

# Wollongong Local Planning Panel Assessment Report | 17 December 2020

<b>WLPP No.</b>	Item No. 3
<b>DA No.</b>	DA-2019/1253
<b>Proposal</b>	Construction of fencing, car park works, landscaping and alterations to hours of operation associated with existing place of public worship
<b>Property</b>	Lot 87 DP 776802, 46 Berkeley Road, Berkeley
<b>Applicant</b>	Berkeley Road Pty Ltd
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Major Development Team (AS)
<b>Development cost</b>	\$4830
<b>Lodgement date</b>	6 August 2019
<b>Prior WLPP meeting</b>	NA

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979 and Schedule 2 of the Local Planning Panels Direction of 30 June 2020. The proposal is captured by Clause 2(b) as the application is contentious development in that more than 10 unique submissions by way of objection have been received.

#### Proposal

The proposal is for extension of operating hours, construction of fencing, landscaping and car park line-marking at an existing place of public worship.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a 'place of public worship' and is permissible in the zone with development consent.

#### Consultation

The proposal was notified twice in accordance with Council's Notification Policy and received 45 submissions which are discussed at section 2.8 of the assessment report.

#### Main Issues

The main issues are:

- Operating hours
- Noise generated by the proposed activities
- Amenity impacts
- Acoustic attenuation measures
- Car parking and local traffic impacts

#### RECOMMENDATION

It is recommended that the application is approved subject to recommended conditions of consent as set out in Attachment 7.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

#### State Environmental Planning Policies

- SEPP 55 – Remediation
- SEPP (Coastal Management) 2018
- SEPP (Koala Habitat Protection) 2020

#### Local Environmental Plans

- Wollongong Local Environmental Plan 2009 (WLEP 2009)

#### Development Control Plans

- Wollongong Development Control Plan 2009 (WDCP 2009)

#### Other policies

- Wollongong City Wide Development Contributions Plan 2020
- Wollongong Community Participation Plan 2019

### 1.2 BACKGROUND

#### DA-1990/370 Place of Public Worship

On 18 October 1990 Council issued development application DA-1990/370 for 'Erection of Hall for Place of Worship'. The proponent was the Jehovah's Witnesses and this consent was the first place of public worship approved on the land. The consent authorised construction of a 747m<sup>2</sup> single storey hall, with porte cochere and on-site parking for 103 vehicles. The stamped plans indicated 'meeting times' of:

- *Monday: 7-8pm English and Yugo meetings (book study) 40 persons*
- *Sunday: 9.30-11.30am English and Yugo (public talk) 120/140 persons*
- *Sunday: 2.30-4.30pm Spanish-Portugese (public talk) 40/50 persons*
- *Tuesday: 7-9pm Spanish-Portugese & Italian (book study) 60/70 persons*
- *Wednesday: 7-9pm English (ministry training) & Yugo 110/130 persons*
- *Friday: 7-9pm Spanish-Portugese (book study) & Italian 50/60 persons*
- *Saturday: 5-7pm Spain – Port. (ministry training)*

Meeting times is the term commonly used by that congregation to describe assembly or worship activities and represent approved hours of operation.

The consent was amended on 9 November 1990, without change to the operating hours.

The land was sold to the current proponent in 2016. No separate development consent was required for the new congregation to occupy the site, subject to compliance with all conditions of consent in DA-1990/370.

#### Unauthorised Demountable Building

In late 2016, the new owners installed a 6m x12m demountable building and placed it in its current location, approximately 3m from the rear property boundary and within 40m of the adjoining

watercourse. The demountable required development consent but no development application had been lodged.

Council's Regulation and Enforcement staff issued a Notice of Intention to serve an order on 24 January 2017. The Notice required the demountable to be demolished and removed from the site. A further Order was issued on 23 February 2017. A penalty infringement notice was subsequently issued. Further compliance action was suspended pending the outcome of development application DA-2017/851.

#### DA-2017/851 Alterations to Brick Building

On 18 April 2018 Council approved DA-2017/851 '*Alterations and additions to existing brick building at place of public worship*'. The application initially included retention of the unauthorised demountable in its current location. However, Council's stormwater engineer advised that the demountable could not be located in a high flood risk area. The demountable component was removed from the application to expedite determination of the other matters.

The development was integrated development as a controlled activity approval under the Water Management Act 2000 was required.

Condition 31 contained hours of operation, consistent with the hours authorised in DA-1990/370.

#### **31 Hours of Operation**

*The approved works are for use of activities associated with the existing place of public worship approved under DA-1990/370. The works are to be conducted in accordance with approved hours of operation as shown on DA-1990/370, specifically:*

- *Monday: 7-8pm*
- *Tuesday: 7-9pm*
- *Wednesday: 7-9pm*
- *Friday: 7-9pm*
- *Saturday: 5-7pm*
- *Sunday: 9.30-11.30am and 2.30-4.30pm.*

*Any alteration to these hours requires separate consent.*

A construction certificate (PC-2019/118) was issued by private certifier Kingston Knight Pty Ltd on 24 January 2019. Council has no record of an Occupation Certificate being issued.

#### DA-2018/577 Relocation of Demountable Building

On 16 January 2019 Council approved DA-2018/577 '*Relocation of Existing Demountable Building*'. The applicant advised that the demountable was to be used for '*educational purposes*'...'*in conjunction and ancillary to the place of public worship*'.

The approved location was further from the watercourse and outside high flood risk area as required by Council's stormwater engineer. The development was integrated development as a controlled activity approval under the Water Management Act 2000 was required.

Condition 15 contained hours of operation, consistent with the hours authorised in DA-1990/370.

#### **15 Hours of Use of Demountable**

*The demountable is permitted to be used only during the approved operating hours for the place of public worship approved under DA-1990/370 and DA-2017/851, namely:*

- *Monday 7-8pm*
- *Tuesday 7-9pm*
- *Wednesday 7-9pm*

- *Friday* 7-9pm
- *Saturday* 5-7pm
- *Sunday* 9:30-11:30am and 2:30-4:30pm.

*Any alteration to these hours requires separate development consent.*

To date, the demountable has not been moved from its original unauthorised location. The applicant advised in an email on 11 November 2020 *'the demountable can be relocated after DA is approved for the new site'*.

#### Pre-lodgement meeting PL-2019/72

Pre-lodgement meeting PL-2019/72 was held on 5 June 2019. The applicant was a representative of the mosque and requested the meeting to discuss Council's interpretation of the operating hours approved under DA-1990/370, DA-2017/851 and DA-2018/577.

Council's meeting notes confirmed Council's view that the hours shown on the approved DA-1990/370 plans were the relevant approved operating hours. Council advised that if the mosque wanted to continue to operate outside those hours, separate development consent must be obtained.

Subsequent to the meeting several letters were exchanged between Council and the mosque's legal adviser.

#### Customer service actions

Recent customer service requests relate to the unauthorised demountable building, parking, unauthorised use of the premises, fire safety and request for information. There are no outstanding customer service requests of relevance to the development.

### **1.3 DETAILED DESCRIPTION OF PROPOSAL**

Council wrote to the applicant on 9 January 2020 following the initial public notification period and requested further information regarding the submitted acoustic report and traffic report. A response was provided on 5 May 2020.

On 31 July 2020 Council requested further information in relation to acoustic modelling and aspects of the Harwood Acoustics acoustic supplementary report. A response was provided on 18 August 2020. This included a further revised Harwood Acoustics report which recommended the construction of acoustic fencing in two locations.

On 3 September 2020 Council requested details of the proposed acoustic fencing and revised site plan, cost estimate, clarification whether the works were proposed on waterfront land, and Building Code of Australia information. A response was provided on 1 November 2020 and these plans and reports form Attachments 3, 4 and 5.

The development is not integrated or designated development.

#### Proposal

The application seeks consent to extend operating hours to accommodate the five Muslim prayers (Salat times) per day. Prayer times are regulated by the path of the sun and vary depending on the time of the year.

Prayer times are in the vicinity of:

- Morning prayer (Fajr): 4am- 5.45am, duration approximately 15 minutes
- Midday prayer (Zuhr): 11.55am- 1.10pm, duration approximately 15 minutes
- Afternoon prayer (Asr): 2.40pm-4.45pm- duration approximately 15 minutes
- Sunset prayer (Maghrib): 4.55pm-8.10pm, duration approximately 15 minutes

- Evening prayer (Isha): 6.20pm-9.50pm, duration approximately 15 minutes
- Friday prayer (Jumu'ah Khutbah): from 12pm, duration approximately 2 hours (including gathering and socialising before and after the prayer)
- Ramadan (30 day period, generally occurring March-June): sunset prayer (Maghrib) 6pm-8pm, may include communal meal after Maghrib

Specifically, consent is sought for:

- Extension of operating hours of the approved place of public worship to the following:
  - 4am-10pm, seven days a week in daylight savings time and 5am-10pm, 7 days a week for the rest of the year
  - No gathering of adults or children in external areas 4am-7am Monday to Saturday and 4am-8am Sundays and Public Holidays
  - 6-10pm for Ramadan (evening prayer time, being 1.5hrs after dusk) depending on time of the year
  - After 10pm no gathering of children or adults in external areas;
- Imposing a condition of consent requiring modification of development consents:
  - DA-1990/370 to include the proposed operating hours
  - DA-2017/851 to replace condition 31 with the proposed operating hours
  - DA-2018/577 to replace condition 15 with the proposed operating hours;
- Construction of fencing as shown on Cardno plans 82021047-SK001 and SK002 (Attachment 3)
  - 1.6m high acoustic fence part length western boundary
  - 2.1m high acoustic fence part length northern (Blackwattle Place) boundary - either on top of existing neighbour's retaining wall or within mosque property;
- Landscaping as shown on Cardno plans 82021047-SK001 and SK002 (Attachment 3);
- Line-marking and signposting within existing car park as shown on Cardno plans 82021047-SK001 and SK002 (Attachment 3); and
- Installation of equipment as recommended by Harwood Acoustics Environmental Noise Impact Assessment

The proponent emphasises in their application that the proposed hours are a continuation of the hours they currently operate on the site. From that perspective, Council has an insight into potential operating and amenity impacts of the proposed hours, as evidenced in neighbour submissions and site inspections.

Council notes that these current and proposed hours are not in compliance with the existing approved hours authorised by DA-1990/370.

#### Numbers of People Attending

Approximate attendance numbers as advised in the Harwood Acoustics report are:

- Morning prayer (Fajr): 15-20 people, approximately 15 minutes
- Midday prayer (Zuhr): 20-30 people, approximately 15 minutes
- Afternoon prayer (Asr): 20-30 people, approximately 15 minutes
- Sunset prayer (Maghrib): 50-60 people, approximately 15 minutes

- Evening prayer (Isha): 50-60 people, approximately 15 minutes
- Friday prayer (Jumu'ah Khutbah): 200-250 people, approximately 2 hours (including gathering and socialising before and after the prayer)
- Holy month of Ramadan: 125-130 people attend evening prayer between 6pm and 8pm

It is noted that the hours sought by the proponent extend further than 8pm for Ramadan.

Recommendations of Harwood Acoustics Environmental Noise Impact Assessment - revision 3 dated 27 October 2020

Council requested further specific operational measures to reduce potential noise impacts resulting from the proposed extension of hours. The latest Harwood Acoustics report dated 27 October 2020 (Attachment 5) makes the following recommendations:

- Establishment of a designated children's outdoor play area between the mosque and demountable buildings;
- Restrictions on the use of the 'playing field' adjacent to Berkeley Road;
  - Use limited to day time hours only (i.e. 7am-6pm Monday to Saturday and 8am to 6pm on Sundays and Public Holidays)
  - Physical barriers installed to ensure no activity occurs within 5 metres of the northern boundary to the playing field
- Extension of the shared fence along the northern boundary;
- Installation of a lockable gate with an electronic timer to prevent people arriving early for morning prayer; and
- Implementation of a Noise Management Plan

Noise Management Plan

Harwood Acoustics recommends the following procedures are incorporated into a Noise Management Plan, to be implemented at all times.

- Children to play in designated playground and not on the sporting field after 6pm;
- No children play outdoors prior to 7am Monday to Saturday or prior to 8am on Sundays or after 10pm any day;
- Inclusion of signage around the site informing community members about the importance of minimising noise generation in the outdoor areas; and
- The need for the gate to be locked prior to the commencement of Fajr and members attending Fajr must be advised of the opening time and discouraged from arriving early and parking on Berkeley Road prior to the gate unlocking.

Traffic Management

Bitzios Consulting prepared a Traffic Impact Assessment dated 14 October 2019. The report authors undertook a site inspection 12pm-2pm on 6 September 2019 during Friday prayer (Jumu'ah Khutbah). Bitzios recommended the following:

- Worshippers should be advised to park along the property frontage on Berkeley Road rather than on the residential side of Berkeley Road
- Line-marking of the existing car park in accordance with AS2890.1, so as to increase the number of formal parking spaces.

- A 'no stopping' zone should be provided on both sides of the driveway and potentially both sides of the intersection of Berkeley Road and Regency Crescent, to improve available pedestrian sight lines
- Waste collection should continue. They advise waste is deposited into skip bins which are collected by Council.

Bitzios Consulting provided further information in response to Council's letter dated 9 January 2020. This included:

- Car park layout plan showing 97 car parking spaces and 2 motorcycle spaces following line-marking in accordance with AS 2890.1
- Details of directional signage within car park, including restricted areas/turn around bays
- A Green Travel Plan, recommending actions to reduce reliance on motor vehicles

The Cardno site plan dated 29 October 2020 shows the location of parking spaces as proposed to be line-marked and signage as recommended by Harwood Acoustics. Generally, parking during the early morning prayer (Fajr) is permitted closest to the building so as to increase the distance from Blackwattle Place and Berkeley Road residents.

#### Council recommendation

As discussed later in this report, Council does not support all aspects of the proposal. Recommended operational conditions are detailed in Attachment 7, and are summarised as follows:

- Operating hours of the premises
  - 4.15am-9.30pm in summer/daylight savings, 7 days a week
  - 5.15am-7pm rest of the year, 7 days a week
  - During Ramadan 5.15am-8pm, 7 days a week
- Within the approved hours of the premises, further restrictions on people lingering outside the main brick building are considered appropriate to reduce transmission of noise to neighbouring properties at certain times.
  - No gathering external to the building during the following times:
    - 4.15am-7am in summer/daylight savings; Monday-Friday
    - 7pm-9.30pm in summer/daylight savings; Monday-Friday
    - 4.15am-8am in summer/daylight savings; weekends and Public Holidays
    - 5.15am-7am rest of the year; 7 days a week
    - 7pm-9.30pm rest of the year; Monday-Friday
    - 5.15am-8am rest of the year; weekends and Public Holidays
- Maximum number of people in attendance
- Restricted times for use of the outdoor grassed areas
- Relocation of the existing unauthorised demountable building to its approved location prior to issue of Construction Certificate
- Installation of noise minimising devices including gate timer locks prior to issue of Construction Certificate
- Construction of boundary acoustic fencing prior to issue of an Occupation Certificate
- Submission of a noise management plan to the principal certifier and Council prior to issue of the Construction Certificate

- Implementation of the noise management plan during operation
- Submission of an acoustic compliance report to Council no more than 12 months after issue of an Occupation Certificate, and which must evaluate a large community event and Ramadan
- Investigation of noise complaints by acoustic assessor and development of recommendations for additional attenuation measures

Attachment 7 details recommended conditions of consent.

#### **1.4 SITE DESCRIPTION**

The 1.377 hectare site is located at 46 Berkeley Road, Berkeley and the title reference is Lot 87 DP 776802.

The land contains a single storey brick building, approved under development application DA-1990/370.

A demountable building is also situated on the site, located to the north-west of the main building. The demountable was brought onto the site in 2016 without the necessary development consent. DA-2018/577 allows it to be kept, but the building must be relocated further away from the watercourse at the rear of the property and outside the high flood risk area. The demountable remains in its original unauthorised position.

The land is generally triangular in shape, with a rear (western/southern) boundary adjoining land owned by Council, which contains a watercourse. The northern boundary adjoins residential properties in Blackwattle Place. The eastern boundary adjoins Berkeley Road. Refer Attachments 1 and 3 for details.

The land falls to the rear and the adjoining watercourse.

The locality is exclusively residential as shown in Attachments 1 and 2.

