

DATE OF DETERMINATION	24 May 2023
DATE OF PANEL DECISION	24 May 2023
DATE OF PANEL MEETING	24 May 2023
PANEL MEMBERS	Clare Brown (Acting Chair), Chris Wilson, Juliet Grant, Amelia Parkins, Michael Henderson
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Wagga Wagga City Council and by video/teleconference on 24 May 2023, opened at 10am and closed at 11.25am.

MATTER DETERMINED

PPSSTH-154 – Wagga Wagga – DA21/0806 at 12 Waterhouse Avenue, Lloyd, NSW 2650 – Concept application for Place of Public Worship including defined building envelope for a church building and associated site works and detailed application for Stage 1 of the development comprised of two-storey Sunday School building including study areas, book store, ancillary shop and residential accommodation (2 apartments), multi-purpose hall with ancillary kitchen and amenities, car-parking (70 spaces), outdoor play area and basketball court, and associated earthworks across the site (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

The Panel acknowledges the Church's need to provide new accommodation for the existing and future congregation and further acknowledged the social benefit of a church facility to accommodate the needs of the parish in Wagga Wagga.

Following consideration of all information before the Panel, including the Council's Assessment Report and recommended reasons for refusal, the Panel determined to refuse the application for the reasons provided in Schedule 2. In coming to its decision, the Panel also turned its mind to the following:

- The relationship between the proposal and the constraints of the site and its physical context
- The scale of the development within the site and the broader residential context
- Lack of information to support the concept proposal, with particular reference to the future church building and its ultimate built form and subsequent impacts
- Insufficient information to support the detailed application regarding lighting, landscaping, acoustic measures, visual impact and operational parameters
- Clause 7.1A of the Wagga Wagga LEP 2010 regarding the extent of earthworks and associated development and its likely adverse impact on the existing amenity of adjoining properties and potential constraints to the future use and redevelopment of the land
- The inadequate response of the proposal to the desired future character.
- The impact of the mitigation measures proposed to address visual impact, acoustic impact and traffic, access and parking impacts
- The unacceptable presentation of the proposed cut and fill and retaining walls to the streetscape, public domain and adjoining residential properties

- The mix of activities proposed and the associated built form, presents as an overdevelopment of the site

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 unanimous.

REASONS FOR THE DECISION


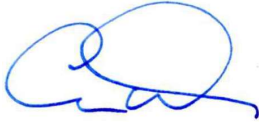



The full reasons for the Panel's decision to refuse the development application are outlined in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The following is a summary of issues raised:

- Traffic Impacts from increased vehicle numbers which will have significant impacts upon local roads
- Insufficient parking
- Noise disturbance particularly at weekends and at night
- Building is completely out of character with existing building sizes in the area
- Road safety concerns, narrow residential streets where children play will become dangerous with the significant increased movements
- Visual impact not just in the immediate vicinity but from afar
- Many alternative locations away from residences for a development of this scale
- Devalue property prices
- Concern that it will be used for other events creating further disturbance
- Security concerns, when not in use; acoustic barriers will provide hiding places and the layout allows ease of access to existing rear residential boundaries
- Sunday school with 13 classrooms appears to be a different use

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

PANEL MEMBERS	
 Clare Brown (Acting Chair)	 Chris Wilson
 Juliet Grant	 Amelia Parkins
 Michael Henderson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-154 – Wagga Wagga – DA21/0806
2	PROPOSED DEVELOPMENT	Concept application for Place of Public Worship including defined building envelope for a church building and associated site works and detailed application for Stage 1 of the development comprised of two-storey Sunday School building including study areas, book store, ancillary shop and residential accommodation (2 apartments), multi-purpose hall with ancillary kitchen and amenities, car-parking (70 spaces), outdoor play area and basketball court, and associated earthworks across the site.
3	STREET ADDRESS	Lot 606 DP1222168 - 12 Waterhouse Avenue, Lloyd, NSW 2650
4	APPLICANT/OWNER	Owner: Coptic Orthodox Church (NSW) Property Trust Applicant: Michael Tadros
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 (Planning Systems) 2021 State Environmental Planning Policy (Resilience & Hazards) 2021 Wagga Wagga Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wagga Wagga Development Control Plan 2010 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> City of Wagga Wagga's Local Infrastructure Contributions Plan 2019-2034 Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 1 May 2023 Written submissions during public exhibition: 33 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Emille Chalfont, Brett Koschel, Wayne Speers, Daniel Brooks Council assessment officer – Amanda Gray On behalf of the applicant – Michael Tadros, Rod McMullen, Fr Yostos Total number of unique submissions received by way of objection: 33
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 8 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Tim Fletcher, Amelia Parkins, Michael Henderson <u>Council assessment staff</u>: Steven Cook, Paul O'Brien, Bikash Pokharel <u>Other</u>: Amanda Moylan (DPE) Site inspection: 8 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Tim Fletcher, Amelia Parkins, Michael Henderson

