptable level of impact, based on the capacity of the surrounding streets to accommodate overflow parking (if at all). This has not been demonstrated, meaning the impacts cannot be quantified. However, the need for parking for an additional 602 vehicles beyond those provided on site is considered likely to result in unacceptable impacts on the capacity and operation of the surrounding road network.

Traffic Generation – Proposal

No justification or evidence has been provided demonstrating that all vehicles will arrive and depart the site over a one-hour period. Place of Worship services typically generate all patron arrival and departure over a 30-minute period, which also includes the persons who arrive early for set up purposes (eg staff) and depart the site after social interaction.

The SIDRA modelling should be undertaken over a 30 minute period rather than a one hour period, consistent with Clause 3.8 of Part B8 of the BDCP 2015. The PDC Report confirms this from the following extract *“While some patrons will seek to exit the site immediately after the conclusion of the prayer, it is expected that a considerable proportion of patrons would remain on-site for approximately 15 -30 minutes for social reasons before seeking to exit the site in their car”*. This has been requested by Council, but has not been provided.

The methodology adopted for the estimated traffic generation of the subject site is based upon a first principal assessment, based purely upon the number of car parking spaces provided on-site. Considering the significant shortfalls noted in

Parking Demand above, the estimated traffic generation is not supported and would require a more robust methodology that addresses actual activity levels expected by the variable occupancy levels (eg family vs single adults) for the patronage profile levels for a typical week and for special events, including sensitivity testing, in order to accurately assess the traffic impact of the proposed development. This has not occurred or been provided to Council.

Council had suggested that consideration should be made to gathering existing traffic flow data if the site has been constructed and occupied as per DA-1267/2016. Baseline patronages, car parking and traffic generation levels should be identified from surveys of existing traffic and parking conditions. This has not been provided.

Further, the PDC Report gives no indication of when the existing traffic flow data was surveyed, which is evident by the fact that no raw survey data is provided within the report nor any reference to a surveyed year. It would appear that the base case traffic volumes surveyed are not current. Council has requested that updated traffic surveys need to be undertaken and the findings carefully considered due to current conditions and associated on-site patronage levels.

As the surveyed data has not been provided, detailed comments in regards to the adopted trip distribution cannot be resolved. The PDC Report does not detail what the adopted trip distribution is with percentages, it just provides a traffic distribution diagram making it difficult to determine if the adopted trip distribution is reasonable.

Based upon the traffic distribution diagrams the following distributions can be derived:

- AM Peak – 55% inbound from Fairford Road;
- AM Peak – 45% from Watson Road;
- AM Peak – 50 / 50 split east and west at the intersection of Enterprise Avenue / Watson Road for outbound traffic;
- Midday Peak - 50 / 50 split east and west at the intersection of Enterprise Avenue / Watson Road for both inbound and outbound.
- PM Peak - 50 / 50 split east and west at the intersection of Enterprise Avenue / Watson Road for inbound traffic;
- PM Peak – 45% outbound to Fairford Road;
- PM Peak – 55% outbound to the west.

The adopted trip distribution is questioned, based on the fact that the Friday Prayer is associated with patrons arriving from places of work. The large arrival and departure rates to the west appear to be associated with residential areas and not places of work. Further, during the AM and PM weekday peak hour periods, there is likely to be a larger distribution from localised arterial roads compared to residential areas.

Council has requested further justification to satisfy that the adopted trip distribution is reflective of likely traffic distribution to and from the site, including

the provision of a catchment study identifying robust patronage arrival and departure routes associated with Worshipper residential areas (weekday AM and PM peak) and from places of work (Friday Midday Peak). This has not been provided.

The PDC Report states “*The RMS Guide does not include a traffic generation rate for mixed-use development such as the proposal*”. While this is generally true, it is typically accepted that each component of a mixed-use development is assessed individually and totalled. The proposed gym, café/restaurant and recreational facility can be estimated using *RTA Guide to Traffic Generating Developments 2002*, with the Place of Worship being estimated based upon an accurate survey of a similar land use. The same applies to a car parking demand profile for peak usage times.

In view of the above, Council requested that the SIDRA assessments be reassessed with more recent traffic survey data of the surrounding site, a revised future traffic generation of the site, revised trip distribution and impact of the shorter time 30-minute arrival and departure periods for the Friday Midday Prayer. This has not occurred and hence an assessment cannot be made.

The PDC Report does not provide any commentary in relation to calibration and validation of the base case modelling undertaken, specifically in relation to the adopted signal phasing, cycle times and phase times. The Traffic Control Signal Plan should be considered and provided in addition to ‘in practice’ operations of the signalised intersection of Fairford Road / Watson Road and assessed against the outputs provided in SIDRA. As this has not occurred, it is unlikely that any assumptions can be made about the impact of these factors, and therefore a full assessment cannot be undertaken.