#### Property constraints

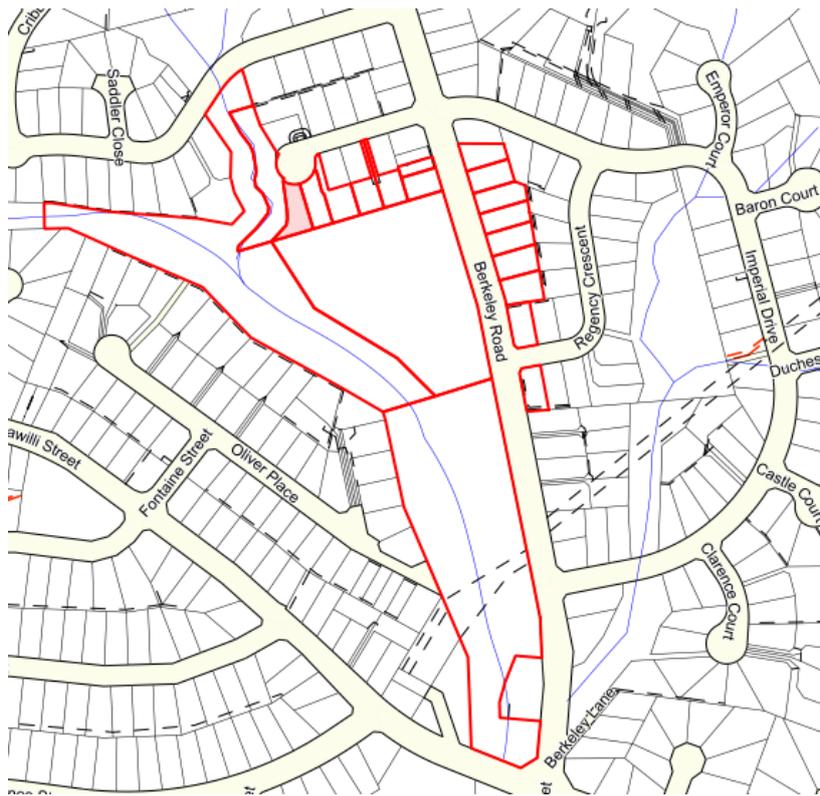
Council records identify the land as being impacted by the following constraints:

- Contains fill
- Flooding: The site is identified as being located within an uncategorised flood risk precinct. . Council's stormwater engineer has no objection to the proposed works, including fencing.
- Ecological sensitive land – natural resources biodiversity
- Encumbrance DP 776802
- 88b restriction:
  - Engineers certification required for building foundations
  - No building within the restricted building zone without prior consent of the Water Board
  - No fence without consent of Wollongong Council

None of these restrictions apply to the application
- State Environmental Planning Policy (Coastal Management) 2018 – part lot affected (coastal wetlands buffer area)

#### **1.5 SUBMISSIONS**

The application was notified between 21 November and 5 December 2019 and 4 to 19 November 2020 in accordance with Council's Community Participation Plan 2019. Nineteen submissions (objections) were received.



**Notification map - properties notified outlined in red**

Several aspects to the proposed operating hours have been amended during the course of the application assessment, primarily to correlate with revisions to the Harwood Acoustics noise assessment. The final revised Harwood Acoustics report, site plan, fencing plan and revised Statement of Environmental Effects was exhibited to neighbours in the second notification period between and -19 November 2020. Twenty-six (26) submissions (1 support and 25 objection) were received.

A total of forty five (45) submissions have been received (1 support and 44 objection).

Submissions have been provided to the Wollongong Local Planning Panel, and discussed below;

Concern	Comment
<b>Place of worship / appropriate use</b>	
Community events/festivals are very noisy and have lots of people attending	Attachment 7 contains conditions restricting hours of operation including the use of indoor and outdoor areas.
New owners have increased traffic especially during large events at the centre.	Attachment 7 contains a recommended condition requiring on-site parking areas to be available for parking at all times. No displacement of parking by other activities is permitted.
Place of worship is different to children’s playground and youth community centre.	The ‘Place of public worship’ definition allows use for social events, which would be subject to other operational conditions in Attachment 7.

<b>Concern</b>	<b>Comment</b>
School holiday programs are noisy	Use of the premises during school holidays is permitted, subject to other operational conditions detailed in Attachment 7.
<b>Traffic and Parking</b>	
Traffic in the area significantly increased due to the amount of people that attend on a Friday between 12pm and 2pm.	A traffic management plan has been provided. Conditions of consent are set out in Attachment 7 requiring implementation of a Green Travel Plan, line-marking and management of car parking.
Big events block off the road and make it hard for residents.	A condition of consent is recommended requiring on-site parking areas to be available for parking at all times.
There needs to be restrictions to the noise and the traffic.	Attachment 7 contains a condition specifying noise design goals at residential properties. Other measures to reduce sound transmission include timed access gates, restricted parking areas and no lingering in outdoor areas.
<b>Noise</b>	
Place of public worship should be quiet	Council's DCP 2009 requires Council to consider amenity impacts on residential properties for alterations to or new places of public worship. EPA Noise Guidelines set noise limits depending on time of day and a condition is set out in Attachment 7.
Previous owners very quiet, had as many worshippers but did not cause noise and traffic issues.	An acoustic assessment has been provided and Attachment 7 contains conditions requiring submission and implementation of noise management plan and green travel plan. Hours of operation limit indoor and outdoor use. Specific noise level goals are conditioned.
Children play outdoors and make so much noise late at night	Attachment 7 contains a condition limiting use of outdoor areas to certain times.
<b>Hours of operation</b>	
Too late for a residential area	Approved hours of operation DA-1990/370 and DA-2017/851 allow the latest use to 9pm. Council does not support the proposed closure at 10pm.
They are already operating outside approved hours	The proponent has been made aware they are operating outside hours approved in DA-1990/370, DA-2017/851 and DA-2018/577. Council has paused compliance action pending the outcome of the subject application.
Too noisy at night and on weekends	Hours of consent are detailed in Attachment 7 restricting hours and use of outdoor areas.

## **1.6 CONSULTATION**

### **1.6.1 INTERNAL CONSULTATION**

#### **Building Inspector**

Council's Building Officer has reviewed the application and advised they have no objection, subject to conditions of consent regarding Building Code of Australia matters. These conditions are contained in Attachment 7.

#### **Environment Officer**

Council's Environment Officer has reviewed the application including revisions by Harwood Acoustics, Bitzios Consulting and TCG Planning/Cardno.

Council's officer does not support the proposed operating hours, chiefly due to the existing neighbourhood context and proximity of residential properties to the site. In addition, existing background noise levels are relatively low (with reference to NSW EPA Noise Guidelines), and therefore 10pm operation would be more intrusive than on a different site with less residents and a louder pre-existing background noise level.

Council's officer has recommended 4.15am-9pm in summer and 5.15am-7pm in winter. These times are a maximum; all persons would be required to vacate the site by 9pm and 7pm. These times would preclude some daily prayers (e.g. sunset and evening prayers) at certain times of the year.

Conditions of consent were recommended regarding documents to be supplied prior to Construction Certificate and Occupation Certificate, and operational measures intended to reduce noise impacts on neighbouring properties. These conditions are included in Attachment 7.

#### **Stormwater Engineer**

Council's stormwater engineer has reviewed the application, including the 29 October 2020 site plan proposing acoustic fences. Council's engineer has advised they have no objection to the development. No conditions of consent were recommended.

#### **Traffic Engineer**

Council's Traffic Officer has reviewed the application, including several plans and documents prepared by Bitzios Consulting. They have no objection, subject to recommended conditions. These conditions are set out in Attachment 7 and include a requirement for line-marking, implementation of the Green Travel Plan, provision of bicycle facilities and road works approval. Implementation of a no stopping zone is not supported.

### **1.6.2 EXTERNAL CONSULTATION**

Upon receipt of the revised site plan (by Cardno, dated 29 October 2020) Council requested the applicant confirm whether the fencing proposed on the watercourse boundary required a controlled activity approval (CAA) from Natural Resources Access Regulator (NRAR) and thereby making the application integrated development.

The applicant advised Council that NRAR did not require a CAA, and this information was verified by Council in a telephone conversation with the NRAR officer.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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### **1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

## NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the EP&A Act states that certain provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) apply. Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 sets the minimum lot size and area threshold criteria for entry of a proposed development into the NSW Biodiversity offsets scheme. No native vegetation clearance is proposed in the subject application.

Council's Environmental Assessment Officer has considered the application and has raised no concerns regarding biodiversity protection.

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

### **2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no significant earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

#### **2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

Maps published with the SEPP indicate the southern part of the land is located in a Proximity Area for Coastal Wetlands. In the affected area, proposed works are line-marking and erection of signage in the existing car park.

Division 1 applies to sites located within proximity areas to wetlands or littoral rainforests.

### ***11 Development on land in proximity to coastal wetlands or littoral rainforest***

#### **Note.**

*The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" or both.*

*(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*

*(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*

*(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

*(2) This clause does not apply to land that is identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map.*

Both matters covered in clause 1 are considered satisfactory. The stormwater and flooding implications of the proposed works are acceptable.

Clause 15 requires the consent authority to be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. This is satisfactory.

Clause 16 requires the consent authority to take into consideration relevant provisions of any certified coastal management program that applies to the land. Council's Coastal Zone Management Plan does not identify the site as being subject to coastal hazards.

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

#### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area. Council has not prepared a Koala Plan of Management as such, clause 9 of the SEPP is required to be considered.

The land is greater than 1 hectare and the consent authority is required to consider whether the land is potential koala habitat. Based on the extent of existing cleared and development on the site, and the type of existing vegetation, the land is not considered to be potential koala habitat. The Guideline does not require further analysis or implementation of habitat protection measures with regard to the site.

#### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### Clause 1.4 Definitions

The proposed extension of operating hours and works are associated with an existing 'place of public worship', which is defined:

*place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.*

##### Clause 1.8A Savings provision relating to pending development approvals

Not relevant.

### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R2 Low Density Residential.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

##### **Zone R2 Low Density Residential**

###### **1 Objectives of zone**

- *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.*

The proposal is satisfactory with regard to the above objectives, subject to operational controls to reduce amenity impacts on surrounding residents.

The land use table permits the following uses in the zone.

###### **2 Permitted without consent**

*Home occupations*

### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; **Places of public worship**; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals*

### **4 Prohibited**

*Any development not specified in item 2 or 3*

The proposal is categorised as a 'place of public worship' as defined above and is permissible in the zone with development consent.

#### **Part 4 Principal development standards**

##### Clause 4.3 Height of buildings

No increase to existing building height is proposed.

##### Clause 4.4 Floor space ratio

The proposal does not comprise any additional gross floor area.

#### **Part 7 Local provisions – general**

##### Clause 7.1 Public utility infrastructure

The premises is currently serviced by electricity, water and sewage supply.

##### Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by 'Natural Resource Sensitivity – Biodiversity'. The application was referred to Council's Environment Division to assess likely impacts of the proposal. No objection was raised in relation to biodiversity protection.

##### Clause 7.3 Flood planning area

The site is identified as being flood risk affected (uncategorised flood risk precinct). Council's stormwater engineer has assessed the application and advised that the proposed fences are outside the flooding extent as indicated in Council's flood modelling.

##### Clause 7.6 Earthworks

The proposal comprises construction of boundary fencing. Earthworks are considered minor.

#### **2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

None relevant.

#### **2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

##### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

## CHAPTER C13: PLACES OF PUBLIC WORSHIP

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<p><u>4.1 Locational Requirements</u></p> <p>Minimum 250m away from any other place of worship</p> <p>400m from any sex industry premises</p> <p>150m away from firearm store</p> <p><u>4.2 Minimum Lot Size &amp; Lot Width Requirements</u></p> <p>Minimum 2000m<sup>2</sup> and 40m width</p> <p><u>4.3 Maximum Site Coverage</u></p> <p>Maximum 50%</p> <p><u>4.4 Maximum Building Height</u></p> <p>In accordance with WLEP 2009</p> <p><u>4.5 Front Setbacks</u></p> <p>Minimum 7.5m</p> <p>Same as adjoining</p> <p><u>4.6 Side Setbacks</u></p> <p>Minimum 3m for R2 zone</p> <p><u>4.7 Rear Setbacks</u></p> <p>Minimum 5m</p> <p><u>4.8 Building Form and Character</u></p> <p>Consider amenity of surrounding locality, especially residential localities</p> <p><u>4.9 Noise Impact Assessment</u></p> <p>Assessment required for new or major alterations</p>	<p>The application relates to an existing place of public worship. The site is not within the prescribed distance of those approved land uses.</p> <p>The application relates to an existing place of public worship. Both lot size and width exceed minimum requirement.</p> <p>No expansion of buildings proposed. Buildings approved under DA-1990/370, DA-2017/851, DA-2018/577 do not exceed 50% site area.</p> <p>No change to exiting building height.</p> <p>No change to existing building and/or approved setbacks</p> <p>No change to existing building and/or approved setbacks</p> <p>No change to existing building and/or approved setbacks</p> <p>Works occur at existing place of public worship. Objections have been conveyed from neighbours, including telephone conversations with a resident on the western boundary. Conditions of consent recommended hours of operation, no amplified music, sound at boundary same as DA-2017/851, car parking etc.</p> <p>Harwood Acoustics has prepared the following</p> <ul style="list-style-type: none"> <li>○ Noise Impact Assessment dated 1 November 2019</li> <li>○ Letter dated 30 April 2020</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>

Controls/objectives	Comment	Complies
<p><u>4.10 Car Parking, Access and Traffic Impact Assessment Requirements</u></p>	<ul style="list-style-type: none"> <li>○ Revised Noise Impact Assessment dated 18 August 2020</li> <li>○ Revised Noise Impact Assessment dated 27 October 2020</li> </ul>	
<p>In accordance with WDCP 2009 Part E</p> <p>Car Parking Traffic Impact Assessment required where increase of more than 50 people</p>	<p>All documents have been reviewed by Council's environment officer, who does not endorse all Harwood's recommendations.</p> <p>The proposed attendance (200-250 people) exceeds the maximum 140 persons approved under DA-1990/370.</p> <p>103 car parking spaces required under DA-1990/370 and DA-2017/851 was increased to 106 spaces in DA-2018/577.</p> <p>Chapter E3 requires 1 space per 20m<sup>2</sup> of GFA or 1 space per 10 seats, whichever is the greater.</p> <p>The demountable is 12m x 6m (72m<sup>2</sup>). The existing main brick building has a floor area of approximately 612m<sup>2</sup>. Total GFA approximately 684m<sup>2</sup>.</p> <p>On a per m<sup>2</sup> calculation, parking for 34 cars would be required. Based on a per seat/per person rate, 68 spaces are required. However, the applicant has advised that Friday prayer (Jumu'ah Khutbah) attracts 200-250 persons, and it is not recommended that on-site formal parking is reduced. The proposed line-marking of the existing car park would create 93-97 spaces, depending on whether time restrictions were in place.</p> <p>Bitzios Consulting has prepared a traffic impact assessment.</p>	Supported
<p><u>4.11 Solar Access</u></p> <p>Minimum 3 hours to adjoining residential development</p>	<p>No impact on adjoining development. The proposed 2.1m boundary fencing is on the southern side of Blackwattle Place residential properties and the rear Council land.</p>	Yes
<p><u>4.12 Crime Prevention Through Environmental Design</u></p>	<p>The maximum proposed operating hours are 4am-10pm, although Council recommends 4.15am-9.30pm. Crime prevention is considered adequate; the Harwood Acoustics reports recommends a lockable gate timer on</p>	Yes
<p>In accordance with WDCP 2009 Part E</p>		

Controls/objectives	Comment	Complies
<p><u>4.13 Access for People with a Disability</u></p>	<p>the main driveway gate, and this could be also installed on the Berkeley Road pedestrian gate. Security cameras and personnel are not considered necessary.</p>	
<p>In accordance with WDCP 2009 Part E</p>	<p>No change to the existing building or demountable beyond existing consents is required.</p> <p>Conditions of consent are recommended requiring compliance with the Building Code of Australia.</p>	Yes
<p><u>4.14 Landscaping Requirements</u></p>	<p>New 5m deep landscaping proposed on part length Blackwattle Place boundary – refer Cardno plan 29 October 2020. It is recommended that a landscape plan is submitted prior to issue of the Construction Certificate.</p> <p>No front landscape buffer is proposed, but a requirement for this to be provided is considered reasonable based on proposed hours of operation, numbers of people use of the outdoor grassed area.</p>	Condition
<p>Minimum 5m deep landscape buffer screen required within front setback</p> <p>Minimum 3m deep landscape buffer screen required within side setback</p>	<p>The applicant seeks to operate 4am-10pm in summer/daylight savings and 5am-10pm for the rest of the year. No specific details of festival times have been provided.</p> <p>The proposed hours are an extension of the hours approved under DA-1990/370, DA-2017/851 and DA-2018/577.</p> <p>Having regard to the proximity of adjoining residents and the location in an established residential area, it is not recommended that the proposed hours of operation are supported. Alternatively, the following hours are considered acceptable, subject to further operational conditions:</p> <p>4.15am-9.30pm in summer/daylight savings and 5.15am-7pm for the rest of the year., with the exception of Ramadan (5.15am-8pm).</p>	Condition
<p><u>4.15 Hours of Operation</u></p>		
<p>Applicant to provide hours of operation for daily activities and festivals or special events etc.</p> <p>Frequency of events and number of persons attending those events must be provided.</p> <p>Council may impose limits on hours of operation, particularly where the site is within or adjoins residential areas.</p> <p>Minimum 30 minutes between services to minimise noise and traffic impacts.</p>		

## CHAPTER D1 – CHARACTER STATEMENTS

### Berkeley

Subject to conditions of consent recommended in Attachment 7, the proposal is considered to be consistent with the existing and desired future character for the locality.

