

Place of Public Worship

88-92 Botany Street, Carlton

Client: Nasscon

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a proposed Place of Public Worship (POPW) at 88-92 Botany Street, Carlton (the site). The POPW will provide a much-needed facility for the local Muslim community to undertake religious practice and participate in limited community activities. The proposed POPW will promote opportunities to welcome members of the broader community to engage with the local Muslim community.

The proposed POPW is located on a site that is currently occupied by a residential aged care facility (88-90 Botany Road). To limit environmental impacts from the proposal, it is proposed to contain the proposed development generally within the existing built form of the existing facility. The existing dwelling house at 92 Botany Road will be demolished to provide at-grade car parking for the POPW and community centre.

The proposed development has been designed to respect various religious requirements whilst still providing an inclusive and inviting facility.

The proposal has been assessment against the relevant Local Environmental Plan and Development Control provisions and is generally compliant with all requirements. A detailed Plan of Management, Acoustic Assessment and Traffic Assessment has also been prepared to support the proposal which recommends a number of measures (which can be applied as conditions of consent) to ensure the proposed POPW does not result in adverse amenity impacts on the surrounding community. The proposal has been assessed against the relevant assessment criteria under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is found to have no unreasonable environmental or amenity impacts.

A pre-lodgement meeting and continued liaison with Georges River Council (Council) has informed design changes to the proposal to reduce any potential impacts. Details of the site, the proposal and its compliance with key planning controls are provided below.

2 Background

The site accommodates a residential aged care facility which is no longer in operation as well as a single dwelling house. The site was acquired by the landowner in 2019.

In the Carlton area, there is a shortage of Muslim places of worship. The proposed POPW provides a much-needed facility for the local Muslim community to undertake religious practice and participate in limited community activities.

Nasscon and the project team have had one pre-DA meeting with Georges River Council to discuss the proposal and the opportunities and constraints of the site. A number of changes to the design and proposed operation of the premises have been made in response to issues raised by Council. In addition, a Plan of Management (PoM) was requested by Council and is submitted concurrently with this development application.

A Draft LEP for the Georges River Local Government Area (LGA) was considered by Council's Environment and Planning Committee on 1 November 2019 which, amongst other things, sought to prohibit POPW in the R2 zone. However, no resolution was made on the adoption of the Draft LEP and the Draft LEP was not forwarded to the Department of Planning Infrastructure and Environment (DPIE) for a Gateway Determination. As such the Draft LEP is not to be assessed as draft environmental planning instrument (EPI) under Section 4.15 of the EP&A Act.

3 Site analysis

3.1 Site description, location and context

The site is located in the suburb of Carlton with frontages to the following streets:

- » Botany Street - western boundary (49 metres);
- » Ethel Street – northern boundary (41 metres); and
- » Xenia Avenue – eastern boundary (49 metres).

It has a legal property description of Lots 21, 22, 23 & 24 in DP87691 and a total site area of 1,988m². The site falls by approximately four metres from the north to the south.

Existing on the site at 88-90 Botany Street is a two-storey 21-room residential aged care facility. The northerly allotment (92 Botany Street) accommodates a single-storey dwelling house and garage. Separate driveway access to the aged-care facility (two vehicle access points) and dwelling house (one access) is provided from Xenia Avenue, and a further 3rd driveway access to the aged-care facility is provided from Botany Street. Seven at-grade parking spaces are located on the residential aged-care site accessed from Xenia Street with pedestrian access provided from Botany Street.

The site is located in an area characterised by low-density residential development. Directly across the road from the site is the Sydney Technical High School. The site is also within walking distance of the Allawah Train Station, Hurstville Train Station and Westfield Hurstville.

A site location plan, aerial images and site photographs are provided below.