Vehicular Queuing

Vehicular queuing analysis was not undertaken within the PDC Report. As the traffic and parking demand for the site is tidal (most patrons will access and egress the site at the same time), it is expected that queues will be generated which may overspill onto Enterprise Avenue and potentially create vehicular queuing issues within Watson Road due to the scale of the proposal. No details of any staggering, if possible, is provided to reduce peak car parking demand and traffic generation. The approach along Watson Road is a single traffic flow lane from Fairford Road. A more robust traffic impact assessment of the potential creation of vehicle queues along Watson Road would indicate the likely impacts along both Enterprise Avenue and Fairford Road. In the absence of such a report, an accurate assessment is unable to be made.

Consideration has not been given to queuing impacts at the site driveway and at the intersections of Enterprise Avenue / Watson Road and at Fairford Road / Davies Road. This is critical in the assessment of the impacts of the proposed development on the capacity and operation of the surrounding road network.

Design

The PDC Report only assesses the vehicular access design requirements under the Friday Prayer arrangement which would be tidal in nature. A standalone Place of Worship would exhibit tidal traffic flow conditions; however the proposal is not a standalone Place of Worship. As proposed, in addition to the Friday Prayer the site will operate with two-way traffic flow conditions related to the other on-site land use activities and as such Council requested that consideration be made to design requirements outside of the Friday Prayer. This has not occurred and so the issue remains.

The access driveway is closely located to 14 Enterprise Avenue, which requires reverse exit manoeuvres out of the driveway. Vehicles leaving 14 Enterprise Avenue will reverse into exiting traffic blindly and the subject driveway significantly intensifies the traffic generation of the driveway. Council requested that consideration be given to a greater offset to avoid vehicle-vehicle collisions. This has not occurred and the issue remains unaddressed.

The PDC Report indicates that there will be negligible pedestrian volumes walking past the subject driveway. If there is overflow parking, which is likely when a proper assessment has been completed for 1,500 patrons, there will be high pedestrian volumes walking past the site driveway. Further, the basement car park is to service some 311 car parking spaces and as such the driveway would be considered a Category 4 access facility under *Table 3.1 of AS2890.1:2004*. A Category 4 access facility driveway requires separate entry and exit driveways of 6-8m in width each, which should be accommodated within the design. As such, Council indicated that separate entry and exit driveways, separated by a minimum of 2m, be incorporated. This has not been provided.

Disabled car parking space numbers 133 and 134 (Basement 01) are not well located and should be relocated closer to the lifts. These proposed two accessible spaces and the Male Ablution Area is at a key intersection and will attract all the exiting volume of vehicular traffic flow from the entire parking module (Basement 01 & Basement 02). Both the Ablution Area and the two accessible parking bays should be relocated away from this main vehicular junction and vehicular ramp landing, for pedestrian safety. Due to the proximity to the vehicular ramp landing, drivers will not have sufficient time/distance to react to slow moving individuals who utilise mobility aids (wheelchair, frames etc.) travelling between lifts and accessible spaces/Ablution amenities.

For the safe pedestrian navigation of the parking module, it was suggested that these aspects of the parking layout be relocated, in accordance with the safety performance criteria of the BCA and associated Disability (Access to Premises — Buildings) Standards 2010. The applicant did not provide details to address this issue.

The applicant has not provided vehicular swept analysis demonstrating vehicles can turn, pass one another or enter and exit parking bays, particularly the following key areas;

- Basement 2 lower vehicular ramp landing at each direction
- Ramp between Basement 1 & Basement – upper landing
- Basement 1 & 2 corners, opposite to parking bay no. 125 (B01) and bay no. 127 (B02) respectively.
- Vehicles entering and exiting bay no. 147 (Basement 01) whilst maintaining the required 2.2m vehicular height clearance.

The proposed carpark layout amendments to the existing section (19 Enterprise Avenue) propose tandem parking bays. In the absence of dimensions, it appears these bays do not have the required length of 5.4m for each bay.

The issues of traffic and parking and the implications for the wider road network as a result of the proposed development operating at peak capacity are considered to be the primary issues for Council.

Since the matters were raised on 25 February 2021, there have been numerous meetings between Council and the Applicant and the Applicants team of consultants and the owners/operators of the site. There have also been meetings specifically held between Council's Traffic Consultants and the Applicants Traffic Consultants, in an attempt to find any common ground or way to move forward on traffic and parking matters. The only progress that has been made on this matter is that an agreement has been reached that the vehicle occupancy rate (VOR) should be set at 1.6 persons per vehicle for the Place of Public Worship use.