#### **Desired Future Character**

Berkeley is likely to remain a low to medium density residential suburb. Affordable housing prices and expansive views over Lake Illawarra make this suburb an attractive location. It is anticipated that the replacement of older dwelling stock will occur, particularly in areas in close proximity to Lake Illawarra. Varied dwelling styles are considered suitable. Moderately pitched roof forms are preferred. Additionally, any new medium density housing should be of face brickwork and a pitched roof form.

A range of different dwelling styles may be erected within the newer residential land areas on the upper slopes of Berkeley. This may include face brick, rendered brickwork or lightweight weatherboard dwellings with sloping flat roof, pitched or curved roof forms.

The Winnima Way retail centre will continue to provide for the convenience needs of the surrounding population. Any new retail or business development will be restricted to the existing Winnima Way retail centre or the existing smaller retail centre in Nolan Street. Higher order retailing and business functions

for the surrounding residential population will continue to be provided either from Wollongong City Centre or Warrawong sub-regional centre.

## CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

No construction works to either the demountable or main brick building are proposed. A ramp to the demountable was approved in DA-2018/577, although the demountable has yet to be moved from its unauthorised location.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

No changes to the existing demountable or main brick building are proposed. No details of car park lighting have been provided. The application proposes installation of timed safety gate locks, and it is recommended a similar lock is used on the existing pedestrian gate.

## CHAPTER E6: LANDSCAPING

The application proposes a 5m deep landscape buffer for part of the northern (Blackwattle Place) boundary. DCP Chapter C3 requires 3m landscaped buffer at side and rear boundaries and 5m along the front boundary. No front boundary landscaping is proposed.

It is considered reasonable that a front landscaped bed is provided, as this may assist with noise reduction and headlight intrusion into houses on Berkeley Road. It is also considered reasonable that the northern landscaped bed is extended for the full length of the Blackwattle Place boundary.

## CHAPTER E7: WASTE MANAGEMENT

It is considered that the waste disposal needs of the site will change as a result of the development. Additional fencing work is proposed, and the number of people attending the site and hours of operation are proposed to increase.

A Site Waste Minimisation and Management Plan (SWMMP) has not been provided. It is recommended that a condition of consent is applied requiring a SWMMP to be submitted prior to issue of the Construction Certificate.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within an uncategorised flood risk precinct. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and clause 7.3 of WLEP 2009 and has advised that no conditions of consent are required.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and has advised that no conditions of consent are required.

## **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

No tree removal is proposed.

## **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

Minor earthworks to facilitate fencing are proposed.

## **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

The fencing works are not considered likely to result in adverse soil or water impacts.

### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019**

Contributions are payable on work with a capital investment value exceeding \$100,000. For the purpose of the application, capital investment would encompass the proposed acoustic fencing on Blackwattle Place and the rear watercourse boundary. The fencing has an approximate length of 140m to Blackwattle Place and 52m to the south-western boundary.

The applicant was asked to provide a revised cost of works incorporating the proposed erection of fences. The applicant advised the fencing cost is \$4830. A written quotation has not been provided.

### **2.4 SECTION 4.15(1)(A)(IIIA) 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**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

### **2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

92 What additional matters must a consent authority take into consideration in determining a development application?

Matters are addressed in this report. No demolition of structures is proposed.

93 Fire safety and other considerations

No change of use is proposed.

94 Consent authority may require buildings to be upgraded

Not required.

## 2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

### Context and Setting:

The immediate neighbourhood is zoned R2 Low Density Residential and contains primarily detached dwelling houses – refer Attachments 1 and 2.

The current approved operating hours set by DA-1990/370 are:

- Monday 7-8pm
- Tuesday, Wednesday & Friday 7-9pm
- No Thursday
- Saturday 5-7pm
- Sunday 9.30-11.30am and 2.30-4.30.

The application seeks longer operating hours:

- 4am-10pm, seven days a week in summer/daylight savings time
- 5am-10pm, 7 days a week for the rest of the year

Proposed numbers of people in attendance range from 15-250, depending on the time of day. DA-1990/370 allowed a maximum of 140 persons onsite.

Consideration has been given to the proximity to residential properties, matters raised in submissions and NSW noise guidelines. The proposed operating hours are not considered appropriate for the site location, having regard to sensitive receptors (most significantly the Blackwattle Place boundary and on Berkeley Road), low existing background noise levels and numbers of people in attendance.

### Access, Transport and Traffic:

The site has frontage to Berkeley Road, with one existing gated driveway. Harwood Acoustics recommends installation of a timer on the gate to discourage early arrivals for morning prayer (Fajr).

Bitzios Consulting has assessed existing traffic and parking demands and recommended implementation of a Green Travel Plan to reduce number of vehicles at large gatherings, particularly Friday prayer (Jumu'ah Khutbah), where 200-250 people are expected.

Bitzios has also prepared a line-marking and signposting strategy for the existing car park, designed to restrict cars to areas closest the main building during early morning and late night assembly. During restricted times, the car parking capacity is 93 car spaces, and outside restricted times 97 car spaces would be available.

### Public Domain:

No works are proposed in the public domain.

### Utilities:

The site is currently serviced.

### Heritage:

No heritage items will be impacted by the proposal.

### Other land resources:

The proposal is not envisaged to impact upon any valuable land resources.

### Water:

The site is presently serviced by Sydney Water.

Soils:

The site is identified as containing fill.

Air and Microclimate:

The proposal is not expected result in adverse impacts on air or microclimate.

Flora and Fauna:

There is no vegetation removal required. Additional landscaping is proposed near the Blackwattle Place boundary – refer Cardno plan 29 October 2020.

Waste:

Construction waste is expected to include fencing materials, only.

Energy:

The proposal is not envisaged to require significant energy consumption.

Noise and vibration:

No significant construction is proposed - construction is limited to boundary fencing. Operational noise has been assessed by Harwood Acoustics and conditions of consent aim to reduce off-site noise transmission.

Natural hazards:

Council records list the site as flood affected (uncategorised flood risk precinct). Construction is limited to boundary fencing. Council's stormwater engineer has no objection.

Technological hazards:

Council records list the site as containing fill.

Safety, Security and Crime Prevention:

Matters raised in neighbour submissions have been considered. Generally, objections relate to noise and car parking. No significant safety risks are anticipated.

Social Impact:

General principles and assessment criteria that can be used for social impact assessment include the following;

- Precautionary Principle – There are considered sufficient uncertainties regarding noise and amenity impacts that the proposed hours are not supported. Reduced hours and operational controls are recommended.
- Recognition and preservation of diversity – Conditions of consent in Attachment 7 are intended to avoid a loss of social diversity or a diminishment of social cohesion.
- The prevention principle – Conditions of consent in Attachment 7 are intended to avoid social impacts that would arise after the development that would require rectification after the event.
- The principle of subsidiarity – the development was notified to neighbouring residents.

Economic Impact:

The proposal is not expected to result in adverse economic impacts.

Site Design and Internal Design:

The application does not result in any departures from development standards as outlined above. Conditions of consent in Attachment 7 include requirements for increased landscaping, construction of acoustic fencing, carpark line-marking and directional signage and maximum number of people in attendance.

Construction:

Acoustic fencing is proposed on the northern and western boundaries. Conditions of consent are recommended in relation to construction impacts such as hours of work, works in the road reserve and excavation.

Cumulative Impacts:

Subject to and compliance with conditions of consent in Attachment 7 is expected to avoid adverse cumulative impacts.

**2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

Does the proposal fit in the locality?

The site is located in an established low density residential area, within the R2 Low Density Residential zone. Consideration has been given to potential conflict and amenity impacts arising from the proposed extension of operating hours, fencing, landscaping and car park works. The proposal seeks an increase in numbers of people attending the site and the hours of operation.

Submissions received during two public notification periods include both statements of support and objection. Matters of concern include noise generation, hours of operation, use of outdoor areas and car parking. Submissions referred to the impacts of large weekend community events.

These concerns have been acknowledged and conditions of consent include operational restrictions and reduced hours of operation.

Are the site attributes conducive to development?

The 1.3 hectare site is generally flat with slope down to the rear watercourse. The front setback is relatively exposed and submissions refer to noise from people playing and congregating outside.

The Natural Resources Access Regulator has advised they do not consider the proposed works require a controlled activity approval.

Recommended conditions of consent are considered an appropriate balance between the needs of the existing residents and the mosque.

**2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

Matters raised in submissions are discussed in section 1.5

**2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

With recommended conditions of consent, the application is not expected to result in unreasonable impacts on the environment or the amenity of the locality.

Places of public worship are permissible in the R2 zone, however, impacts on existing residential amenity must be assessed. The proposed operating hours are considered to be excessive for the established residential area and proximity to houses. Council recommends reduced hours and further operational controls designed to limit noise transmission.

The proponent is aware they are currently operating outside the hours approved in DA-1990/370, DA-2017/851 and DA-2018/577. Public submissions are both of objection and support.

Approval subject to conditions in Attachment 7 is considered appropriate and consistent with the public interest.

### **3 CONCLUSION**

---

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The site is zoned R2 Low Density Residential where places of public worship are a permitted land use with development consent pursuant to the WLEP 2009.

Consideration has been given to the current unauthorised operating hours, unauthorised placement of a demountable building, neighbour impacts as described in public submissions and correspondence from the proponent. Referrals are all satisfactory subject to conditions and submissions have been addressed.

The recommended conditions of consent attempt to balance residential amenity and activities associated with a place of public worship.

### **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to appropriate conditions of consent detailed in Attachment 7:

### **5 ATTACHMENTS**

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- 1 Aerial photographs
- 2 WLEP 2009 zoning map
- 3 Plans
- 4 TCG Planning Statement of Environmental Effects dated 30 October 2020
- 5 Harwood Acoustics Environmental Noise Assessment dated 27 October 2020
- 6 Bitzios Consulting Response to Additional Information Request, dated 29 April 2020
- 7 Draft conditions of consent

Attachment 1 – Aerial photo of the site and neighbouring properties



Attachment 2 – WLEP 2009 zoning map





**GENERAL ARRANGEMENT LAYOUT**  
SCALE 1:300

**NOTE**  
 1. IMAGE SOURCED FROM NEARMAP (OCTOBER 2020)  
 2. FOR PROPOSED TREE/SHRUB SPECIES, REFER TO WDCP 2009, CHAPTER E6, TABLE 2 - RECOMMENDED STREET TREE SPECIES  
 3. PROPOSED CAR PARK CONCEPT LAYOUT ADAPTED FROM BITZOS PROJECT No: P4299, SHEETS 1-3, VERSION 003, DATED 29/04/2020

**LEGEND**

	PROPOSED CAR PARK CONCEPT LAYOUT
	PROPOSED ACOUSTIC BARRIER
	PROPOSED LANDSCAPE BED EDGE
	PROPOSED ALTERATION TO EXISTING BUILDING AS PER DA - 2017/851
	PROPOSED RELOCATION OF EXISTING DEMOUNTABLE AS PER DA - 2008/577
	PROPOSED SIGN POST
	PROPOSED TREE/SHRUB
	EXISTING DEMOUNTABLE LOCATION
	EXISTING FENCING
	EXISTING DRIVEWAY
	EXISTING CAR PARK FEATURE
	EXISTING TREE TO BE RETAINED
	EXISTING BUILDING ENVELOPE



XREFS: 20201006-CADASTRE; 20201006-SURVEY; 20201006-PARKING LAYOUT  
 CAD File: \\AUWOL\CF303\Projects\FY1047\_46 Berkeley Rd Berkeley\Drawings\Build\SKETCHES\2021047-SK001.dwg

Rev.	Date	Description	Des.	Verif.	Appd.
1	29/10/2020	ISSUED FOR INFORMATION	MD		NP

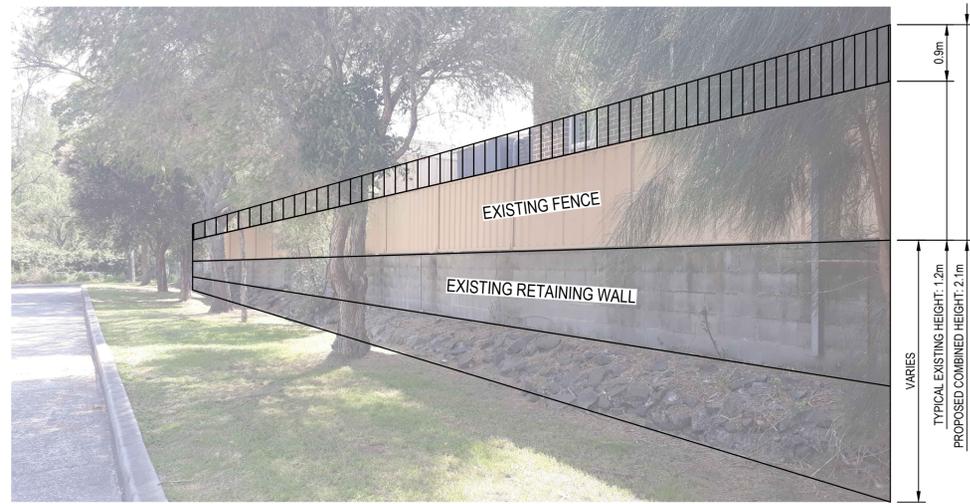
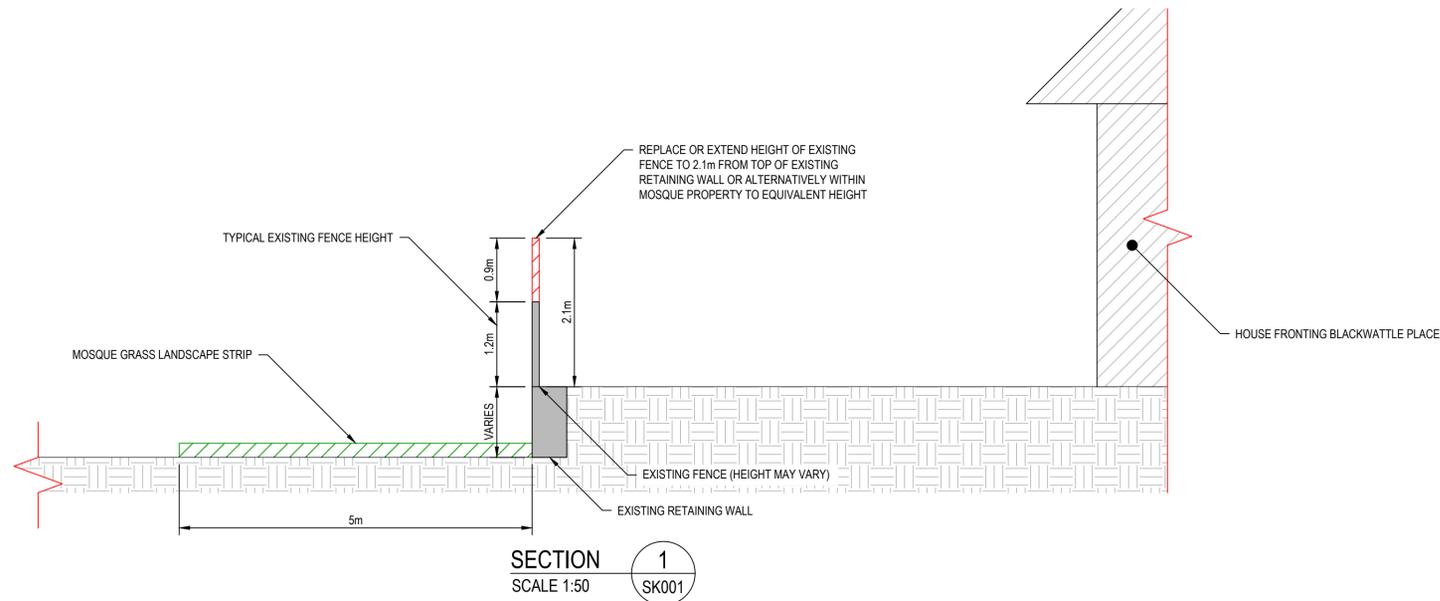
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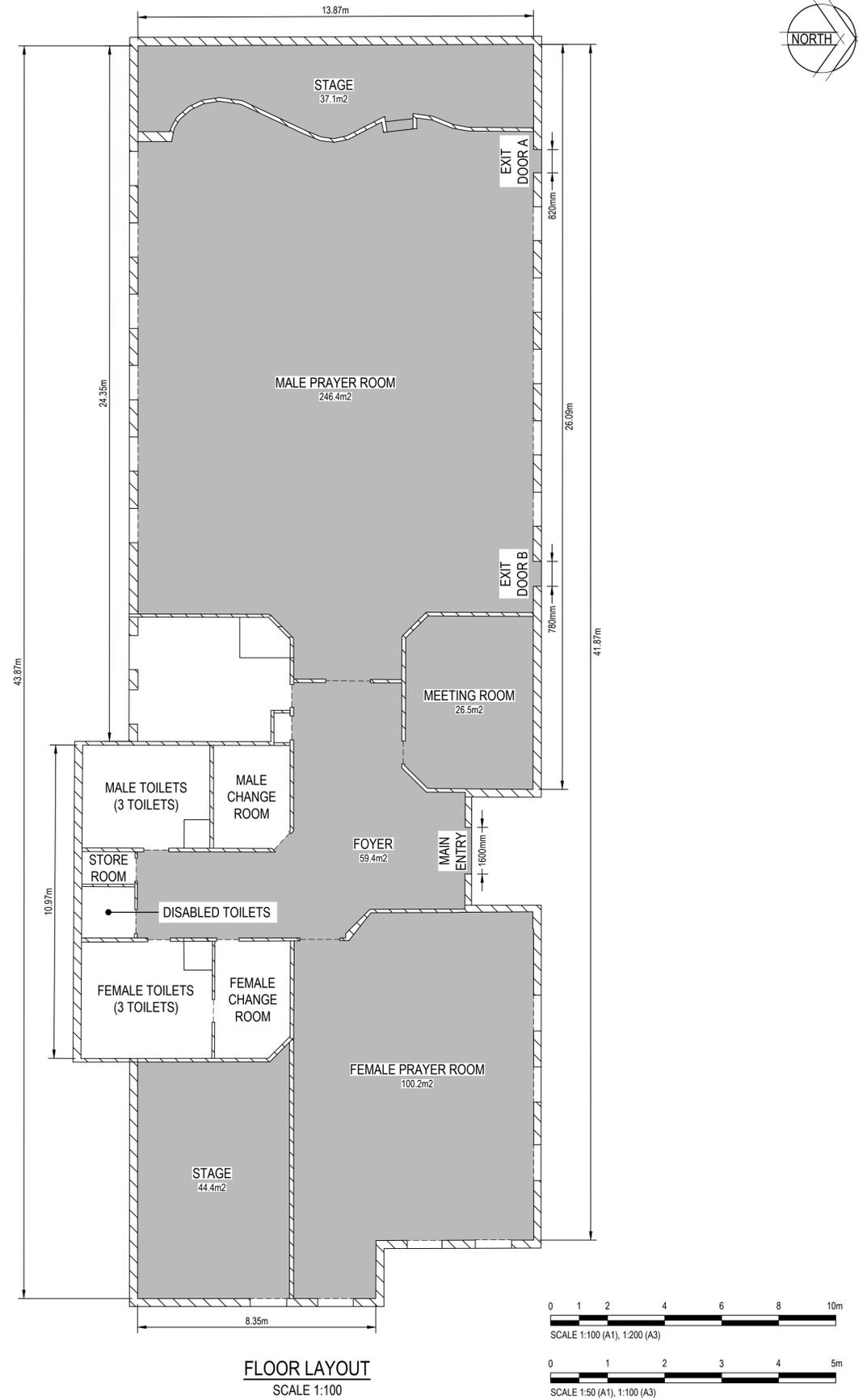
Drawn	MD	Date	6/10/2020
Checked	MPR	Date	29/10/2020
Designed	MD	Date	6/10/2020
Verified		Date	
Approved		Date	
NP		29/10/2020	