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Steven Cook, Paul O'Brien, Bikash Pokharel ○ <u>Other</u>: Amanda Moylan (DPE) <ul style="list-style-type: none"> • Site inspection: 14 March 2023 <ul style="list-style-type: none"> ○ <u>Panel Members</u>: Chris Wilson, Juliet Grant ○ <u>Other</u>: Amanda Moylan (DPE) <ul style="list-style-type: none"> • Council / Applicant Briefing: 30 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Tim Fletcher, Amelia Parkins, Michael Henderson ○ <u>Council assessment staff</u>: Amanda Gray, Paul O'Brien ○ <u>Applicant representatives</u>: Michael Tadros (Innovative FP), Rod McMullen (Icono), Jared Milne (Icono), Nimeka Pathirana (MJM), Yostos Wasif, Ramzy Barsoum, Osama Ghabrial, Wagieh Mahrous ○ <u>Other</u>: Amanda Moylan (DPE) <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 23 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Juliet Grant, Amelia Parkins, Michael Henderson ○ <u>Council assessment staff</u>: Amanda Gray, ○ <u>Council staff</u>: Paul O'Brien, Scott Gray ○ <u>Other</u>: Amanda Moylan (DPE)
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable

SCHEDULE 2 – Reasons for refusal

That application number DA21/0806 (PPSSTH-154) for Concept application for Place of Public Worship including defined building envelope for a church building and associated site works and detailed application for Stage 1 of the development comprised of two-storey Sunday School building including study areas, book store, ancillary shop and residential accommodation (2 apartments), multi-purpose hall with ancillary kitchen and amenities, car-parking (70 spaces), outdoor play area and basketball court, and associated earthworks across the site be refused for the following reasons:-

1. The proposed development is likely to have a detrimental impact upon the established streetscape and residential amenity due to the misalignment between the proposed design and site characteristics and is therefore incompatible with the character of the area. The development as proposed is considered an overdevelopment of the site. Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development is inconsistent with Guiding Principles 2 and 3 of the Wagga Wagga Development Control Plan 2010 as it is not responsive to the physical characteristics and site setting and does not achieve a positive contribution to the streetscape and/or natural environment. Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
3. The proposed development is incompatible with the residential locality as it will have an unacceptable visual impact by reason of its bulk, mass, scale, siting of buildings, extent of earthworks, setbacks, layout, site access and parking. Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*.
4. The proposed extent of earthworks and associated development are likely to have an adverse impact on the existing and likely amenity of adjoining properties and will constrain the likely future use and redevelopment of the land. Section 7.1A of the Wagga Wagga LEP 2010. Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979*.
5. The proposed development by reason of noise disturbance from the activities on site, including vehicular movements and use of external spaces, is likely to result in unacceptable acoustic impacts on existing residential amenity. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. The proposed development by reason of traffic volumes, vehicle movements and potential uncontrolled on street parking is likely to result in unacceptable impacts upon residential amenity. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
7. The proposed number of car-parking spaces within the development is inconsistent with Section 2.2 of the Wagga Wagga Development Control Plan 2010 and does not provide adequate car-parking to service the proposed development. Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
8. The crime prevention measures recommended to ensure a safe and secure development are inconsistent with the objectives of Section 2.5 of the Wagga Wagga Development Control Plan 2010. Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
9. Having regard to the above, the proposed development is not considered to be in the public interest. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.