

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	15 December 2021
DATE OF PANEL DECISION	15 December 2021
DATE OF PANEL MEETING	13 December 2021
PANEL MEMBERS	Helen Lochhead (Chair), Heather Warton, Chris Wilson, Nadia Saleh
APOLOGIES	Stuart McDonald
DECLARATIONS OF INTEREST	Bilal El-Hayek declared a conflict of interest as he knows the applicant in the community context as a Councilor, and that a personal donation was made to Bilal's council election campaign by two of the applicants

Public meeting held by teleconference on 13 December 2021, opened at 12pm and closed at 1:28pm.

MATTER DETERMINED

PPSSSH-45 – CANTERBURY BANKSTOWN – DA-893/2020 - 19 ENTERPRISE AVENUE PADSTOW 2211 for 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.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

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

The decision was 3:1 in favour. Against the decision was Nadia Saleh.

REASONS FOR THE DECISION

The panel determined to refuse the application for the reasons outlined in the council assessment report. Notwithstanding, the Panel carefully considered the Applicant's request for deferral and the fact that the Applicant has been working closely with the Council. However, given that additional information had first been sought in February 2021 and again at the September 2021 Panel briefing, and shortcomings in the application that had been identified by Council and the Panel had still not been satisfactorily addressed, the majority of Panel was not confident that the matters could be addressed in a timeframe that would allow for the timely determination of the application.

Nadia Saleh disagreed with the majority decision because it is a community facility and considered that the impacts of Covid-19 on the application processing should be taken in account.

CONDITIONS

Not applicable





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from those wishing to address the panel (being the applicant only). The panel notes that the community's issues of concern included:

- Traffic

- Parking
- Safety
- Noise
- Community impacts
- Site suitability

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

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Chris Wilson
 Heather Warton	 Nadia Saleh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-45 – CANTERBURY BANKSTOWN – DA-893/2020
2	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.
3	STREET ADDRESS	19 Enterprise Avenue, Padstow
4	APPLICANT/OWNER	Ghazi Al Ali Architect / UMA INCORPORATED, UMA CENTRE LIMITED
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (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) Development control plans: <ul style="list-style-type: none"> Bankstown Development Control Plan 2015 (BDCP 2015) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> including Clauses 92 and 98 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 29 November 2021 A-Applicants letter dated 14 September 2021 1 December 2021 B-Applicants letter dated 8 November 2021 1 December 2021 C-Applicants letter dated 20 November 2021 1 December 2021 D-Locality map 1 December 2021 Written submissions during public exhibition: 31 Verbal submissions at the public meeting: 0 <ul style="list-style-type: none"> Council assessment officer - Nicholas Aley, Stephen Arnold, Ian Woodward, Craig McLaren and on behalf of the applicant – Neil Kennan, Paul Corbett Total number of unique submissions received by way of objection: 28
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 December 2020, 22 September 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Bilal El-Hayek, Nadia Saleh <u>Council assessment staff</u>: Nicholas Aley, Stephen Arnold, Ian Woodward, Simon Manoski <u>DPIE</u>: Leanne Harris, Michelle Burns, Holly McCann

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 13 December 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton, Chris Wilson, Bilal El-Hayek, Nadia Saleh <u>Council assessment staff</u>: Nicholas Aley, Stephen Arnold, Ian Woodward, Craig McLaren <u>DPIE</u>: Jane Gibbs, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report