Figure 1 Site location

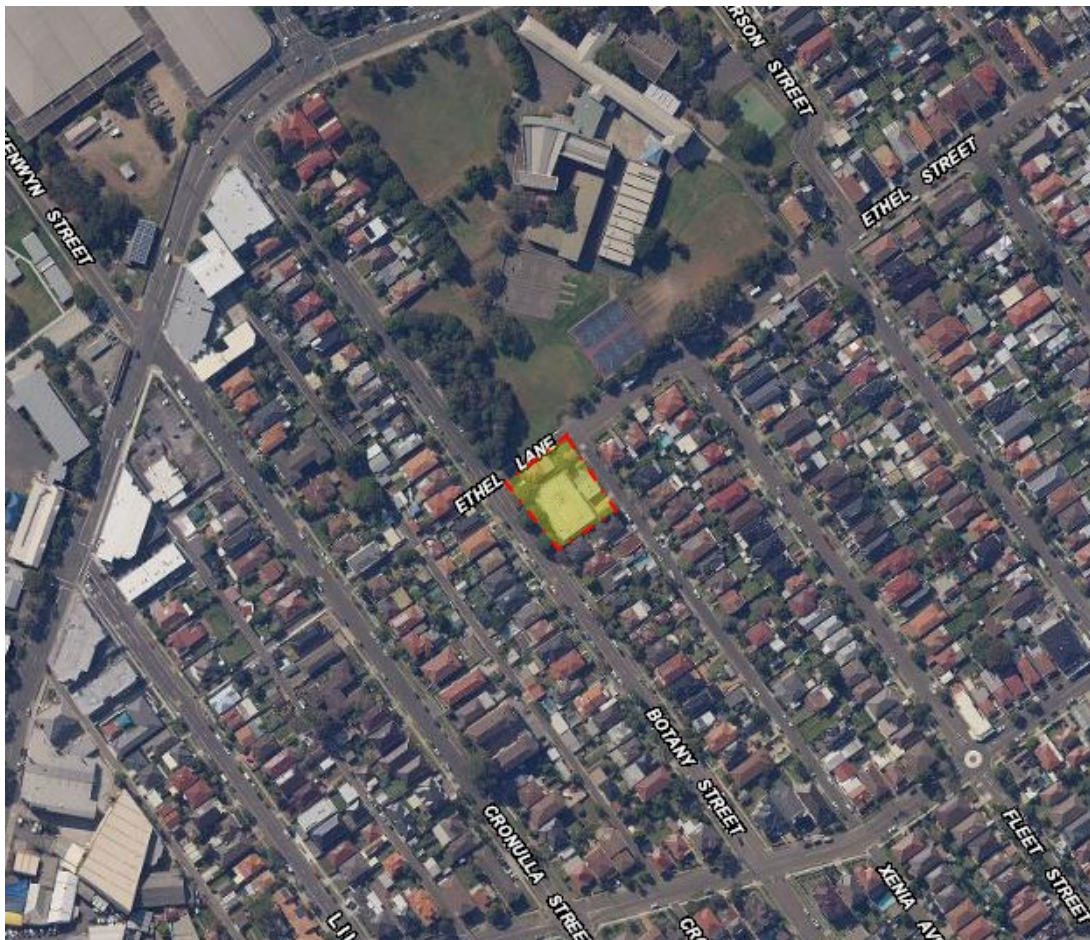


Figure 2 Site Plan



Figure 3 Existing nursing home



Figure 4 Existing Dwelling

3.2 Existing site conditions

On the 9th of October a site inspection was undertaken. The property appears to be in good condition. The site is sloping down at a moderate gradient from the corner of Ethel Lane and Xenia Street. The existing building is close to the south east boundary of the property which adjoins two residential dwellings with a relatively small separation between the existing buildings. The site has 3 street frontages along Botany Street, Ethel Lane and Xenia Street. 92 Botany street has vehicle access to a garage from Xenia Avenue and 88-90 Botany Street has parking off Botany Street and Xenia Avenue.

Figure 5 Property on Botany Street

Figure 6 Rear of the property from Xenia Avenue



Figure 7 The side of the property on Ethel Street



3.3 Surrounding development

88-92 Botany Street, Carlton is located in an area characterised by low density one to two storey developments. The architecture is a mix of early 20th century and new build. The site is adjacent to Sydney Technical High School on Ethel Lane. The site is approximately 1.4km to Westfield Hurstville and Hurstville Train Station. The site is 800m to Allawah Station.

Figure 8 Adjacent properties on Botany Street



Figure 9 Typical developments of the area



Figure 10 Adjoining property



4 The Proposal

This application seeks approval to carry out minor demolition, minor alterations and alterations to an existing nursing home (88-90 Botany Street, Carlton) and adjacent dwelling at 92 Botany Street, Carlton to facilitate the development of a POPW and associated community facilities. The demolition of the existing dwelling house and garage at 92 Botany Street is to provide at-grade parking for the same POPW and associated community uses.

The design development for the proposal has been informed by input from Council's technical staff. The proposal seeks to retain existing setbacks to residential development and locate the proposed car parking area away from neighbouring residential development.

Proposed Uses

The following key uses are proposed:

Ground Floor – Entry of Botany Street

- » Administration office
- » Staff kitchen (not to be used for commercial purposes)
- » Separate female and male washing areas
- » Male prayer room
- » Storage areas to store chairs, table and cleaning equipment and the like
- » Bathroom
- » 22 at-grade car parking spaces

First Floor

- » Female prayer room
- » Separate female and male senior community rooms
- » A combined community room
- » Separate male and female youth community rooms
- » Male and female bathroom facilities
- » One-bedroom short-stay accommodation for visiting clerics including an outdoor terrace at-grade with the car park at 92 Botany Street.

Lift and stair access will be provided between the floors.

Maximum Capacity and Hours of Operation

It is expected that the proposed facility will have a typical capacity of 20 people with a maximum capacity of 100 people during peak periods. Up to 10 times per year a maximum of 120 patrons will be permitted on the site. Additional traffic measures and staff will be in place during these times. The hours of opening for the POPW are proposed to be between 5:30am and 10pm seven days a week. All worshippers and staff are required to leave the premises by no later than 10pm. Accordingly, all prayer sessions ends at 9:45pm to allow worshippers enough time to depart and staff enough time to close the premises before 10pm.

The effective hours of usage per day are approximately as follows:

- > Monday, Tuesday, Wednesday, Thursday, Saturday and Sunday – 2 hours per day
- > Fridays – 2.5 hours per day
- > Month of Ramadan – 2.5 hours per day

Noise mitigation measures as recommended by the acoustic consultant will be enforced for all prayers.

Outside of prayer times, community activities are permitted to take place on the site within the POPW's operational hours and would typically be during daytime 7 days a week between 10am and 2pm. The community rooms do not operate during prayer services to limit total patron capacity and contiguous uses on the site from occurring. In anticipation for prayer services, all other activities cease, users of the community rooms (and non-praying areas) are asked to vacate approximately 30 minutes prior to prayer services commencing.

These rooms are predominantly used for quiet meetings or gatherings of the community senior and youth members. Some of the uses include providing a place and forum to discuss issues and provide support with members of the community. Additional uses include mentoring programs for the youth concentrating on social and community issues and leadership programs encompassing essential life skills. The community activities are only proposed for the mosque congregation.

High capacity periods are expected to be Friday evening and Ramadan.

Eid and other special events including wedding and funeral will not be held at this mosque to limit the impact on the neighbours.

Service vehicles

Service vehicles will access the site through the car park and their timing will be strategised to take place outside of prayer hours or off-peak periods.

Waste collection will be from the kerb with staff managing the waste bins as required by Council waste collection services. The POPW will recycle materials where appropriate.

Plan of Management

The PoM which accompanies this application was prepared in consultation with Council and technical consultants and will promote and facilitate the optimal management and operation of the POPW and manage potential impacts.

The PoM outlines the expected operational and management practices for the POPW including:

- » Permitted uses, operational hours and capacities
- » Staff numbers and responsibilities
- » Management of user/worshipper numbers in the premises
- » Communications, complaints and feedback procedures
- » On and off-street parking arrangements and management, as well as servicing of the site
- » Measures to ensure no potential adverse impacts occur as a result of potential on-street parking demand
- » Noise management measures
- » Managing prayer times as well as changeover periods to avoid noise to surrounding properties.
- » Allow for the ongoing amendment of this PoM as requirements change

It also provides a framework for educating worshippers, staff and volunteers about using the POPW including the management system and requirements.