However, the agreement on this aspect only eliminates the requirement for the applicant to undertake Travel Mode Surveys in order to determine the VOR. This does not negate the need for the operation of the road network to be modeled, based on the impact of vehicles attending the site based on this VOR. A detailed analysis still needs to be undertaken by the Applicant, around the modelling of the operation of the proposed development based on the agreed VOR, and the impact this will have based on the number of patrons and how many vehicles will attend the site. Council's traffic consultants would then need to review such modelling, in order to ensure the veracity of the exercise undertaken.

The outstanding information originally requested by Council with regard to traffic and parking remains relevant, apart from the need to establish and prove a vehicle occupancy rate, as agreement on this has been reached. Otherwise, all other outstanding items need to be addressed, and this has not occurred. In the absence of such, the only conclusion Council can reach is that the impacts of the proposed development on traffic and parking in the surrounding road network either cannot be determined or, where they can be determined, cannot be supported.

On this basis, the development cannot be considered to have demonstrated compliance with Objectives (d), (e) and (g) of Section 3 and Objective (a) of Section 6 of Part B8 of the BDCP 2015, or the requirements of Clauses 3.5, 3.6, 3.7, 3.8 and 6.1 of Part B8 of the BDCP 2015, or Clause 2.1 of Part B5 of the BDCP 2015.

Setbacks

Clause 4.9 of Part B8 of the BDCP 2015 requires a 10m minimum setback from Enterprise Avenue to any building structure. The site plans submitted with the application do not include dimensions of any setbacks, however it is clear from the plans that this setback will not be achieved. Based on this assessment, the development as proposed fails to comply with the minimum setback requirements.

Deep Soil Zones

Clause 8.16 of Part B8 of the BDCP 2015 requires 9m wide deep soil zones along the primary frontage of the site and 5m wide deep soil zones to be provided along the side and rear setbacks of the site. The site plans submitted with the application do not include dimensions of any setbacks, however it appears unlikely that the development as proposed will meet these requirements. Based on this assessment, the development as proposed fails to comply with the required minimum deep soil zone requirements.

Ancillary Uses

Section 9 of Part B8 of the BDCP 2015 relates to Ancillary Uses. The following objectives apply:

Objectives

The objectives are:

- (a) To ensure ancillary uses are compatible with the prevailing character and amenity of the locality of the area*
- (b) To ensure ancillary uses do not adversely impact on the residential amenity of neighbouring dwellings and the surrounding area*

Clause 9.2 of Part B8 of the BDCP 2015 includes the following relevant matter:

9.2 The design, construction and operation of ancillary uses must take into consideration the following matters:

...

- (e) whether the proposed development will otherwise cause nuisance to residents by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like...*

At this stage, Council's assessment of the appropriateness of the proposed ancillary uses is dependent on an updated assessment of the Traffic and Parking implications of the proposal. No definitive comment can be provided on the ancillary uses until such time as the traffic and parking issues have been satisfactorily resolved. There are also discrepancies between the submitted Statement of Environmental Effects (SEE) and the Operational Plan of Management (PoM) with regard to the use of the three lecture halls and which activities occur within them and at what time (Lecture Halls 2 and 3 are variously called Lecture Hall 2 Level 1 and Lecture Hall 2 Level 2 in detail provided

in the PoM, and there is some inconsistency as to whether the workshops will occur in Lecture Hall 1 – as per the SEE, or Lecture Hall 2 Level 1 – as per the PoM).

Regardless, whilst the Traffic and Parking impacts of the development remain unresolved Council cannot determine whether the proposed ancillary uses will be acceptable (as per the objectives of Section 9 of Part B8 of the BDCP 2015), especially in relation to traffic and parking (as required under Clause 9.2 (e) of Part B8 of the BDCP 2015). As such, Council cannot determine whether the proposed Ancillary Uses are appropriate and therefore cannot support this aspect of the development.

Applicant's Letter dated 20 November 2021

As noted in the Background/History section of this report, on 20 November 2021, the applicant submitted a letter requesting that the Panel consider deferring the matter, on the basis that amended plans would soon be submitted attempting to address the outstanding matters.

Specifically, the letter mentioned the agreement between the Traffic Consultants that a vehicle occupancy rate of 1.6 person per vehicle be adopted. On this basis, with 332 parking spaces provided on site, this rate would allow for 510 patrons (noting that $332 \times 1.6 = 531$). The letter goes on to say the following:

“The applicant agrees that 510 worshippers should be the maximum for the site and has commissioned modified plans to demonstrate how that number of worshippers could be accommodated in the Mosque. Preliminary plans have demonstrated that, with appropriate floor area for each worshipper and COVID 19 safe separation of worshippers in place, that the 510 worshippers can be accommodated in the Mosque as now proposed without undue modification to the built form.