Client	MASJID AS-SALAAM
Project	46 BERKELEY ROAD, BERKELEY
Title	GENERAL ARRANGEMENT LAYOUT PLAN

Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES		
AHD	Scale	Size	A1
	1:300		
Drawing Number	82021047-SK001		Revision
			1



IMPRESSIONS OF EXISTING & PROPOSED FENCE HEIGHT - NORTHERN BOUNDARY



Rev.	Date	Description	Des.	Verif.	Appd.
1	29/10/2020	ISSUED FOR INFORMATION	MD		NP

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Checked	MPR	Date	29/10/2020
Designed	MD	Date	6/10/2020
Verified		Date	
Approved	NP	Date	29/10/2020

Client	MASJID AS-SALAAM
Project	46 BERKELEY ROAD, BERKELEY
Title	TYPICAL DETAILS AND FLOOR LAYOUT PLAN

Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES		
AHD	Scale	AS SHOWN	Size
			A1
Drawing Number	82021047-SK002		Revision
			1

ATTACHMENT 4

## Statement of Environmental Effects

To Accompany Development Application DA-2019/1253  
Amendment to Hours of Operation Associated with  
Existing Place of Public Worship at  
46 Berkeley Road, Berkeley  
Lot 87 DP 776802



Image: Aerial photograph showing the location of the subject site (Source: <https://maps.six.nsw.gov.au/>)

Prepared for Berkeley Road Pty Ltd

30 October 2020



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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.

Document Status			Approved For Issue	
Version	Author	Reviewer	Signature	Date
Draft	Carrie Wilkinson Nadine Page	Elaine Treglown	Authorised	29.10.2019
Final	Nadine Page	Nadine Page		5.11.2019
Revised Final V2a Cardno Ref: 82021047	Nadine Page	Nadine Page		30.10.2020

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## 1 Executive Summary

TCG Planning has been engaged by Berkeley Pty Ltd to prepare a Statement of Environmental Effects to accompany a development application for amendment to hours of operation associated with an existing place of public worship at 46 Berkeley Road, Berkeley (Lot 87 DP 776802). With the exception of alterations to some boundary fencing for noise attenuation purposes, no physical works are proposed in association with the proposal, only the formalisation of the times for the use of the mosque.

This Statement of Environmental Effects addresses the appropriate heads of consideration under the *Environmental Planning and Assessment Act, 1979*. The statement also details the manner in which the proposed development complies with relevant state, regional and local planning requirements including *Wollongong Local Environmental Plan (WLEP) 2009* and *Wollongong Development Control Plan (WDCP) 2009*, with particular reference to the requirements of Chapter C13 Places of Public Worship and Chapter B1 Residential Development. The application is accompanied by an environmental noise impact assessment report and traffic and parking impact assessment in relation to the intended formalised hours of operation.

Through assessment of these documents it is considered that the proposed hours of operation are an appropriate outcome for the site. The proposal is a permissible use within the R2 Low Density Residential zone of WLEP 2009 and meets the relevant controls of WDCP 2009 and, accordingly, council approval is sought.

### Revised Statement of Environmental Effects

Since the lodgement of the development application, some revised documentation has been provided to address matters raised by Council in its assessment of the DA (outlined in Sections 3 and 4). This revised Statement of Environmental Effects has been updated to reflect the current aspects of the proposal. Amended and/or additional text is indicated in grey highlighting as per this paragraph.

## 2 Site Context

### 2.1 Subject Site and Surrounds

The subject site is located at 46 Berkeley Road, Berkeley, which is formally known as Lot 87 DP 776802 (refer to aerial photograph at **Figure 1** which shows the site in its surrounding context). The Site is a large property located on the western side of Berkeley Road in a predominantly residential area. The site currently contains a single-storey brick building that is used as a place of public worship (mosque), and associated open-hard surface carparking, as illustrated in **Figures 1 and 4**. There is a large grassed area separating the building and car park from Berkeley Road.

The subject site is located within an established low density residential area in Berkeley. The street and surrounds comprise a mix of older single-storey homes and newly constructed larger dwellings. The majority of development in the vicinity of Berkeley Road comprises a mix of older single storey lots, with large yards, and newer two storey detached dwellings. Development to the immediate north of the subject site, along Blackwattle Place, consists of large, recently completed two storey dwellings, which reflect the newer housing stock. Several of these residential properties abut the northern boundary of the subject site (refer **Figure 5**). Dwellings to the east of the subject site, on the opposite side of Berkeley Road, are single storey dwelling houses of older stock (**Figure 2**). Adjoining the subject site at the western and southern property boundaries is land zoned RE1 Public Recreation, which encompasses a natural watercourse known as Budjong Creek (**Figure 6**).



**Figure 1:** Aerial photograph showing the location of the subject site located at 46 Berkeley Road, Berkeley (Source: <https://maps.six.nsw.gov.au/>)

## 2.2 Site Constraints

A review of council's online mapping for the subject allotment indicates that the site contains land of 'Natural Resource Sensitivity – Biodiversity' (limited to south-western corner of the property). Council's online mapping further infers that Council has no record that the land is affected by the following: bushfire, acid sulphate soils, coastal geotechnical risk, or riparian land. There is no item of environmental heritage situated on the property and the land is not located in a conservation area. The site is captured under the Coastal Management SEPP.

TCG understands that part of the site has been classified as being 'flood prone land' and that a flood study has accompanied previous development applications and anticipate that matters relating to flood controls were addressed to the satisfaction of Council's in issuing development consent for the construction of the existing building. In summary, there are no site constraints that are relevant to the proposal.



**Figure 2:** Berkeley Road looking north with site entrance and frontage at left of photograph. Wide kerbside lane accommodates on-street parking. Low density residences at right which is typical of the surrounding location.



**Figure 3:** Within site entry gate looking along driveway to Mosque building (at left) and carpark. A drainage swale is located within the site.



**Figure 4:** photo of carpark and mosque building (at right) taken from north-western boundary of site.



**Figure 5:** northern boundary fence of the subject land which separates rear yards of adjoining dwellings to the north. Northern end of car park at right of photograph.



**Figure 6:** riparian vegetation at south-western boundary of site (Budjong Creek). Low density residences are located beyond this buffer.

### 3 Development History

#### 3.1 Summary of Development Approvals

A search of Wollongong City Council's online property information records identified the following Development Consents, Building Approvals and Construction Certificates as having been previously issued for No. 46 Berkeley Road, Berkeley:

- BA-1992/316 Erection of Hall (Approved 17/08/1992)
- DA-1990/370 Erection of Hall for Place Of Worship (Approved 18/10/1990)
- DA-1990/370/A Amended Consent – Erection of Hall for Place of Worship (Approved 09/11/1990)
- DA-2017/851 Alterations and additions to existing brick building at place of public worship (Approved 18/04/2018)
- DA-2018/577 Relocation of existing demountable building (Approved 16/01/2019)
- PC-2019/118 Alterations and additions to existing brick building at place of public worship (Approved 24/01/2019)

#### 3.2 DA-1990/370: Original Approval for Erection of Hall for Place of Worship

DA-1990/370 for the 'Erection of Hall for Place of Worship' was approved by Council on 18 October 1990. The consent authorised construction of a 747m<sup>2</sup> single storey hall with porte coche and on site parking for 103 vehicles. The proponent was the Jehovah's Witnesses and the original consent did not contain any conditions relating to the 'hours of operation' or 'hours of use' of the premises. A handwritten notation on the stamped (endorsed) plans accompanying the consent, however, referred to the following 'meeting times':

- Monday: 7 – 8pm
- Tuesday: 7 – 9pm
- Wednesday: 7 – 9pm
- Friday: 7 – 9pm
- Saturday: 5 – 7pm
- Sunday: 9.30 – 11.30am and 2.30 – 4.30pm

The approved site and floor plan/elevation plan showing the 'meeting times' is provided at **Appendix 2**.

#### 3.3 DA-2017/851 for 'Alterations and additions to existing brick building at place of public worship'

Integrated Development Consent DA-2017/851 for 'Alterations and additions to existing brick building at place of public worship' was issued on 18/04/2018 and proposed an extension to the eastern end of the existing building. The 'meeting times' referenced on the original development consent DA-1990/370 were incorporated in condition 31, which stated:

*31. Hours of Operation*

*The approved works are for use of activities associated with the existing place of public worship approved under DA-1990/370. The works are to be conducted in accordance with approved hours of operation as shown on DA 1990/370, specifically:*

- Monday: 7-8pm
- Tuesday: 7-9pm
- Wednesday: 7-9pm
- Friday: 7-9pm
- Saturday: 5-7pm
- Sunday: 9.30-11.30am and 2.30-4.30pm.

*Any alteration to these hours requires separate consent.*

The following additional conditions were imposed:

*32 Noise Restrictions*

*The noise (LAeq (15min)) emanating from the site must not exceed 5 dB(A) above the background noise level (LA90 (15min)) of the area at any residential boundary of the land.*

*33 Notice to Nearby Residents*

*At least four weeks prior to any use of the site that is likely to require more car parking than accommodated on the site, the operator shall notify nearby residents likely to be affected by the additional traffic.*

This approved extension has not been constructed.

### **3.4 DA-2018/577 for the 'Relocation of existing demountable building'**

Integrated Development Consent DA-2018/577 for the 'Relocation of existing demountable building' was issued on 16/01/2019. The consent enables the relocation of an existing (unauthorised) demountable building to the north-west of the existing place of worship building. The demountable building was to be used for religious classes (not run concurrently to the use of the main building). The consent contained condition 15 'Hours of use of demountable' which reflected the wording of Condition 31 of Development Consent DA-2017/851 (reproduced above). In addition, the Conditions 17 'Noise restrictions' and 18 'Notice to nearby residents' were imposed, reflecting the same wording of Conditions 32 and 33 of Development Consent DA-2017/851 also reproduced above.

It is understood that the demountable has not yet been relocated in accordance with the above consent, and hence remains unauthorised. This is the subject of enforcement action under a separate Council process. It is also understood that the owner has requested the matter to be held in abeyance until this application (for change of hours of operation) is determined.

### **3.5 Pre-Lodgement Meeting**

A Pre-Lodgement Meeting was held with Council on 5 June 2019 to clarify Council's view of the approved hours of operation for the site outlined in Sections 3.2 – 3.4 above. Council reaffirmed its position that the operating hours of the existing place of public worship "are set by the three relevant consents: DA-1990/370, DA-2017/851 and DA-2018/577" and later confirmed in correspondence dated 24 July 2019 that the "stamped plans endorsed under DA-1990/370 should be understood as the approved operating hours for the place of public worship. Accordingly...these (ie. under DA-1990/370) are only the only approved operating hours. More recent consents DA-2017/851 and DA-2018/577 similarly limit the operating days and times."

Consequently, this statement of environmental effects has been prepared to support a development application to clarify and alter the hours of operation for the use of the site as a place of public worship.

operation) is determined.

### **3.6 Assessment of DA-2019/1253 – Hours of Operation (this application)**

Since the lodgement of the development application in late 2019, the following has progress in the assessment of the application:

- 9 January 2020: Council issued a request for information regarding the submitted acoustic report, parking issues, clarification of hours of operation and noted that a number of submissions had been received following the notification period.
- May 2020: the applicant's representative (TCG Planning) provided a response to the above matters was provided (including additional information from acoustic and traffic consultants)
- 31 July 2020: Council issued a request for information relating to the submitted acoustic information.
- 18 August 2020: a revised Noise Impact Assessment was provided addressing the matters in the Council's letter.
- September 2020: Council issued a request for information, namely: a revised site and fencing plan, a revised cost estimate, clarification of whether a Controlled Activity Approval is required, and provision of details for consideration by Council's building officer. This revised Statement of Environmental Effects (refer Section 6), accompanying plans and further updated Noise Impact Assessment addresses these matters.

## 4 Development Proposal

### 4.1 Development Description

The development application seeks alteration of hours of operation and clarification of use associated with the existing place of public worship at 46 Berkeley Road, Berkeley. The hours of operation referenced on the approved plans and in more recently issued Development Consents on the land are not suited to the use as a Mosque.

The proposed hours of operation are based around prayer times, and in the Muslim faith, this varies depending on the sun's path and the time of the year. For example, the 1st daily prayer (Fajr) will be at approximately 4:30am in summer and 5:30am in winter; and the last prayer (Ishaa) will be at 9:30pm in summer and 6:30pm in winter, seven days a week. The mosque will continue to operate seven days a week with five prayer times. Typically the prayers may take approximately half an hour. The mosque does not have a call to prayer on speaker.