Stormwater management and drainage

The proposal is expected to have limited change to stormwater and stormwater drainage behaviour from its present arrangement. The change to impervious surfaces is limited. As described previously, the proposed development is contained within an existing building and footprint of the now disused aged care facility. Therefore, changes to impervious surfaces will remain relatively static. The proposed at-grade carpark at 92 Botany Street will reduce pervious surfaces (front and rear landscaping) to create the parking area to service the site and reduce impacts on neighbouring sites.

In response to improving overland stormwater behaviour, a stormwater concept design provides inlets across the carpark area channelling into a gravity fed on site detention basin to the north west corner of the site. Proposed volume is 16.5 cubic metres and occupies an area of 42.5m².

Landscaping

A landscape plan has been prepared by Belinda Perkert, which presents a concept design and associated planting and maintenance schedule. The proposed landscaping will provide screen planting along the edges of the site, particularly in the location of the proposed car park to ensure that the proposal results in an overall improvement to the streetscape character of the surrounding area.

Figure 11 Landscape plan ground floor

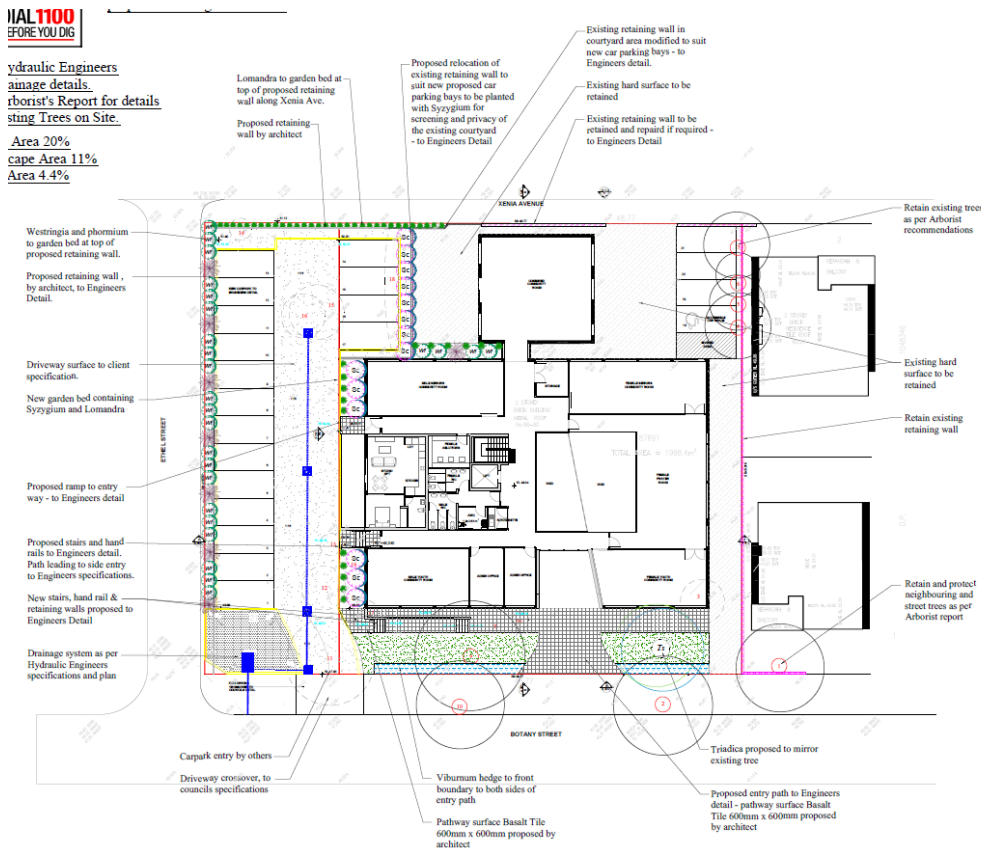
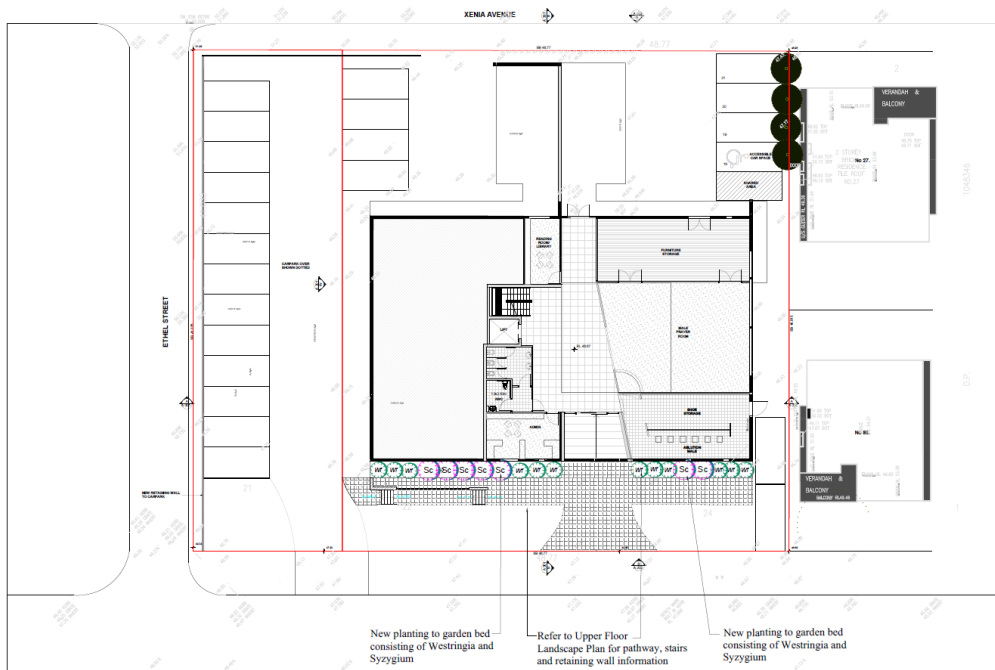


Figure 12 Landscape plan lower ground floor



5 Assessment of the proposal

5.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the prevailing state legislation for planning in NSW. Part 4 of the EP&A Act provides controls for the carrying out of development that requires development consent. Key sections of relevance to this SEE are addressed below.