In light of the decision of the applicant to limit the number of worshippers to 510, there is now a significant possibility that the issues originally identified by both the Council and the Panel can be resolved. This being the case, we are of the opinion that the amount of time and money which has been invested to date by both the applicant and the Council would be wasted if the application were to be determined based on the current information available. As such, we respectfully request that the Panel defer its determination of the application until such time as the modified plans and accompanying reports are finalised to allow the Council Town Planning Staff to provide revised assessment of the proposed development.”

Again, it should be noted that at the time of writing this report, no amended plans or information has been received. However, it is relevant to point out that the following extract from the above is important:

“Preliminary plans have demonstrated that, with appropriate floor area for each worshipper and COVID 19 safe separation of worshippers in place, that the 510 worshippers can be accommodated in the Mosque as now proposed without undue modification to the built form.”

Regardless of the detail provided in any amended plans and other relevant information (including detailed traffic modelling around the environmental capacity of the surrounding road network and level of service at relevant intersections, relating to both the place of public worship and the various proposed ancillary uses), it would be expected that amended plans that seek to reduce the number of patrons would result in a building design reflecting the maximum number of patrons likely to be on site at any one time. As the plans currently demonstrate the proposed development can cater for up to 1,500 patrons. To suggest that the capacity can be reduced by almost two thirds, from 1,500 to 510, “*without undue modification to the built form*” will likely create an issue for Council in terms of the likely future capacity of the premises and its associated impacts and may impact the ability of Council to recommend that the Panel support any future amended proposal for a reduction in the number of patrons.

Planning agreements [section 4.15(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000. Of specific relevance is Clause 54 of the Regulations, which permits the consent authority to request additional information.

In accordance with Section 4.7(2)(b) of the *Environmental Planning and Assessment Act, 1979*, the undertaking of the assessment of regionally significant development is a consent authority function that is completed by Council on behalf of the Panel. As such, Council may request the additional information it deems necessary in order to complete its assessment of the development application and provide a report to the Panel for determination. In this instance, the information was requested via a letter to the Applicant (and separately published on the NSW Planning Portal) on 25 February 2021. In accordance with Clause 55(6) of the Regulations, the applicant has not submitted the information requested by Council and is therefore taken to have notified the consent authority that the information will not be provided, and the application can therefore be dealt with accordingly.

As such, it is considered that the relevant provisions of the Regulations have been appropriately addressed.

The likely impacts of the development [section 4.15(1)(b)]

As detailed in the above sections of the report, the development application has not satisfactorily demonstrated the impact of the proposal on the road network. Without sufficient information being provided to allow Council to assess the impact of the proposed development on the surrounding road network, the only conclusion that Council can reach is that the proposal may result in impacts on the surrounding road network that cannot be supported.

This report has also identified other issues which exist relating to the built form of the development, primarily around setbacks and landscaping/deep soil provisions. As

these issues remain unaddressed, it is considered that the proposal will not positively contribute to the locality.

Suitability of the site [section 4.15(1)(c)]

Based on the above assessment, there is insufficient information provided to Council to properly assess the development application. In the absence of the requested information, Council are unable to form any other view than that the site is likely to be unsuitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised/notified for a period of twenty-one (21) days. Thirty-one unique submissions were received during this period, a combination of which either demonstrate support for the proposal or raise concerns relating to the following matters:

- Significant traffic impacts and additional congestion
- Disconnect between patronage numbers and parking spaces provided
- Safety implications of additional traffic on existing School and other uses nearby
- Impact on industrial uses in Enterprise Avenue, including loss of on-street parking
- Impact on existing community
- Impacts on pedestrian safety at nearby school in Watson Road
- Noise/Acoustic Impacts
- Site is unsuitable. A more suitable location should be found
- How does this service local residents, when census data does not show this religion as one of the most populous
- 'Development creep' through multiple applications over the years
- Patronage numbers cannot be relied upon as people 'will not be turned away' and maximums therefore will be meaningless
- Large vehicles (B-doubles) in Industrial street – parking and manoeuvring implications if parking overflows
- Impact on Emergency vehicles accessing the street

In its letter of 25 February 2021, Council requested that the applicant provide a response to the above issues raised in submissions. To date, no specific response has been provided to the items listed above, nor has any additional information been submitted in response to Council's request for additional information letter dated 25 February 2021. Council shares a number of the concerns raised in the submissions, primarily in relation to the potential traffic and car parking implications of the proposal. As such, the only conclusion that Council can reach is that the matters raised in submissions have not been satisfactorily addressed.