In terms of use and capacity, the following approximate number of worshippers are expected at each prayer time, which varies across the day and during the holy month of Ramadan:

- Morning prayer (1 hour 20 minutes before sunrise/10-15 minute duration): 15-20 people;
- Midday prayer (12.30pm/10-15 minute duration): 20-30 people;
- Afternoon prayer: 3.30pm/10-15 minute duration): 20-30 people;
- Dusk prayer: (10 minutes after sunset/10-15 minute duration): 50-60 people;
- Evening prayer: (approx. 1.5 hours after dusk/10-15 minute duration): 50-60 people;
- Friday prayer: (12.30-2.30pm): 200-250 people (main prayer time of the week);
- Holy month of Ramadan, attendance is during the evening prayer from 6pm to 8pm with attendees up to 125-130 every evening.

Some of the congregation may gather in the mosque after the prayer. The mosque may be used sporadically throughout the day by individuals and smaller groups eg meetings, classes and activities.

It is noted that the above intended congregation times/frequency and patronage numbers is similar to that proposed for the approved Omar Mosque at 5-9 Foley Street, Gwynneville (Development Consent DA-2015/1519), currently under construction. Condition 89 'Hours of Operation for the Mosque' states: "The mosque is permitted to operate from 1 hour 20 minutes before sunrise and 1 hour 20 minutes after sunset." A similar condition is requested to be imposed in a Development Consent for the proposed alteration to hours of operation to the existing mosque at Berkeley.

Having regard to the acoustic considerations of the application, the requested operating hours of the Mosque are as follows:-

- 4am to 10 pm, 7 days per week in Summer and 5 am to 10 pm 7 days per week in winter.
- Between the hours of 4 am and 7 am Monday to Saturday and 4 am and 8 am on Sundays and Public Holidays there is to be no gathering of adults or children in any external areas,
- there is to be no gathering of children or adults in any external areas after 10pm on any day.

This application also requests Council to impose a Condition of development consent under Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 requiring modification of:

- Development Consent DA-1990/370: to include the above requested condition stating hours of operation (ie. not 'meeting times' indicated on stamped plans);
- Development Consent DA-2017/851: by replacing the hours of operation within Condition 31 with the revised hours of operation sought by this application; and
- Development Consent DA-2018/577: by replacing the hours of operation within Condition 15 with the revised hours of operation sought by this application.

#### New Site Plan, Mosque Floor Plan, Fence Section and Photo Impression:

As requested by Council in the letter of 3 September 2020, the updated proposal includes a Car Park Concept Layout which involves upgrading to the car parking layout (line marking) and parking location restrictions (signage) for the early morning prayer. In addition, to ameliorate any potential noise impacts, a physical barrier (landscape bed) east of the existing car park is proposed. In addition, it is proposed to erect (i) a 1.6m high fence near the mosque buildings for a children's play area (and mostly located on part of the western boundary of the land); and (ii) provide increased fence height of the northern boundary fence (adjoining residential properties fronting Blackwattle Place) to 2.1 metres from the top of the retaining wall on this boundary. This will have the effect of increasing the height of the fence by approximately 900mm in most locations (from the current 1.2m high colourbond fence). Alternatively, a separate fence within the subject land (Mosque property) to an equivalent height can be erected.

This plan indicates the proposed extensions to the mosque and relocated demountable building (approved by DA-2017/851 and DA-2018/577) and therefore shows how the site as a whole is intended to operate. The floor areas of the existing mosque, exit door widths, and the location of the demountable building (a single room, with no internal walls) are indicated on this plan.

#### **4.2 Accompanying Documentation**

This development application (as amended) is accompanied by the following documentation:

- Parking and Traffic Impact Assessment (Ref: P4299.002R) prepared by Bitzios Consulting dated 14/10/2019;
- Correspondence by Bitzios Consulting (Ref: P4299.003L dated 29/4/2020) including car parking concept layout plan and Green Travel Plan.
- Site Layout and Details Plan prepared by Cardno (Ref: 82021047-SK001 and SK002 Rev 1 dated 29/10/2020) – refer **Appendix 1**
- Environmental Noise Impact Assessment (Ref: 1909001E-R Revision B) prepared by Harwood Acoustics dated 28/10/2020.

## 5 Planning Framework

### 5.1 State and Regional Plans

There are no state or regional planning policies or plans that are relevant to this application.

### 5.2 Section 4.46 of the Environmental Planning and Assessment Act 1979: Integrated Development

A 1.6 metre high acoustic fence is proposed on/near the western boundary and adjacent to the mosque and demountable building recommended for the in the Harwood report. This location is within 'waterfront land' as defined in the Water Management Act 2000, however a Controlled Activity Approval is not required as:

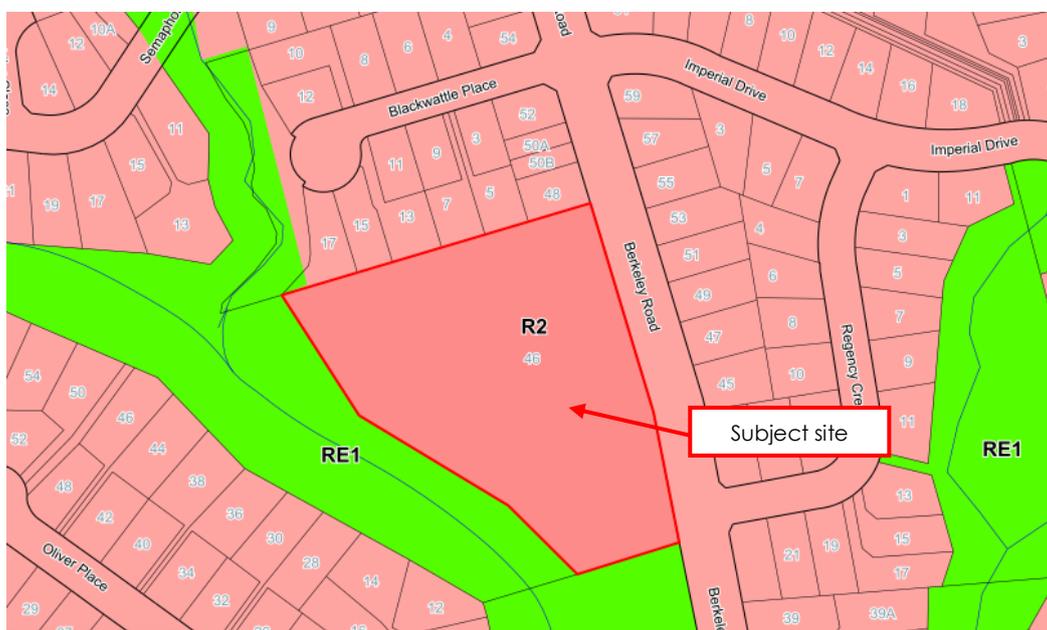
- The portion of the fence located on the boundary is 'exempt development' pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Part 2 Division 1 Subdivision 17).
- The remaining minor portions returning back to the buildings do not trigger a CAA as advised in an email of 28/20/2020 to Cardno from Jeremy Morice (Water Regulation Officer, Natural Resource Access Regulator) who stated "a fence would typically not require a Controlled Activity Approval unless there was significant excavation required on top of bank or within the watercourse."

Hence the development is not integrated development under Section 4.46 of the EP&A Act.

### 5.3 Wollongong Local Environmental Plan 2009

Wollongong Local Environmental Plan 2009 (WLEP 2009) is the primary planning instrument for the Wollongong Local Government Area. There are limited provisions within WLEP 2009 relevant to the proposed hours of operation. However, the key matters are addressed below:

Site Zoning: The land is situated within the R2 Low Density Residential zone under WLEP 2009. The zoning of the subject site and surrounding land is shown in **Figure 7** below.



**Figure 7:** Wollongong LEP 2009 zoning map showing zoning of subject site (Source: Wollongong City Council, online Planning and Environment Map)

Zone Objectives: The objectives of R2 Low Density Residential zone seek to:

- *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.*

The proposed development seeks to clarify the hours of operation associated with an existing place of public worship located on the subject site. No change is proposed to the existing use of the building for the purpose of a place of public worship. The zone objectives are therefore met.

Permissibility of Use: The proposal relates to an existing development that comprises a "place of public worship", which is defined as a "a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training". "Places of public worship" are permissible, with consent, within the R2 Low Density Residential zone. The proposed clarification of the hours of operation do not change the existing use of the premises for the purpose of a place of public worship.

#### **5.4 Wollongong Development Control Plan 2009**

The primary applicable chapter of Wollongong Development Control Plan (WDGP) 2009 is Chapter C13: Places of Public Worship, principally sections: *4.9 Noise Impact Assessment; 4.10 Car Parking, Access and Traffic Impact Assessment Requirements; and 4.15 Hours of Operation.*

Other relevant Chapters include:

- Chapter B1: Residential Development;
- Chapter D1 Character Statements (3.40) Berkeley; and
- Chapter E3 Car Parking, Access & Servicing/Loading Facilities & Traffic Management

and where applicable relevant are addressed in Section 5 of this Statement. It is noted that there are limited applicable controls as the use as a place of worship is existing, there are no physical works, and the proposal is limited to alteration to hours of operation.

## 6 Section 4.15 – Matters for Consideration

### 6.1 The provisions of:

#### 6.1.1 Any environmental planning instrument

“Places of public worship” are permissible, with consent, within the R2 Low Density Residential zone. The proposed clarification of the hours of operation do not change the existing use of the premises for the purpose of a place of public worship. The proposed development meets the relevant objectives of the R2 zone. There are no relevant local provisions within the WLEP 2009. There are no state or regional planning instruments relevant to the proposal.

#### 6.1.2 Any development control plan

Refer Section 4.3 – satisfied.

### 6.2 Likely Impacts of the Development – Section 4.15 (1) (b)

#### 6.2.1 Site Management and Building Use

##### Site and Building Plan

As requested by Council in the letter of 3 September 2020, the updated proposal includes a Car Park Concept Layout which involves upgrading to the car parking layout (line marking) and parking location restrictions (signage) for the early morning prayer. In addition, to ameliorate any potential noise impacts, a physical barrier (landscape bed) east of the existing car park is proposed, in addition to increased height of the northern boundary fence (adjoining residential properties fronting Blackwattle Place) and a fence near mosque buildings for a children's play area (and mostly located on part of the western boundary of the land). This plan indicates the proposed extensions to the mosque and relocated demountable building (DA-2017/851 and DA-2018/577) and therefore shows how the site as a whole is intended to operate.

The floor areas of the existing mosque, including exit door widths, and location of the demountable building (a single room, with no internal walls) are indicated on this plan. The plans indicates that the mosque has three (3) toilet facilities each for men and women, in addition to one unisex disabled toilet. It is understood from a telephone discussion with Council's Building Officer (Jason Lamberger), as a guide, the Building Code of Australia requires 1m<sup>2</sup> per person for a place of worship, and assuming 250 persons (half male and female), that 1 male and 3 female toilets each would be required. The number of toilets provided in the mosque are met (exceeded) and the prayer areas and meeting room are 372m<sup>2</sup> well exceeding the intended patronage. There is no toilet in the approved demountable building.

##### Proposed Fences

The recommended increased fence height to the northern boundary fence will result in the dwellings fronting Blackwattle Place having an increased rear fence height to 2.1m from the top of the retaining wall (yard level) forming the rear boundary. It is noted that most of the current fences are quite low (1.2m) on top of the retaining wall. The increased fence height will provide noise attenuation and will be 300mm than a standard boundary fence height of 1.8m. Alternatively, a separate fence within the subject land (Mosque property) to an equivalent height can be erected. A typical section and visual impression is provided on Cardno Plan SK0002.

In addition, the area between the 'playing field' east of the car park and the northern boundary will be planted (5 m width landscape bed), and hence provide additional visual screening to the trees already existing in this location.

## 6.2.2 Acoustic Impacts

Chapter C13 (Section 4.9) of Development Control Plan for 'Places of Public Worship' requires a Noise Impact Assessment (NIA) to be submitted with the application. The development application is accompanied by an assessment prepared by Harwood Acoustics that addresses the potential for noise impact on existing residences from the use of the mosque during prayer and gathering, having regard to the relevant Council and EPA Guidelines.

The author visited the site in September 2019 during Jumu'ah Khutbah (the Friday afternoon prayer) to measure the level of noise emission from typical activities at various locations. A noise model has also been developed based on these measurements and numerous assessments of other similar developments and activities.

The NIA has been revised to address the concerns of Council. The revised report(s) consideration resulted in different recommendations from the originally-submitted NIA. It is noted that the version submitted in August 2020 was reviewed by Council's Senior Environmental Project Officer who deemed the assessment acceptable and recommended draft conditions of consent. The further updated report (Version B dated 28 October 2020) addresses anomalies in the earlier report and further alternative acoustic measures. It also addresses anomalies in the recommended draft Council condition relating to the revised hours of operation.

As indicated in the report's Executive Summary (p5):

*"Recommendations are made in Section 7 of this Report to ensure that the level of noise emission arising from the use of the mosque and overall Site is within Council's and the EPA's standard noise goals at each receptor location, so far as is reasonably practicable. These include:-*

- *Constructing a designated outdoor play area between the mosque building and demountable building as shown in Section 7.3 and Figure 2,*
- *Install physical barriers to ensure that there can be no activity occurring on the playing field within 5 metres of the northern boundary, Section 7.3 and Figure 3,*
- *Restrict the use of the playing field to day time hours only,*
- *Extend the shared boundary fence along the northern boundary of the Site to a minimum 2.1 metres above the external retaining wall at each of the neighbouring residences in Blackwattle Parade and Berkeley Road to the north of the Site, as shown in Section 7.4 and Figure 4,*
- *Reduce the maximum number of openings in the mosque building during early morning prayer (Fajr),*
- *Install a lockable gate with electronic timer to the driveway, and*
- *Implement a general Noise Management Plan.*

*Providing the noise control recommendations are implemented and adhered to, the EPA's and Council's standard noise conditions can be met for the use of the Site.*

*This revised Noise Impact Assessment (NIA), Revision B, updates the previous version (Rev A) submitted to Council in August 2020. In summary this version provides:-*

- *A correction of anomalies in the previous revision A report relating to the required height of the recommended upgrade to the boundary fence to the north,*
- *Revised recommendations relating to children at play outdoors specifically on the playing field,*
- *Response to draft recommended of Conditions of consent following Council's review of Revision A of the NIA."*

As requested in Council's letter of 3 September 2020, a new Site Plan, Section and Photomontage have been prepared (Cardno) that reflect the recommendations of the NIA with respect to parking areas, children's play areas, and fencing.

### 6.2.3 Traffic and Parking Impacts

The development application is accompanied by Traffic Impact Assessment prepared by Bitzios Consulting which:

- *Reviews Wollongong City Council's (Council) Development Control Plan (DCP) and previous traffic reports/approvals to understand the basis of previous approvals*
- *Provides justification to support the change of time associated with the site operations including:*
  - *Review of traffic generation from the proposed development based on traffic counts*
  - *Assessment of the impact generated by the proposed development on the surrounding road network*
  - *Calculation of car parking requirements associated with the proposed development and checking compliance with relevant standards*
- *Provides recommendations for operational improvements that may assist the sites operations into the future.*

Section 4.1 of the report 'Conditioned Car Parking Provisions' summarises the existing approved on-site car parking requirements as follows:

"The most recent approval over the site was for a 'Relocation of existing demountable building' (DA-2018 / 577) which was conditioned to provide three (3) additional car spaces on-site. Considering the demountable building is ancillary to the Mosque and is only used outside of peak prayer times (i.e. it is compulsory for Muslims to be in prayer during peak times), the provision of three (3) additional car parking spaces is not considered necessary. Therefore, it is considered acceptable that the proposed development provide 103 car parking spaces as per the original approval (DA-1990 / 370)."

Section 6. 'Summary and Conclusions' list the key findings from the traffic impact assessment for the proposed change of hours for the Mosque development as follows:

- *The existing approval over the site is for a Place of Worship development including meeting times representative of a Jehovah Witness Kingdom Hall, with a provision for 106 car parking spaces;*
- *The provision of three (3) additional car spaces on-site (as per previous approval) is not considered necessary considering that the demountable building is ancillary to the site and is only used outside of peak prayer times. Therefore, the provision of 103 car parking spaces is considered acceptable.*
- *The proposal is for alterations to the hours of operation condition to be in line with that of Muslim faith, which varies depending on the time of year. The Mosque is proposed to continue to operate seven (7) days a week with five (5) prayer times.*
- *The development was recorded to generate 120 trips between 12:30PM and 2:00PM on a Friday. Based on the current traffic volumes and existing road infrastructure, no turn treatments are required for Berkeley Road.*
- *The proposed development provides 85 formalised car parking spaces, which complies with Council's requirement of 47 spaces.*
- *Car spaces are currently provided at 3-3.5m wide, which exceeds the requirement of 2.6m wide. This indicates that if line-marked in accordance with AS2890.1, more than 85 car parking spaces may be provided.*
- *Servicing and refuse collection is to occur in accordance with the previous approval over the site.*

A number of recommendations have been made to improve on-site parking and to limit the potential impacts to the surrounding residential community as listed below (Section 5):

- *Worshippers are to be advised to park along the property frontage rather than along the frontage of adjacent residential properties (NB. this is applicable to Fridays only)*
- *Parking areas are to be formalised and line-marked in accordance with AS2890.1, in order to maximise the number of car parking spaces available on-site.*

- A 'no stopping zone' should be provided on both sides of the driveway (and potentially both sides of the intersection across the road), in order to improve the available pedestrian sight lines.