- » Section 4.13 sets out consultation and concurrence requirements for development under Part 4. Before granting consent to a DA, the consent authority is required to consult with, or obtain the concurrence from the Minister or public authority, in accordance with the relevant Acts, environmental planning instruments and/or the regulations.
- » Division 4.8 contains requirements for Integrated Development. Elton Consulting is of the view that the proposal can take place without referral to agencies as an Integrated Development.
- » Section 4.15 sets out those matters that a consent authority is to take into consideration in determining a development application.
- » Table 2 below provides a summary of the matters for consideration and an assessment of the relevance of the matter to the proposal. **Section 5.4** of this SEE contains a detailed assessment (where referenced).

Table 1 Matters for consideration Section 4.15 requirements

EP&A Act section and legislative requirement	Comment
<p>(1) Matters for consideration—general</p> <p>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</p> <p>the provisions of:</p> <p>that apply to the land to which the development application relates,</p>	
(i) any environmental planning instrument	<p>This SEE considers the proposal against: SEPP 55 - Remediation of Land and the <i>Hurstville Local Environmental Plan 2012</i> (HELP 2012).</p> <p>Refer to Sections 5.2 and 5.3 of this SEE.</p>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	<p>The Draft Georges River LEP has not yet been adopted by Council or forwarded to DPIE for a Gateway Determination. As such, it is not considered a Draft EPI.</p>
(iii) any development control plan	<p>The SEE addressed and has been prepared and assessed against the Hurstville Development Control Plan 2010 (HDCP 2010). Refer to Section 5.3.</p>
(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	<p>No planning agreement has been entered into or is proposed to be created for this development.</p>

EP&A Act section and legislative requirement	Comment
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	The relevant matters under the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) that relate to the proposed development are contained within Part 6 (procedures relating to development applications). It is understood that Council would undertake assessment of the proposed development in accordance with this section of the EP&A Regulation.
(v) (Repealed)	N/A
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	A full environmental assessment of the proposed development has been undertaken in Section 5.4 of this SEE. This includes a consideration of the proposal regarding the natural and built environments, social and economic impacts.
(c) the suitability of the site for the development	The site is suitable for the proposed development as justified in Section 5.5 of this SEE.
(d) any submissions made in accordance with this Act or the regulations	The DA will be notified and placed on public exhibition in accordance with the EP&A Act and Regulation. Any submission made to Council will be considered as part of the assessment process.
(e) the public interest	The proposed development is in the public interest as: the land uses are permissible with consent; it is consistent with outcomes that achieve sustainable outcomes. Refer to Section 5.6 in this SEE for more detail.

5.2 State Environmental Planning Policies (SEPPs)

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

The site has historically been used for accommodation uses and is not expected to be contaminated. No significant excavation is proposed, where earthworks are proposed namely for the purposes of parking creation and landscaping the site is considered suitable for the proposed use which is less sensitive than a residential use.

5.3 Hurstville Planning controls

An assessment of the proposal against the key planning controls is provided below

Policy	Assessment
Hurstville Local Environmental Plan 2012 (Hurstville LEP)	
1.2 Aims of Plan	<p>The particular aims of this Plan are as follows—</p> <p>(a) to encourage and co-ordinate the orderly and economic use and development of land that is compatible with local amenity,</p> <p>The POPW utilises an existing building and footprint to provide a place of worship. As a result, the proposed use is of low visual, environmental and design impact. The proposed use is not expected to create</p>

Policy	Assessment	
	<p>(b) to provide a hierarchy of centres to cater for the retail, commercial, residential accommodation and service needs of the Hurstville community,</p> <p>(c) to provide a range of housing choice that—</p> <p>(i) accords with urban consolidation principles, and</p> <p>(ii) is compatible with the existing environmental character of the locality, and</p> <p>(iii) is sympathetic to adjoining development.</p> <p>(d) to conserve, protect and enhance the environmental heritage, cultural heritage and aesthetic character of Hurstville,</p> <p>(e) to maintain and enhance the existing amenity and quality of life of the Hurstville community,</p> <p>(f) to ensure development embraces the principles of quality urban design,</p> <p>(g) to ensure development is carried out in such a way as to promote the efficient and equitable provision of public services, infrastructure and community facilities,</p> <p>(h) to protect and enhance areas of remnant bushland, natural watercourses, wetlands and riparian habitats,</p> <p>(i) to retain, and where possible extend, public access to foreshore areas and link existing open space areas for environmental benefit and public enjoyment,</p> <p>(j) to ensure development embraces the principles of ecologically sustainable development,</p> <p>(k) to strengthen the role of Hurstville City Centre as a major business, retail and cultural centre of southern Sydney,</p> <p>(l) to encourage a range of employment, services, housing and recreation to meet the needs of existing and future residents of the Hurstville City Centre,</p> <p>(m) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,</p> <p>(n) to foster economic, environmental and social wellbeing so that the Hurstville City Centre continues to develop as a sustainable and prosperous place to live, work and visit.</p>	<p>unnecessary burdens on the local infrastructure and will promote opportunities for community interaction.</p>
Objectives of R2 Low Density Residential zone	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low-density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, or the natural or cultural heritage of the area. • To ensure that a high level of residential amenity is achieved and maintained. 	<p>The proposed development complements the neighbourhood by establishing itself in an existing community facility</p>