The public interest [section 4.15(1)(e)]

Based on the assessment above, there are significant concerns that either (a) important elements of the proposal and the associated likely impacts are unable to be assessed due to a lack of information, and (b) based on what elements can be

assessed, there are concerns regarding potential traffic and car parking impacts and built form impacts.

The car parking and traffic impacts have the potential to adversely affect the road network and on-street car parking and it is considered that the approval of the proposed development would not be in the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the matters for consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, an assessment against the provisions contained in Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

Based on the assessment of the development application contained in this report, the application fails to satisfactorily address the requirements of numerous pieces of the above legislation, which is primarily due to the lack of information provided to Council by the Applicant in order to address outstanding matters of concern. In the absence of the necessary information required to undertake a full and proper assessment of the proposed development, the application is recommended for refusal.

RECOMMENDATION

It is recommended that the application be refused, for the following reasons:

1. The proposed development is not consistent with Clause 1.2(2)(j) of the Bankstown Local Environmental Plan 2015 being the Aim of the Plan that deals with potential impact of traffic on the local road network [pursuant to Clause 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act, 1979*]
2. The proposed development is not consistent with Clause 1.2(2)(k) of the Bankstown Local Environmental Plan 2015 being the Aim of the Plan that deals with the cumulative impact on the capacity of the road network [pursuant to Clause 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act, 1979*].
3. The proposed development is not consistent with the objectives of the IN2 Light Industrial Zone under Clause 2.3(2) of the Bankstown Local Environmental Plan 2015 [pursuant to Clause 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*].
4. Insufficient information has been submitted to address Clause 3.5 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to the environmental capacity of the street [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
5. Insufficient information has been submitted to address Clause 3.6 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in

relation to the level of services of intersections [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].

6. Insufficient information has been provided in the Traffic Impact Assessment submitted to address Clause 3.7 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
7. The information submitted in the Traffic Impact Assessment fails to adequately address Clause 3.8 of the Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to the timing of events and the associated generation of traffic [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
8. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (d) of Section 3 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to encourage intensive trip generating places of public worship in locations most accessible to rail transport [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
9. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (e) of Section 3 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to ensure the location and size of places of public worship maintain the existing environmental capacity and service levels of streets [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
10. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (g) of Section 3 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to limit the size of places of public worship in and in the vicinity of established residential areas to ensure this type of trip generating activity does not adversely impact on the existing residential amenity [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
11. Insufficient information has been submitted to address Clause 6.1 of Part B8 (Places of Public Worship) and Clause 2.1 of Part B5 (Parking) of the Bankstown Development Control Plan 2015 in relation to car parking [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
12. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (a) of Section 6 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to minimise the impact of street parking on adjoining development [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
13. Insufficient information has been submitted to address Clause 4.8 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in

relation to setbacks [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].

14. Insufficient information has been submitted to address Clause 8.16 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to deep soil zones [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
15. Insufficient information has been provided to satisfactorily demonstrate compliance with Objectives (d), (f) and (g) of Section 8 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, with regard to deep soil zones [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
16. Insufficient information has been submitted to address Clause 9.2(e) of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015 in relation to whether proposed ancillary uses will cause nuisance to residents by way of traffic movement [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
17. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (a) of Section 9 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to ensure ancillary uses are compatible with the prevailing character and amenity of the locality of the area [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
18. Insufficient information has been provided to satisfactorily demonstrate compliance with Objective (b) of Section 9 of Part B8 (Places of Public Worship) of the Bankstown Development Control Plan 2015, to ensure ancillary uses do not adversely impact on the residential amenity of neighbouring dwellings and the surrounding area [pursuant to Clause 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979*].
19. For the above reasons, the site is not considered suitable for the proposed development [pursuant to Clause 4.15(1)(c) of the *Environmental Planning and Assessment Act, 1979*].
20. The proposed development fails to satisfactorily address the issues raised in submissions made against the proposed development [pursuant to Clause 4.15(1)(d) of the *Environmental Planning and Assessment Act, 1979*].
21. For the above reasons, the proposed development is not considered to be in the wider public interest [pursuant to Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act, 1979*].

ATTACHMENTS

A - Applicant's letter dated 14 September 2021

- B - Applicant's letter dated 8 November 2021
- C - Applicant's letter dated 20 November 2021
- D - Locality Plan
- E - Architectural Set (excluding Floor Plans), elevations and sections (12 pages)
- F - Floor Plans (14 pages)