A supplementary correspondence by Bitzios Consulting (Ref: P4299.003L dated 29 April 2020) was provided to Council in May 2020 which responded to matters raised by Council and included attachments, being: a) a car parking plan in accordance with AS2890.1 (providing 97 car spaces and 2 motorcycle spaces; and shows restricted parking areas that accord with the acoustic recommendations; b) a swept path assessment plan for the proposed end bays; and c) a Green Travel Plan. It is noted that Council's Traffic Engineer reviewed this document and provided a referral (24 May 2020) indicating no objections, subject to some recommended conditions of consent. The updated acoustic recommendations (northern fence) supersede the recommended restrictions at the northern end of the car park, and so these have been deleted from the car parking amendments. The proposed/remaining car parking amendments have been transposed onto the Cardno plan at Appendix 1.

### 6.3 Consideration of Submissions – Section 4.15 (1) (d)

The correspondence by TCG Planning dated 4 May 2020 responded to the numerous submissions made following notification of the development application, which is reproduced in response to this matter of consideration:

"It is reiterated (in other parts of this Statement)... that the application merely seeks to formalise/authorise the times that have already been operating on the premises for some time already with minimal concern and no (unresolved) formal complaints. Berkeley Road Pty Ltd are of the opinion that the notification of the application appears to have given residents an opportunity to voice exaggerated concerns. The valid comments are noted and the Mosque have taken steps to resolve these matters (eg. changed garbage pick up times, limiting numbers and times of children's play etc). The following is an excerpt from a response provided by the applicant's representative on the key matters raised in the submissions.

*Overall, it is disappointing that the main objector appears to be coordinated by one person (who organised a 'community meeting' who clearly has an agenda and enmity toward the faith of Islam, as is clearly seen on his Facebook page profile and so I hope that it's taken into consideration when discussing his exaggerations (NB. Facebook link provided in previous TCG correspondence).*

*Unfortunately though, most of the complaints are extremely exaggerated with no proof. We have many patrons who live right next door to the mosque, across the road and in the surrounding streets. None of them have these complaints or hear these traumatizing noises.*

*We, as a Mosque, are the first to want to ensure harmony and a good relationship with our neighbours. We have reached out on multiple occasions and will continue to do so for the betterment of the community. This is an obligation upon us. We are more than happy to address ANY reasonable concern. If any mistakes were made on our end, again, we'll be the first to admit and the quickest to rectify it.*

*We and some of our neighbours have CCTV footage of our entire day and activities for the past month (maximum saved). We are more than happy to show council anything they request.*

*Acoustic report: professionally prepared. Claim of selected times to report are false.*

*Use of grass area: we use only part of it as grass will be wrecked if use more of it. We encourage physical activity.*

*Children playing: Many claimed 100-200 kids are playing at 11pm (every night!) on the grass area. 1. Whilst we admit some of the children were loud, never was there '100 children playing every night, screaming'. Our cameras clearly show there aren't even adults there at that time. 2. For the night prayers no more than 5 children, on average, attend with their parents and then leave. 3. The grass area is pitch black with no lights of ours shining on it due to the respect for our neighbours. How are kids going to play on it?! 4. The only time there was abusive language used was when a neighbour walked out and abused the children. 3. When we were made aware that the children's noise affected some neighbours we implemented a policy of no children outside after sunset and have had it enforced.*

*Berkeley Road: is a main road in and out of many suburbs including having an industrial area and The Nan Tien Temple which is a tourist attraction. I'm not sure how that is by any stretch a 'quiet road'*

*Impacts from cars at early morning prayers: cars are quiet due to their lower speed in leaving. Most residents have shutters and blinds and there is vegetation planting.*

*Some gave Islamic advice from 'followers of this religion'. Not sure what relevance that has.*

*Garbage: re truck parked in front of objector's house: notwithstanding it is a public road, this occurred once and is now rectified. Regarding the early morning bin pick ups, again, as soon as we were notified we changed the times with the company. When they came by mistake after that in the morning Ayman Alchaar, one of our members, sent them an email reminding them*

*Some very saddening, demeaning and unfortunate language is used by some who label our community as 'they' as if we're an opposing party, 'no respect, no consideration or any attempts to be part of our community to the residents of Berkeley Road and surrounding streets'. We also live on and around Berkeley Road and are residents!*

*Gate: this is for the locals that walk and those on Fridays that park further up the road to not have to share the drive way with cars which could cause an unwanted incident. As soon as we were notified that it was make a noise when closing we rectified the issue the next day and the honest neighbours can testify to that.*

*Regarding the Ferrari. It was a one off and the person has been spoken to and he has not and hopefully will not repeat again.*

*Regarding any traffic impacts, refer to the professionally prepared traffic report.*

*There is definitely no lack of on-site parking. The only time that ever gets full and we need to go on to the public road is 1-2pm on a Friday and possibly extremely rare occasion throughout the year, all at reasonable times. Some claimed we have over 100 cars daily. Besides Friday prayers, we would usually only have 20-30 cars there at any one time until there was a special event.*

*Regarding some claims that our operations will change if our DA gets approved, we have been operating the same way for the past 4 years.*

*Some complain about noise, we have video of some neighbours partying with loud music until 2am.*

*Some claimed we run a school from the mosque. Also incorrect. We had children's classes, yes, but no school.*

*Some claimed we've changed due to DA and lessened our activities, our cameras and Facebook show we have not changed anything. If we ever have a major event (not more than once or twice a year, if that), we send letters to the neighbours with our number to inform them and to let us know of any concerns. Some have contacted us and we've dealt promptly with their reasonable concerns. (One complaint mentions the letters)*

*We definitely do not beep horns when entering or leaving unless necessary which is almost never, especially outside of Friday prayers*

*Some claim that we do not engage the community and/or that they have brought up issue but they were never addressed. A complete lie. 1. As mentioned we send out letters for major events with our number. 2. We have proof of requesting from patrons rectifying and inconvenience caused to our neighbours such as the trucks. 3. We attended the community meeting 'against us'. 4. We speak to our friendly neighbours regarding any concerns they have and quick to act where reasonable eg, a recent case with the tree trimming."*

#### **6.4 Suitability of the Site for the Development and Public Interest– Section 4.15 (1) (c)&(e)**

The subject site is suitable for the extended hours of operation having regard to the existing approved use of the land as a place of worship, large site area, separation from adjoining residential properties (by creek/public reserve and recommended acoustic measures, including fencing, buffer zones for parking areas for some prayer times to minimise acoustic impacts). Other recommended measures, such as improvements to on-site parking and to limit potential impacts to the surrounding residential community confirm that the site is considered suitable for the proposed development. It is noted that the proposed hours that are sought is to formalise/authorise the times that have already been operating on the premises for some time already with minimal concern. This confirms the suitability of the site for the operating use times for the place of worship and is in the public interest for the community.

#### 6.4 Section 4.15: Summary and Conclusion

This Statement confirms that the matters for consideration have been satisfied: the development will comply with relevant planning legislation as the proposed dwelling meets the zone objectives for the R2 Low Density Residential zone and is a permissible use under the *Wollongong Local Environmental Plan (WLEP) 2009*. It also confirms the manner in which the development will address the provisions of *Wollongong Development Control Plan (WDCP) 2009* for the alteration to the already approved hours of operation for use as a place of public worship. This Statement of Environmental Effects indicates that the proposed development is a suitable outcome for the site and accordingly council approval is sought.

---

**Appendix 1: Site Plan and Details: Site, Carpark Layout and Fencing (Cardno)**



**GENERAL ARRANGMENT LAYOUT**  
SCALE 1:300

**NOTE**  
 1. IMAGE SOURCED FROM NEARMAP (OCTOBER 2020)  
 2. FOR PROPOSED TREE/SHRUB SPECIES, REFER TO WDCP 2009, CHAPTER E6, TABLE 2 - RECOMMENDED STREET TREE SPECIES  
 3. PROPOSED CAR PARK CONCEPT LAYOUT ADAPTED FROM BITZOS PROJECT No: P4299, SHEETS 1-3, VERSION 003, DATED 29/04/2020

**LEGEND**

	PROPOSED CAR PARK CONCEPT LAYOUT
	PROPOSED ACOUSTIC BARRIER
	PROPOSED LANDSCAPE BED EDGE
	PROPOSED ALTERATION TO EXISTING BUILDING AS PER DA - 2017/851
	PROPOSED RELOCATION OF EXISTING DEMOUNTABLE AS PER DA - 2008/577
	PROPOSED SIGN POST
	PROPOSED TREE/SHRUB
	EXISTING DEMOUNTABLE LOCATION
	EXISTING FENCING
	EXISTING DRIVEWAY
	EXISTING CAR PARK FEATURE
	EXISTING TREE TO BE RETAINED
	EXISTING BUILDING ENVELOPE



XREFS: 20201006-CADASTRE; 20201006-SURVEY; 20201006-PARKING LAYOUT  
 CAD File: \\AUWOL\CF303\Projects\FY1047\_46 Berkeley Rd Berkeley\Drawings\Build\SKETCHES\2021047-SK001.dwg

Rev.	Date	Description	Des.	Verif.	Appd.
1	29/10/2020	ISSUED FOR INFORMATION	MD		NP

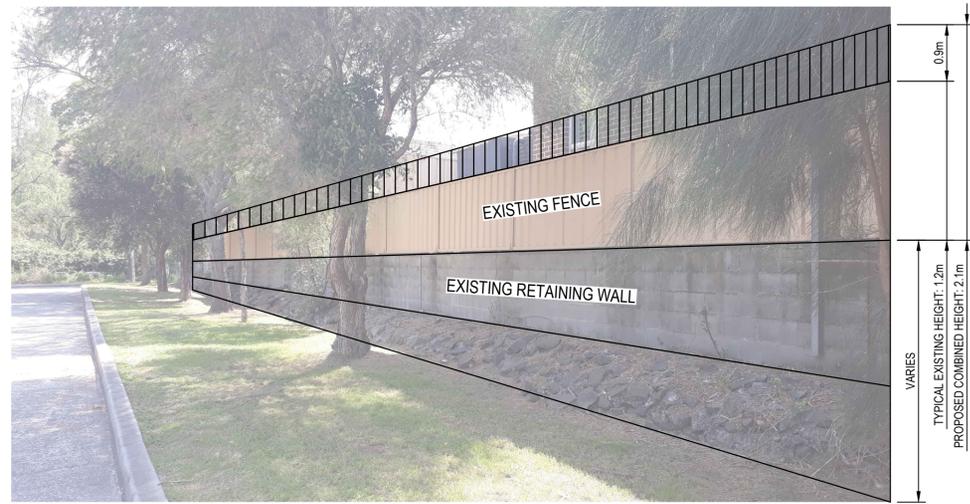
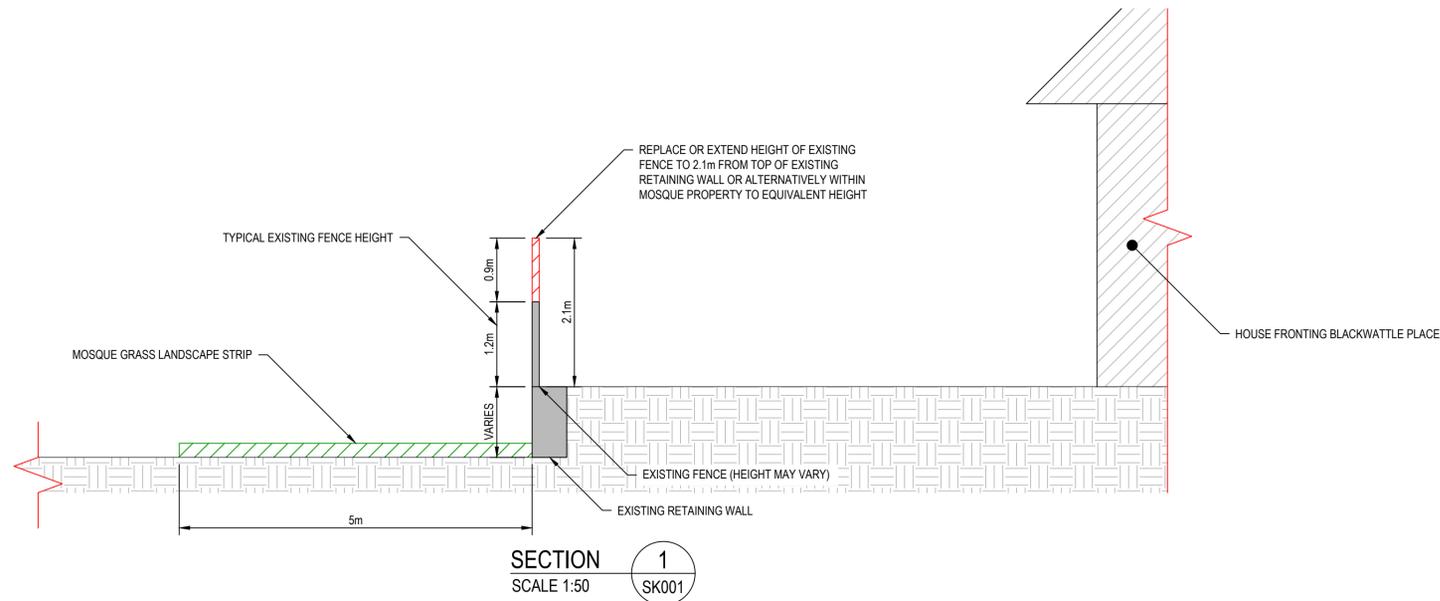
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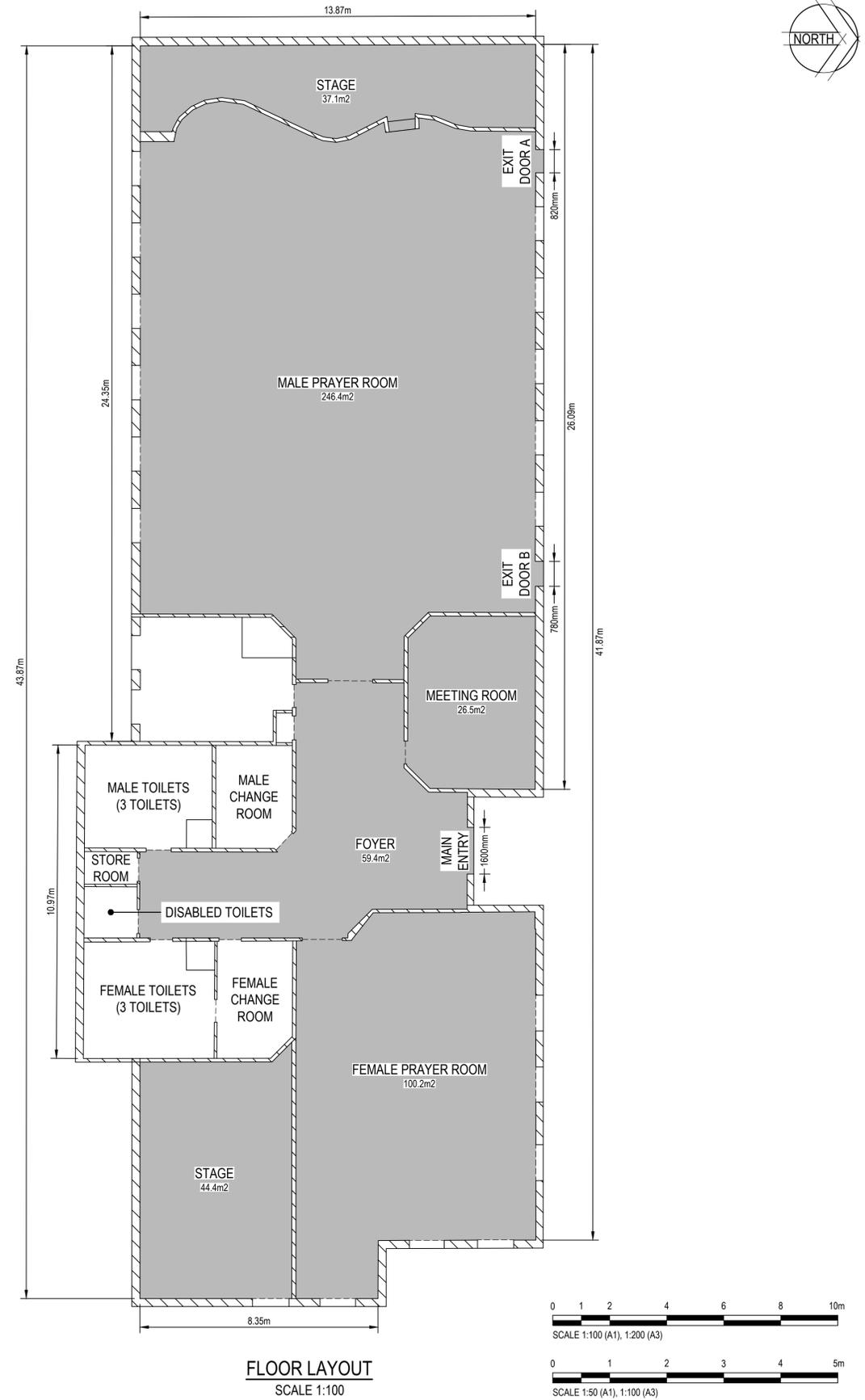
Drawn	MD	Date	6/10/2020
Checked	MPR	Date	29/10/2020
Designed	MD	Date	6/10/2020
Verified		Date	
Approved	NP	Date	29/10/2020