Policy	Assessment	
	<ul style="list-style-type: none"> • To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment. • To provide for a range of home business activities where such activities are not likely to adversely affect the surrounding residential amenity. 	
Zoning and Permissible Uses	<p>The following relevant uses are permitted with consent in the zone:</p> <ul style="list-style-type: none"> » Place of Public Worship » Community facilities » Dwelling houses » Secondary dwellings 	A POPW is currently permissible with consent in the zone. The proposed short-stay accommodation for visiting clerics and community rooms are considered a use but would be permissible with consent in the zone in any case.
Part 4 Principal development standards		
Maximum floor space ratio (FSR)	A maximum FSR of 0.6:1 is permitted on the site.	The proposed development will reduce the gross floor space over the whole the site with the demolition of 92 Botany Street. The proposed GFA is 1,029m ² and will remain below the maximum FSR permitted on the site with a total FSR of 0.52:1 proposed. Notably, the proposal does not seek to maximise the floor space on the site thereby limiting the environmental and amenity impacts of the proposal.
Maximum height	A maximum height control of 9 metres applies to the site.	A maximum height control of 9 metres applies to the site which will not be exceeded by the proposed development.
Part 5 Miscellaneous development standards		
Heritage	There are no heritage items on or near the site and the site is not located in a heritage conservation area.	Not applicable
Hurstville Development Control Plan 1		
Parking	<p>The following car parking controls apply to the site:</p> <ul style="list-style-type: none"> » POPW - 1 space per 10 seats or 1 space per 10m² GFA (whichever is greater) with a Transport and Parking Assessment Study » Community Facility - car parking demand through a Transport and Parking Assessment Study 	<p>Due the unique nature of the use it is proposed that the parking requirements for the proposed facility be determined through a detailed Transport and Parking Assessment Study which has been prepared by GTA Consultants. The analysis indicates that the provision of approximately 22 on-site parking spaces will be sufficient.</p> <p>Notably, the proposal will allow for a reduction in the number of existing vehicle crossings to the</p>

Policy	Assessment	
		site which will make additional on-street parking available in the area.
Access	<p>In accordance with the DCP, Australian Standards and relevant provisions of the BCA, the following access requirements will apply to the proposal:</p> <ul style="list-style-type: none"> » Access for all persons through the principal entrance and access to appropriate sanitary facilities will be provided in accordance with the BCA and relevant Australian Standards. » Parking will comply with AS 1428 Design for access and mobility and AS/NZS 2890.6 » A minimum of one accessible parking space will be provided 	Vista Access Architects undertook an access assessment of the proposed design and concluded that standards and codes were all able to be complied with. The report noted that some elements would be confirmed for construction certificate phase.
Draft Guidelines for Places of Public Worship Note: This Guideline was exhibited between June and October 2017 and has not yet been adopted. Although no statutory weight currently applies to the Guidelines, it has been considered in preparing the proposal for the new POPW and Community Centre on the site. The key numerical and management controls in the Guideline are detailed below. However, all provisions in the Guideline will be taken into account in finalising the design and operation of the proposed facility.		
Allotment size.	<p>The site complies with the following minimum lot size requirements:</p> <ul style="list-style-type: none"> » The minimum allotment width measured at the front building line is 15 metres for corner lots and 20 metres for all other allotments » The minimum allotment size for a POPW is 800m² 	<p>The site has frontages that meet this requirement.</p> <p>The final site area from 88-92 Botany Street will be approximately 1,988m².</p>
Assembly area	The maximum assembly area permitted for a POPW is 400m ² .	The combined area of the female and male prayer rooms in the proposed POPW will be 196m ² which complies with this requirement.
Site Coverage	Places of public worship located within residential zones shall have a maximum site coverage of 50%.	<p>For the purposes of the Guideline, site coverage is taken to have the same meaning as that in the LEP as follows:</p> <p>the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—</p> <ul style="list-style-type: none"> (a) any basement, (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary, (c) any eaves, (d) unenclosed balconies, decks, pergolas and the like.

Policy	Assessment	
		The proposed development has a site coverage of 41%.
Height	The maximum height of POPW (including any spire, tower or similar structure) shall be in accordance with the LEP.	The proposal complies with this requirement.
Setbacks.	<p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> » Principal street frontage – 6 metres » Side setbacks - 3 metres » Rear setbacks - 6 metres 	<p>The application of the setback controls to the site are challenging to define because the site has three street frontages with what could be considered as the main street frontage to Botany Street.</p> <p>A minimum setback of over 6 metres will be provided at the Botany Street frontage. The proposed development will retain the existing built form of the aged-care facility on the site in order to minimise adverse impacts and improve efficiency.</p> <p>The existing setback of 3 metres at the southern boundary will remain. This setback complies with the side setback requirement.</p> <p>The setback to Xenia Avenue features a generous rear entry area. The existing building has an approximate setback of 2 metres at his boundary. The existing fencing at this frontage and the solid fencing across the road are similar in impact, privacy and appearance. Therefore, the effects of the setback at both these frontages have limited effect on either property or a pedestrian. The proposed development seeks to repurpose the existing site to limit construction impacts and any increases in built form or scale.</p>
Access to sunlight	<ul style="list-style-type: none"> » At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling. » A minimum 50% of the required private open space for each dwelling on an adjoining allotment must receive at least 3 hours of sunlight between 9.00am 	No change to the existing built form on the site is proposed with exception to the demolition of the existing dwelling house at No 92 Botany Street. Therefore, shadow impacts will remain unchanged or will be reduced in certain locations.