Client	MASJID AS-SALAAM
Project	46 BERKELEY ROAD, BERKELEY
Title	GENERAL ARRANGEMENT LAYOUT PLAN

Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES		
AHD	Scale	Size	A1
Drawing Number	1:300		
	82021047-SK001	Revision	1



IMPRESSIONS OF EXISTING & PROPOSED FENCE HEIGHT - NORTHERN BOUNDARY



Rev.	Date	Description	Des.	Verif.	Appd.
1	29/10/2020	ISSUED FOR INFORMATION	MD		NP

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Designed	MD	Date	6/10/2020
Verified		Date	
Approved	NP	Date	29/10/2020

Client	MASJID AS-SALAAM
Project	46 BERKELEY ROAD, BERKELEY
Title	TYPICAL DETAILS AND FLOOR LAYOUT PLAN

Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES		
AHD	Scale	Size	A1
	AS SHOWN		
Drawing Number	82021047-SK002		Revision
			1

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**Appendix 2: Approved Original Plan DA-1990/370 for Place of Worship**

AMENDED PLANS  
5/9/90

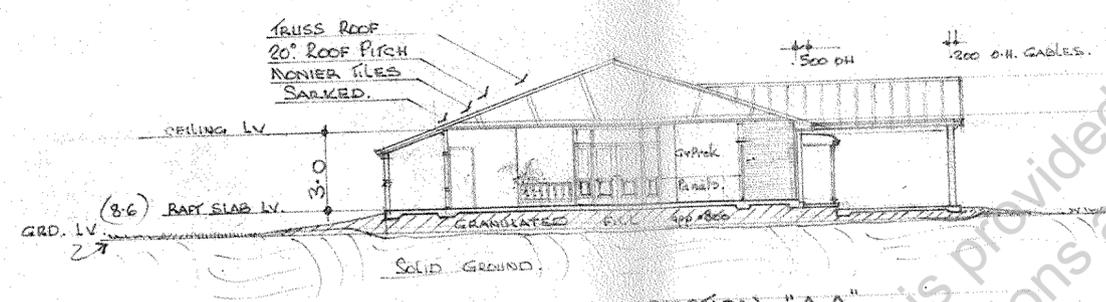
The plan referred to is Consent D 90/1370  
18 Oct 1990

It is noted that prior to the commencement of any building work or erection of any structure the holder of a development consent MUST ALSO HOLD A CURRENT BUILDING PERMIT.

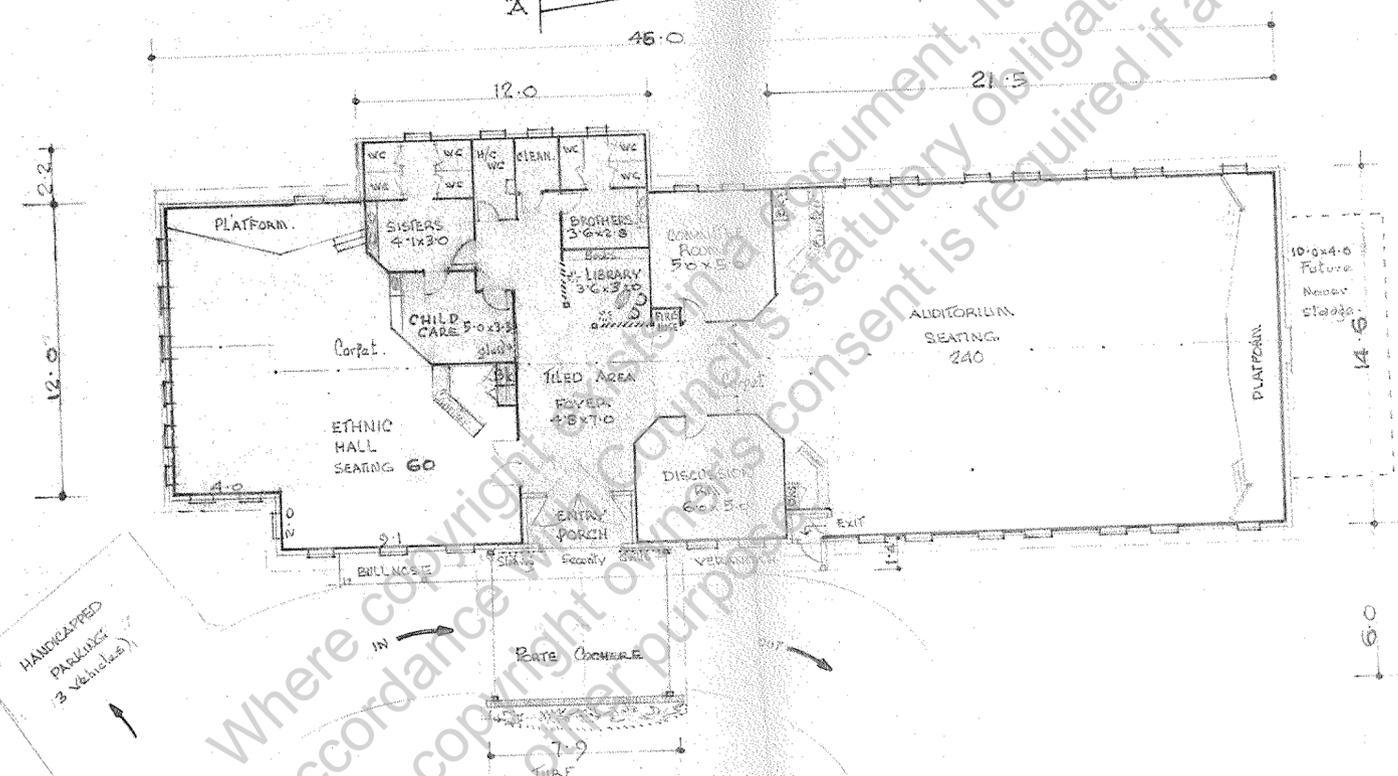


SIDE ELEVATION (North)

FRONT ELEVATION (East)



SECTION "A-A"



FLOOR PLAN  
Scale 1:200

KINGDOM HALL OF JEHOVAH'S WITNESSES,  
LOT "87" BERKELEY ROAD,  
BERKELEY.

LAND AREA 1.377ha.  
AREA OF HALL INC O/P/PORT VERANDAH'S + STORAGE 747 m<sup>2</sup>  
ON SITE PARKING 103 VEHICLES

MEETING TIMES

MONDAY	7-8 PM	ENG. + YUGO meetings (Book Study)	TOTAL 40 persons ap.
SUNDAY	9:30 to 11:30 AM	ENG. + YUGO (Public Talk)	120/140
SUNDAY	2:30 to 4:30 PM	SPANISH-PORTUGUESE (Public Talk)	40/50
TUESDAY	7-9 PM	SPAN-PORT. + ITALIAN (Book Study)	60/70
WEDNESDAY	7-9 PM	ENG. (Ministry Training) + YUGO	110/130
FRIDAY	7-9 PM	SPAN-PORT. (Book Study) + ITALIAN	50/60
SATURDAY	5-7 PM	SPAN-PORT. (Ministry Training)	

SURFACE WATER HYDRAULIC PLAN + ROOF WATER CONTROL TO BE SUBMITTED BY ENGINEERS WITH FUTURE WORKING PLANS

FILL BROUGHT TO SITE IN FORM OF ROCK GRAVEL + SOIL WILL TOTAL APP. 700 to 800 TONES

HAY BALE SILT TRAP (SHEET 2 DETAIL) WAS INSTALLED 20/21st Jan. 1990

AUXILIARY "BIOM" FILTRATION SCREEN to be installed, approx. 3-0 South of EXISTING FILTRATION SCREEN

EXISTING SURFACE STOCK PILED SOIL: GRAVEL + ROCK TO BE SPREAD + LEVELLED TO NORTH + OVER the .250 Dia. Pipe (under the ROADWAY) TOP SOIL COVERED + LEVELLED. - GRASS PLANTED for NOW FINISH. (Seed to be sown immediately after levelling)

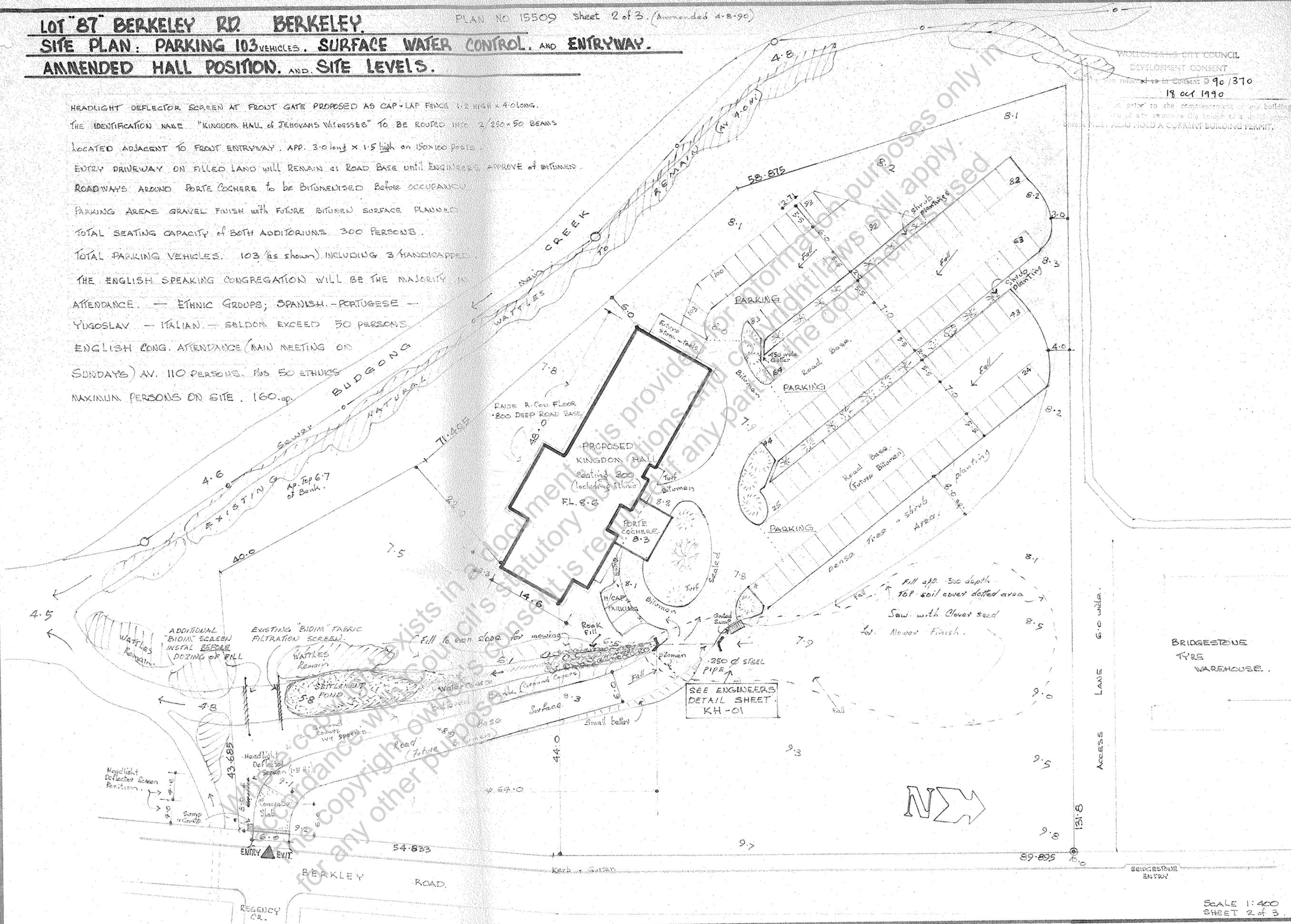
Ph. 969998 H. Blavins PLAIN No 15509 SHEET 1 of 3  
Scale 1:200

**LOT 87 BERKELEY RD. BERKELEY.**  
**SITE PLAN: PARKING 103 VEHICLES. SURFACE WATER CONTROL. AND ENTRYWAY.**  
**ANNENDED HALL POSITION. AND SITE LEVELS.**

PLAN NO 15509 Sheet 2 of 3. (Amended 4-2-90)

WOLLENGATE CITY COUNCIL  
 DEVELOPMENT CONSENT  
 No. 90/370  
 18 Oct 1990

HEADLIGHT DEFLECTOR SCREEN AT FRONT GATE PROPOSED AS CAP-LAP FENCE 1.2 HIGH x 4.0 LONG.  
 THE IDENTIFICATION NAME "KINGDOM HALL & JEHOVAH'S WITNESSES" TO BE ROUTED INTO 2/250 x 50 BEAMS  
 LOCATED ADJACENT TO FRONT ENTRYWAY. APP. 3.0 LONG x 1.5 HIGH ON 150x100 POSTS.  
 ENTRY DRIVEWAY ON FILLED LAND WILL REMAIN AS ROAD BASE UNTIL ENGINEERS APPROVE OF BITUMEN.  
 ROADWAYS AROUND PORTE COCHERE TO BE BITUMENISED BEFORE OCCUPANCY.  
 PARKING AREAS GRAVEL FINISH WITH FUTURE BITUMEN SURFACE PLANNED.  
 TOTAL SEATING CAPACITY OF BOTH AUDITORIUMS. 300 PERSONS.  
 TOTAL PARKING VEHICLES. 103 (as shown) INCLUDING 3 HANDICAPPED.  
 THE ENGLISH SPEAKING CONGREGATION WILL BE THE MAJORITY IN  
 ATTENDANCE. — ETHNIC GROUPS; SPANISH-PORTUGUESE —  
 YUGOSLAV — ITALIAN — SELDOM EXCEED 50 PERSONS.  
 ENGLISH LONG. ATTENDANCE (MAIN MEETING ON  
 SUNDAYS) AV. 110 PERSONS. Plus 50 ETHNICS  
 MAXIMUM PERSONS ON SITE. 160. ap.



prior to the commencement of any building  
 work, the holder of a consent or the holder of a development  
 consent must also hold a current building permit.

BRIDGESTONE  
 TYRE  
 WAREHOUSE.



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---

# Environmental Noise Impact Assessment Proposed Place of Public Worship

46 Berkeley Road,  
Berkeley, NSW 2506

*Prepared for: -*

Berkeley Road Pty Ltd  
C/- Cardno Pty Ltd  
Ground Floor, 16 Burelli Street  
Wollongong NSW 2500

Attention: Ms Nadine Page

Reference: 1909001E-R Rev B

*Prepared by: -*

Matthew Harwood MAAS  
27<sup>th</sup> October, 2020



Environmental  
Acoustics

Occupational  
Acoustics

Architectural  
Acoustics

Transportation  
Acoustics



# Document Control Page

Revision	Author	Released By	Date
Draft	MH	MH	19/10/2019
Draft 2	MH	MH	29/10/2019
Final	MH	MH	01/11/2019
Revision A	MH	MH	18/08/2020
Revision B	MH	MH	28/10/2020

Berkeley Road Pty Ltd commissioned Harwood Acoustics to carry out a noise impact assessment for a place of public worship that is located at 46 Berkeley Road, Berkeley, NSW 2506.

Accordingly, Harwood Acoustics has prepared this report for the exclusive use of the Client identified on the title page. The report is prepared in accordance with the brief and scope of works agreed between the Client and Harwood Acoustics and may not be suitable for use beyond that scope.

Harwood Acoustics undertakes no duty nor accepts any responsibility to any third party who may rely upon this report.