Policy	Assessment	
	and 5.00pm at the equinox. Where this standard cannot be met for a dwelling on an adjoining allotment, the development must not result with additional overshadowing on the affected private open space.	
Energy efficiency and urban design		The proposed site location repurposes a disused building for the POPW. The built form has already been established and extent of changes are primarily internal and the provision of a carpark.
Management plans	<p>The following matters will be addressed in the PoM submitted with the proposal:</p> <ul style="list-style-type: none"> » hours of operation and days of operation; » special events: a detailed calendar of any festivals and special events together with details of the arrangements for parking during these times; » number of persons attending at any one time, including non-worship and ancillary activities, and proposed measures to minimise impacts on the surrounding amenity; » expected 'catchment area' from which the congregation will travel; and » any proposed street parades and road closures. <p>Council will require the operator of a POPW in a R2 zone to organise and chair a Neighbourhood Liaison Committee to resolve any issues, such as traffic and noise, arising from the operation of the POPW. The requirements of the Guideline in this regard will be met. In addition, Elton Consulting will undertake community consultation as part of the stakeholder engagement strategy for the project.</p>	A PoM has been prepared and submitted as part of this SEE.
Front fences	The maximum fence height for a front fence is 1.8 metres	The front fence and general height of fencing for the development is limited at 1.8 metres
Acoustic privacy	<p>Air conditioning, mechanical ventilation or any other continuous noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).</p> <ul style="list-style-type: none"> » The location and design of places of public worship must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land. » For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant to determine: <ul style="list-style-type: none"> (a) existing noise levels at the identified sensitive receiver locations; 	An assessment of mechanical plant and equipment is expected to be undertaken at later phases of the development where equipment and specified locations will be known. The consultants recommended a post-development compliance test to confirm requirements to be incorporated into a Noise Management Plan. It is worth advising that the proposal seeks to repurpose an existing and previously approved land use.

Policy	Assessment
	<p>(b) likely noise levels to emanate from the place of public worship at the identified sensitive receiver locations;</p> <p>(c) whether the development must apply measures to ensure noise does not exceed 5dB(A) above the background noise level;</p> <p>(d) whether the location and setbacks of the development are sufficient to protect the acoustic privacy of adjacent dwellings;</p> <p>(e) whether the location of the outdoor areas should avoid living areas and bedrooms of adjacent dwellings; and</p> <p>(f) whether the development must install certain noise attenuation measures to protect the acoustic privacy of adjacent dwellings.</p> <ul style="list-style-type: none"> » The Acoustic Report must measure the noise readings over a 15 minute period and must provide details of all modelling assumptions including source noise data, noise monitoring positions, receiver heights and locations, prevailing meteorological conditions during the monitoring, confirmation of the methodology adopted along with a copy of the model input and output data. » The maximum height for noise attenuation walls and fences along the boundary of an allotment is 2 metres
	<p>The acoustic report prepared for this DA complies with the requirements for testing and logging.</p> <p>As part of this proposal's goal to achieve best outcomes for the occupants and the community, extensive acoustic modelling and sensitivity testing was undertaken for a range of events and periods. In order to achieve best performance and outcome for the dawn prayer session, a strategically designed fence is sought. A balanced design that complements the natural contours of the existing ground level, minimises visual impact to neighbours and maximises acoustic mitigation is proposed. The fence will vary in height from 1.8 metres, gradually rising to a height of 2.4 metres and falling back to 1.8 metres. The 2.4 metre section is only approximately 11 metres in length and will be integrated into the design and slope</p>

5.4 Assessment of impacts

5.4.1 Built form

Accessibility assessment

Vista Access Architects undertook an access assessment of the proposed design and concluded that standards and codes were all able to be complied with, complied or not applicable. The report noted that some elements would be confirmed for construction certificate phase.

The report was reviewed against the following provisions:

- » Building Code of Australia (BCA) 2019, Volume 1- Performance requirements of DP1, DP2, DP8, DP9, EP3.4, FP2.1 and Parts D2, D3, E3 and F2 (where applicable)
- » Disability (Access to Premises-Building) Standards 2010
- » AS1428.1-2009 Part 1: General requirements for access, including any amendments
- » AS1428.4.1-2009 Part 4.1: TGSIs (Tactile ground surface indicators), including any amendments
- » AS2890.6-2009 Part 6: Off-street parking for people with disabilities.

- » AS1735 Lifts types included in the BCA including Part 12: Facilities for persons with disabilities

Vista Access Architects state, 'The proposal achieves the spatial requirements to provide access for people with a disability and it is assumed that assessment of the detailed requirements such as assessment of internal fit-out, details of stairs, ramps and other features will occur at Construction Certificate (CC) stage'.

BCA assessment (NCC)

Credwell undertook a review of the proposed design against the relevant provisions in the National Construction Code 2019 (NCC).

Against NCC Sections B, C, D, E and F all provisions were not applicable, compliance able to be achieved, complies, further information required or matters requiring further assessment.

Credwell made recommendations on the following:

- » Given the proposed works we recommend upgrading works to the existing building, with it noted that the building is not proposed to be sprinkler protected and some discretion has been applied to the fire resistance levels recommended (in the respective report)
- » Updated Plans and Further Information Required in order to accurately determine compliance
- » Performance solutions potentially be sought on exit travel distances, existing openings to lot,

The above assessment suggests that this detail and compliance can be addressed with future CC/s.

Stormwater and flooding

As described previously, the proposed development is contained within an existing building and footprint of the now disused aged care facility. Therefore, changes to impervious surfaces will remain relatively static. The proposed at-grade carpark at 92 Botany Street will reduce pervious surfaces (front and rear landscaping) to create the parking area to service the site and reduce impacts on neighbouring sites. In response to improving overland stormwater behaviour, a stormwater concept design provides inlets across the carpark area channelling into a gravity fed on site detention basin to the north west corner of the site. Proposed volume is 16.5 cubic metres and occupies an area of 42.5m². Confirmation through a more detailed design and modelling process would be undertaken for construction certificate.

A Local Flood Management Plan has been prepared to accompany this SEE. It is reported that part of the site is affected in a 1% AEP and PMF event. The Botany Street frontage is shown to be affected by both flood events with the PMF event considered a rare and extreme occurrence resulting in relatively higher flood levels. The Local Flood Management Plan outlines the necessary provisions to anticipate impacts resulting from flood events. It is anticipated that the site's Local Flood Management Plan will be confirmed in greater detail for construction certificate and supplement the Plan of Management and its implementation and enforcement equally as stringent.

Landscape

The landscape design achieves the following:

- » 20% Landscaped area
- » 11% Soft landscaped area
- » 4.4% Deep soil area

The proposed development is contained within an existing building and footprint. Changes to impervious surfaces will remain relatively static with the exception of the removal of 92 Botany Street pervious surfaces being the front and rear landscaping. In response to this as well as the removal of vegetation, a site-wide landscaping design now benefits the site. A planting schedule and maintenance plan accompanies the landscape design.

Traffic impact assessment

GTA Consultants have undertaken a transport impact assessment for the proposed place of worship at 88-92 Botany Street, Carlton. This transport impact assessment report assessed the operation and impacts relating to

parking and traffic for the POPW. The traffic impact assessment included traffic counts and parking surveys of key surrounding roads.

Parking surveys conducted in 2019 and 2020 across multiple days and multiple time periods has revealed that there is significant parking stock on Botany Street and Ethel Street. Whilst the greater area has parking inventory of up to 261 spaces (all figures exclude disabled spaces), Botany Street and Ethel Street has an inventory of 167 parking spaces. In the 2019 and 2020 surveys, the parking inventory was surveyed between 10am to 10pm and range from 39% to 62% occupancy, with an average rate of 47% occupancy. It is worth noting that a spike is observed for the mid-afternoon period, likely from school or after school activities and the like. All prayer sessions have been strategically arranged to avoid the school or mid-afternoon peak (even though the modelling has demonstrated sufficient capacity for the proposed use for all prayer sessions). Therefore, from 12pm to 2pm there are approximately 60 – 90 parking spaces available from the 167 parking spaces at Botany Street and Ethel Street.

The Friday communal prayer occurs once a week around midday on a Friday and has a duration of about 75-90 minutes. Through consultation with Council, the Friday communal prayers shall be split into two sessions of 50 persons each. The vehicle occupancy rate, as surveyed from other mosques can vary from 1.5 to 2.5 people per vehicle. For the purposes of this DA, a conservative rate was used and applied (1.5 people per vehicle) as well as a conservative modal split of 97%. On these assumptions, the modelled parking demand was calculated to be 33 car park spaces for the Friday communal prayer. The splitting of the session further limits any potential impacts and reduces demand for parking that has already been surveyed to be sufficient for all prayer sessions. With the proposed facilitation of the 18 off-street carparks exclusive to the attendees of the POPW the resultant on-street parking demand is calculated to be approximately 15 spaces for the Friday communal service.

GTA Consultants state:

"Overall, in our view a limit of 100 people to any prayer event is acceptable as part of the proposed development."

Up to 10 times per year a maximum of 120 patrons will be permitted on the site. Additional traffic measures with additional staff (3) will be in place during these times. GTA state that for these special prayer sessions: *"Based on attendance of 120 worshippers and a conservative travel mode share of 97 per cent travel by car and an average occupancy of 1.5 persons per car, this equates to a demand of 78 cars. With the Plan of Management (PoM) specifying the use of 18 on-site parking spaces (four separate additional spaces are available for staff) the remaining demand for on-street parking on these 10 occasions per year equates to about 60 cars and over a period of less than 60 minutes."*

The traffic impact of the development assessed that there would continue to be minimal delays and queues on all approaches to at the intersection of Botany Street/Ethel Lane and Botany street/Durham Street. The SIDRA level of service with the development is A (Good operation) for all intersection travel except for Botany Street/ Ethel Lane, north which is a B (Good with acceptable delays and spare capacity). The proposed development does not affect the level of service of the existing operating condition.

5.4.2 Environmental and health

Acoustic

An acoustic impact report was prepared by Renzo Tonin and Associates (Renzo Tonin) for this submission. Using accepted testing practices, which included sound logging around the site. It recommended the following mitigation measures in order to reduce potential impacts:

- » Windows and doors of the development to be closed at all times and mechanical ventilation provided.
- » During the night-time period or dawn prayer session (5:30am to 7:00am) only the northern carpark will be utilised. An expected maximum number of cars is 14 for this period due to the expected quantity of car sharing.

- » An internal audio system is installed and shall only be for the purposes of sound transmission across internal, allocated prayer areas.
- » The audio system shall be controlled by an RMS compressor/limiter and have a permanent sound 'monitor' device installed.
- » Boundary fencing shall be installed and maintained generally in accordance with the specification and design as provided in the Renzo Tonin report. Significant deviation from this brief will require confirmation from a suitably qualified acoustic consultant.

Fencing and existing landscaping will assist with the mitigation of light impacts.

In order to achieve best performance and outcome for the dawn prayer session, a strategically designed fence is sought. A balanced fence design that complements the natural contours of the existing ground level, minimises visual impact to neighbours and maximises acoustic mitigation is proposed. The fence will vary in height from 1.8 metres, gradually rising to a height of 2.4 metres and falling back to 1.8 metres. The 2.4 metre section is only approximately 11 metres in length and will be integrated into the design and slope.

An assessment of mechanical plant and equipment is expected to be undertaken at later phases of the development where equipment and specified locations will be known. The consultants recommended a post-development compliance test to confirm requirements to be incorporated into a Noise Management Plan.

Renzo Tonin and Associates concludes: "*The main aspect with regards to acoustics relates to noise emission from internal areas, on-site vehicle movements and traffic noise on the public road. The proposed works have been assessed against all relevant noise criteria at the nearest sensitive receivers.*

With the exception of some potential sleep disturbance impacts, it has been established that noise from the operation of the proposed development has been predicted to comply at all surrounding receivers".

Renzo Tonin was engaged to provide a detailed acoustic assessment to ensure that the development does not have an adverse acoustic impact on nearby sensitive receivers. All recommendations made by Renzo Tonin will be incorporated into the development design, future Noise Management Plan and Plan of Management (PoM).

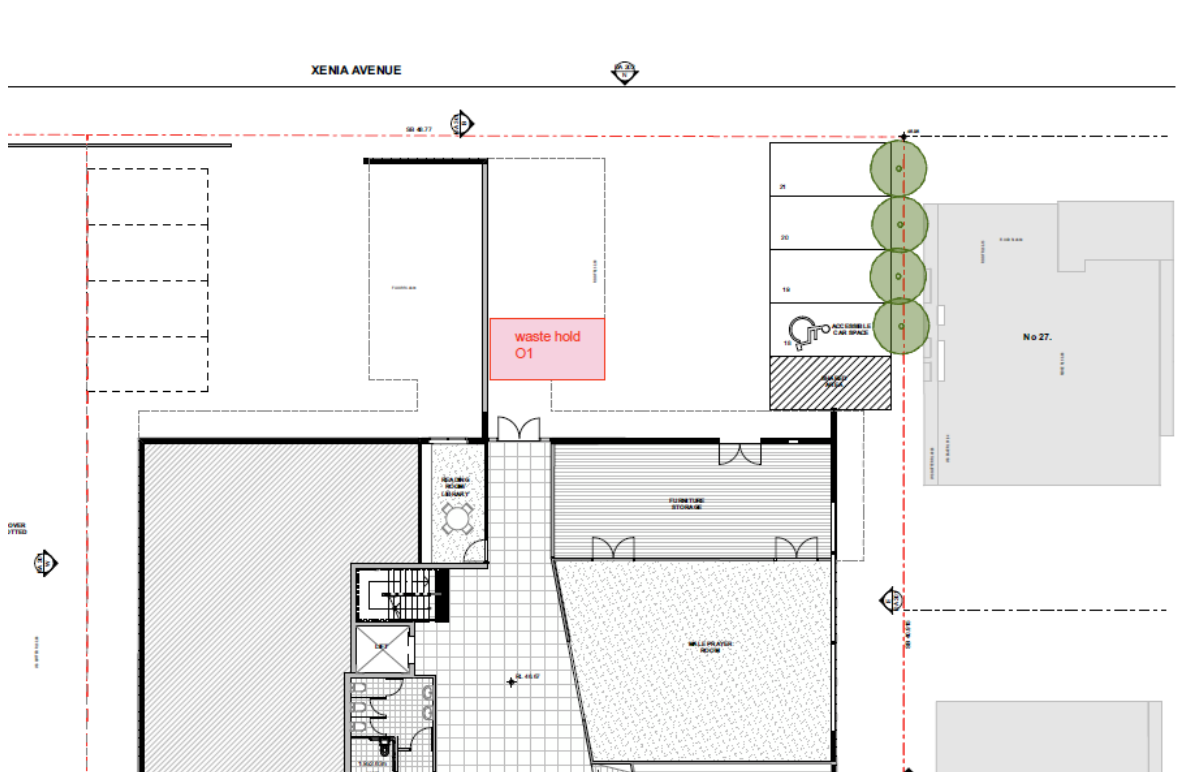
As part of additional liaison with Council, the 12 month trial program shall conduct noise logging before development, and during dawn prayer in the 1st and 12th month in 2 locations. Details and methodology is included in Acoustic impact assessment.

Odour

No commercial food production is proposed and therefore waste and resultant odour is not expected to be an issue. Standard Council waste collection will benefit the site and the operation. The implemented PoM will include a process to include new management processes in the event the need arises.

Waste management

A waste hold area is proposed at the lower ground location, entry from Xenia Avenue. Dickens Solution has calculated that waste generation and demands can be managed with 4 x 240 litre waste bins once per week and 2 x 240 litre recycling bins, collected once per week. The holding area is conveniently located for staff to manoeuvre to the kerb for collection.

Figure 13 Waste holding area

Social impact comment

The proposed POPW and associated community uses is proposed in response to demand for a worship and community facilities for the local Muslim community. The POPW will remain open and to the public with the view to invigorating the now disused site and connecting the community.

The proposed POPW is located on a site that is currently occupied by a residential aged care facility and its redevelopment will limit environmental impacts from the proposal and stimulate the neighbourhood with community facilities and offer passive surveillance.

The proposed development has been designed to respect various religious requirements whilst still providing an inclusive and inviting facility.

The POPW will provide a mix of uses to the area, increasing diversity and provide opportunities for people and communities to connect.

5.5 Suitability of the site

The proposed POPW at the site location is an effective use of the land. The repurposing of a disused facility reduces impacts and reinvigorates the site with a community and public use. It utilises the existing built form to reduce costs and limit building scale in an established urban environment. The proposed use is permissible with consent and the traffic, parking, acoustic, light impacts as assessed are able to be managed, mitigated or deemed to be minimal impact.

5.6 Public interest

The approved development will provide a much-needed facility for the local Muslim community. It is also intended that the proposed POPW and community centre provide opportunities to welcome members of the broader community to engage with the local Muslim community.

The POPW and community centre replaced a disused residential aged care facility (88-90 Botany Road) and the POPW is integrated into the existing built form. The revitalisation of the site will stimulate activity and passive surveillance.

The proposed use is permissible with consent and aligned with the existing urban form.

6 Conclusion

Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires Council to assess the environmental, social and economic impacts and benefits of the proposal. The proposed use is permissible with consent in the R2 Low density residential zoning under current HLEP 2012. The POPW utilises a disused aged care facility and its existing built form and scale, thereby reducing visual and design impacts as well as noise and other impacts from construction.

Technical reports accompany this DA and conclude that the proposed development is able to be supported as proposed. Disciplines and inputs from acoustic, BCA, DDA, stormwater designs, landscape plans, waste management and traffic assessments have informed the current design of the proposal and the proposed Plan of Management. Both traffic and acoustic reports conclude that the proposed development does not produce unacceptable or material impacts to others. The Plan of Management sets out the framework for processes, roles and responsibilities, operational and management procedures and compliance. The document will be agreed on with Council and enforced on site.

In addition, the proposal will have positive social outcomes for the Muslim community by providing a POPW and for the community – a facility that is not currently available in the area. This will encourage integration and diversity in the broader community. It is also intended that the proposed facility provide opportunities to welcome members of the broader community to engage with the local Muslim community.

A Appendices