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Advice and recommendations provided in this report are in relation to acoustical issues only. No claims of expertise are made, and no liability is accepted, in relation to issues falling outside the field of acoustical consulting. These may include, but are not limited to, structural and waterproofing considerations, fire rating or thermal rating. Relevant authorities and / or experts should be consulted regarding areas other than acoustics.

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## 1. INTRODUCTION AND SUMMARY

Cardno Pty Ltd on behalf of the Masjid As-Salaam mosque located at 46 Berkeley Road, Berkeley, NSW (the Site) has recently submitted a development application to Wollongong City Council (DA-2019/1253). The application seeks approval for an adjustment to the hours of operation associated with the place of public worship.

In support of the initial application Harwood Acoustics prepared an Environmental Noise Impact Assessment, reference 1909001E-R, dated 01/11/2019 (the NIA). A subsequent revised NIA was submitted in response to matters raised by Council (dated 30 April 2020). On 31 July 2020 Council issued correspondence requesting additional information to address further remaining matters raised by Council's Senior Environmental Officer (as appended to the letter).

This document is therefore a revised NIA which supersedes the above previously-submitted documents in order to address the concern's raised by Council's Senior Environmental Officer. The key changes to the previously-submitted reports are:

- Consideration of potentially lower noise design goals (and background noise levels) during the early hours of the morning prior to and during Fajr,
- The establishment of a designated outdoor play area for children between the mosque and demountable buildings,
- Restrictions on the use of the playing field adjacent to Berkeley Road, being:-
  - Use limited to day time hours only (i.e 7 am to 6 pm Monday to Saturday and 8 am to 6 pm on Sundays and public Holidays), and
  - Physical barriers installed to ensure no activity occurs within 5 metres of the northern boundary to the playing field.
- An extension of the shared fence along the northern boundary of the Site to reduce noise levels from the car park to within the noise design goals at all times,
- The installation of a lockable gate with an electronic timer to prevent people arriving early for morning prayer, and
- The implementation of a general Noise Management Plan.

These amended noise control recommendations are included to address the matters raised by Council's Senior Environmental Officer (as appended to the Council's letter of 31 July 2020). Specifically, the inclusion of physical noise controls such as the creation of the sperate outdoor play area with appropriate screening, restriction in the available area of use in the playing field and the acoustical screening along the shared boundary. This is to minimise the reliance on administrative measures (human intervention) to achieve the noise design goals and reduce the potential for noise impacts.

Providing the recommendations are implemented and continue to be adhered to, the level of noise emission from the mosque and overall Site can readily be controlled to meet the acoustical requirements of the NSW EPA's *Noise Guide for Local Government 2013* and Council's standard noise conditions.

The Site is a large property located on the western side of Berkeley Road in a predominantly residential area. There are residences bounding the site to the north, across Budjong Creek to the south and west and opposite Berkeley Road to the east.

The Site, surrounding area and nearest residential receptors are shown in Figure 1.

The Site comprises a single storey brick veneer building which serves as the mosque, a small demountable building used for classes and lessons, a large car park and an open grassed area / playing field adjacent to Berkeley Road.

The Site was formerly operated as a place of public worship by the Jehovah's Witnesses and was granted development consent for such use from Wollongong City Council in October 1990 (DA-1990/370).

The original development consent does not specifically condition allowable hours of operation for the Site, however another consent was issued by Council in 2017 (DA-2017/815) for works on the building. Condition 31 of the 2017 consent refers to the following hours of operation and it is implicit that these were the approved hours for the Site from when it was first approved under DA 1990-370.

It is noted that the works approved by this consent have not commenced. These hours were also imposed on a subsequent Development Consent DA-2018/577 for the relocation of the demountable building currently located on the site (the current location is unauthorised and this building is not to be used until the consent is enacted). The relocated position is further to the west, being a minimum 15 metres from the north-western corner of the existing mosque building.

- *Monday 7 – 8 pm,*
- *Tuesday 7 – 9 pm,*
- *Wednesday 7 – 9 pm,*
- *Friday 7 – 9 pm,*
- *Saturday 5 – 7 pm, and*
- *Sunday 9.30 – 11.30 am and 2.30 – 4.30 pm.*

Condition 32 of the 2017 consent also states that the  $L_{eq, 15 \text{ minute}}$  noise levels emanating from the Site must not exceed the background noise level ( $L_{90, 15 \text{ min}}$ ) by more than 5 dB. This is a typical noise design goal for commercial premises and is derived from the NSW Environment Protection Authority's (EPA) *Noise Guide for Local Government 2013*.

Prayer times within the Muslim faith (Salat times) are based on the path of the sun and vary depending on the time of year. Salat times range from between approximately 4.30 am and 9.30 pm in the summer months and between approximately 5.30 am and 6.30 pm in the winter months.

It is therefore proposed to seek approval from Council for an amendment to the approved operating hours of the Site in order to facilitate the necessary use of the mosque.

It is a requirement of Council in Section 4.9, Chapter C13 of its Development Control Plan for 'Places of Public Worship' that a Noise Impact Assessment is prepared to be submitted with the application. The assessment is to address the potential for noise impact on existing residences from the use of the mosque during prayer and gathering including the demountable building (once enacted and occupied), car park and children at play outdoors.

Attendance at the mosque varies depending on the prayer, time of day and whether it is the holy month of Ramadan. Approximate attendance numbers along with the duration of each prayer are as follows:-

- Morning prayer (Fajr) – 15 to 20 people approximately 15 minutes,
- Midday prayer (Zuhr) – 20 to 30 people approximately 15 minutes,

- Afternoon prayer (Asr) – 20 to 30 people approximately 15 minutes,
- Sunset prayer (Maghrib) – 50 to 60 people approximately 15 minutes,
- Evening Prayer (Isha) – 50 to 60 people approximately 15 minutes,
- Friday prayer (Jumu'ah Khutbah) – 200 to 250 people approximately 2 hours (including gathering and socialising before and after the prayer),
- During the holy month of Ramadan 125 to 130 people attend the evening prayer between 6 pm and 8 pm.

Noise sources associated with the operation of the mosque include amplified speech from within the building during prayers, human voice noise within the mosque and future use of the demountable building (once relocated) as well as outside the building under the porte cochere before and after prayers, children at play and vehicle movements in the car park.

Noise design goals are derived from the EPA's *Noise Guide for Local Government* 2013 and are based on long-term background noise monitoring undertaken near receptor R1 in Blackwattle Place in 2019 and further to the south east on Berkeley Road in 2020. Noise design goals are 49 dBA  $L_{eq, 15 \text{ minute}}$  during the day time period, 47 dBA  $L_{eq, 15 \text{ minute}}$  during the evening time period and 40 dBA  $L_{eq, 15 \text{ minute}}$  during the early morning Fajr prayer prior to sunrise. An external assessment trigger level of 50 dBA  $L_1, 1 \text{ minute}$  has also been considered to determine the potential for sleep disturbance during Fajr.

To address concerns raised by Council in relation to the background noise levels during the night time period (early hours of the morning prior to the commencement of Fajr), consideration is given to a lower noise design goal of 35 dBA  $L_{eq, 15 \text{ minute}}$  in accordance with the EPA's minimum noise limits where practicable.

The author visited the Site in September 2019 during Jumu'ah Khutbah (the Friday afternoon prayer) to measure the level of noise emission from typical activities at various locations. A noise model has also been developed based on these measurements and numerous assessments of other similar developments and activities. Noise modelling has also been undertaken for children playing outside.

Recommendations are made in Section 7 of this Report to ensure that the level of noise emission arising from the use of the mosque and overall Site is within Council's and the EPA's standard noise goals at each receptor location, so far as is reasonably practicable.

These include:-

- Constructing a designated outdoor play area between the mosque building and demountable building as shown in Section 7.3 and Figure 2,
- Install physical barriers to ensure that there can be no activity occurring on the playing field within 5 metres of the northern boundary, Section 7.3 and Figure 3,
- Restrict the use of the playing field to day time hours only,
- Extend the shared boundary fence along the northern boundary of the Site to a minimum 2.1 metres above the external retaining wall at each of the neighbouring residences in Blackwattle Parade and Berkeley Road to the north of the Site, as shown in Section 7.4 and Figure 4,
- Reduce the maximum number of openings in the mosque building during early morning prayer (Fajr),
- Install a lockable gate with electronic timer to the driveway, and
- Implement a general Noise Management Plan.

Providing the noise control recommendations are implemented and adhered to, the EPA's and Council's standard noise conditions can be met for the use of the Site.

This revised Noise Impact Assessment (NIA), Revision B, updates the previous version (Rev A) submitted to Council in August 2020. In summary this version provides:-

- A correction of anomalies in the previous revision A report relating to the required height of the recommended upgrade to the boundary fence to the north,
- Revised recommendations relating to children at play outdoors specifically on the playing field,
- Response to draft recommended of Conditions of consent following Council's review of Revision A of the NIA.

## 2. SITE AND DEVELOPMENT DESCRIPTION

### 2.1 Site Description

The Site is a large property located on the western side of Berkeley Road in a predominantly residential area. There are residences bounding the site to the north, across Budjong Creek to the south and west and opposite Berkeley Road to the east. Given the size of the Site and the orientation of the building, there is good separation acoustically, from the building to existing residences for a residential area.

The Site comprises a single storey brick veneer building which serves as the mosque, a large car park and an open grassed area / playing field adjacent to Berkeley Road.

The Site and nearest receptors are shown in Figure 1 below and are as follows: -

- R1 – 13 Blackwattle Place (circa 60 metres)      R2 – 14 Oliver Place (circa 50 metres)  
 R3 – 45 Berkeley Road (circa 95 metres)      R4 – 15 Blackwattle Place (circa 65 metres)



**Figure 1. Location Plan – 46 Berkeley Road, Berkeley, NSW**

(Source: NSW Government Spatial Information Exchange)

All distances are based on the closest façade of the mosque building to each receptor as a reference only. Individual noise producing aspects on the Site are at various distances to the different assessment locations at each receptor depending on the assessment criteria. These variables are considered in calculations and predictions in Section 5 of this report.

A distinction is made between receptor R1 and receptor R4 due to the fact that receptor R1 is a single storey dwelling and receptor R2 is a double storey dwelling.

## 2.2 Description of Mosque and Typical Activities

The mosque is used primarily for daily prayers.

Prayer times within the Muslim faith (Salat times) are based on the path of the sun and vary depending on the time of year. Salat times range from between approximately 4.30 am and 9.30 pm in the summer months and between approximately 5.30 am and 6.30 pm in the winter months.

Attendance at the mosque varies depending on the prayer, time of day and whether it is the holy month of Ramadan. Approximate attendance numbers along with the duration of each prayer are as follows:-

- Morning prayer (Fajr) – 15 to 20 people approximately 15 minutes,
- Midday prayer (Zuhr) – 15 to 20 people approximately 15 minutes,
- Afternoon prayer (Asr) – 20 to 30 people approximately 15 minutes,
- Sunset prayer (Maghrib) – 50 to 60 people approximately 15 minutes,
- Evening Prayer (Isha) – 50 to 60 people approximately 15 minutes,
- Friday prayer (Jumu'ah Khutbah) – 200 to 250 people approximately 2 hours (including gathering and socialising before and after the prayer),
- During the holy month of Ramadan 125 to 130 people attend the evening prayer between 6 pm and 9 pm.

Members of the mosque sometimes gather before or after prayer to congregate and socialise for short periods. This occurs particularly on Friday afternoon prayer when a bbq / sausage sizzle is sometimes set up under the porte cochere and members may congregate in this area. The mosque may also be used on occasion for classes, meetings or other activities.

Prayer is delivered by the imam in the main prayer room within the building via amplified speech. The duration of the amplified speech varies depending on the prayer. For example, amplified speech occurs for approximately 20 minutes during Friday prayer (Jumu'ah) as this prayer includes a sermon, whereas morning prayer (Fajr) is more about silent individual prayer and the introduction by the Imam lasts for approximately 5 minutes.

Women attending the mosque pray in the rear of the building in a partitioned area from the main prayer room where speakers are also located to ensure the Imam is heard.

There is also a demountable building located on the Site to the north west of the mosque building which is to be relocated slightly to the west in accordance with Development Consent DA-2018/577. Once enacted and occupied in accordance with this consent, the demountable building will be used for classes, such as religious instruction for groups of up to approximately 20 people at any given time between the hours of 9 am and 8 pm on any given day. Typically, there will be approximately 3 or 4 classes per week with a duration of between 1 and 3 hours.

Children may play outdoors on occasion and this will occur generally after prayer meetings while parents socialise, or when the classes are held for adults and the children are free to play in the outdoor play area, supervised by an adult or older member of the community.

A designated play area will be provided between the mosque and the demountable building as shown in Figures 1 and 2 and detailed in Section 7.3 of this Report.

Noise sources associated with the operation of the mosque and associated demountable building therefore include amplified speech from within the mosque building during prayers, human voice noise inside the buildings during gatherings and outside the building under the porte cochere, children at play outdoors and vehicle movements in the car park.

### **3. NOISE ASSESSMENT CRITERIA**

This section outlines the noise guidelines applicable to this proposal and establishes the project specific noise goals.

#### **3.1 Wollongong City Council**

Wollongong City Council in its Development Control Plan 2009, Part C, Chapter C13, Section 4.9 requires that *'an Environmental Noise Impact Assessment report will be required for any new place of public worship... The noise impact assessment report must be prepared by a suitably qualified and experienced acoustic consultant and lodged with the Development Application.'*

Condition 32 of Development Consent DA-2017/815 states that:-

*'The  $L_{eq, 15 \text{ minute}}$  noise levels emanating from the Site must not exceed the background noise level ( $L_{90, 15 \text{ min}}$ ) by more than 5 dB.'*

#### **3.2 NSW EPA's Noise Guide for Local Government 2013**

The Environment Protection Authority (EPA) updated the Noise Guide for Local Government (NGLG) in June 2013. The policy is specifically aimed at assessing noise from light industry, shops, entertainment, public buildings, air conditioners, pool pumps and other noise sources in residential areas.

The Guide is advisory in nature, and council officers are encouraged to use it to develop council procedures or policy to deal with noise issues relevant to local circumstances.

Section 2.2.1 of the *Noise Guide for Local Government (2013)* specifies that a noise source is generally considered to be intrusive if the noise from the source, when measured over a 15-minute period ( $L_{eq, 15 \text{ minute}}$ ), exceeds the background noise ( $L_{90, 15 \text{ minute}}$ ) by more than 5 dB.

The assessment methodology and criterion are consistent with the EPA's *Noise Policy for Industry (2017)* Intrusive Criteria and is reflected in the development consent detailed in Section 3.1 above.

#### **3.3 Measured Background Noise Levels**

In order to establish the intrusiveness noise goals, it is necessary to determine the background noise levels in the vicinity of all potentially affected residential receptors.

The background noise level is defined by the EPA as 'the underlying level of noise present in ambient noise when all unusual extraneous noise is removed' and is considered to be represented by the  $L_{A90, 15 \text{ minute}}$  descriptor. This is a statistical measure of the sound pressure level that is exceeded for 90 % of the time.

The Rating Background Level (RBL) is the single-figure background noise level derived from monitoring  $L_{A90, 15 \text{ minutes}}$  over a representative period of time. The Rating Background Level is established for the day, evening and night time periods and is used for assessment purposes. When measuring background noise levels, it is important to undertake sufficient monitoring of background noise to allow intrusive noise to be assessed adequately.

The criteria and methodology provided in the guideline is derived from the NSW EPA's Noise Policy for Industry 2017. The policy provides minimum rating background noise levels (RBLs) for each period of the day, evening and night.

The minimum assumed RBLs result in minimum intrusiveness noise levels. These are shown in Table 2.1 in the Policy and are replicated in Table 1 below.

**Table 1 Minimum assumed RBLs and project intrusiveness noise levels  
(Derived from EPA Table 2.1)**

Time of Day	Minimum Assumed Rating Background Level dBA	Minimum Project Intrusive Noise Level ( $L_{eq, 15 \text{ minute}}$ , dBA)
Day (7 am to 6 pm)	35	40
Evening (6 pm to 10 pm)	30	35
Night (10 pm to 7 am)	30	35

In this instance a noise logger was installed temporarily 5 Blackwattle Place as shown in Figure 1, to measure background noise levels between Friday 13 and Friday 20 September 2019. This location is considered representative of all residential receptors in the vicinity of the site. The results of the background noise survey are summarised in Table 2 below and shown in graphical format in the attached Appendix B.

Details of instrumentation used during the noise survey can be seen in the attached Appendix A.

**Table 2 Rating Background Levels – Blackwattle Place, Berkeley, NSW**

Time of Day	Rating Background Level ( $L_{90}$ )
Day (7 am to 6 pm)	44 dBA
Evening (6 pm to 10 pm)	42 dBA
Night (10 pm to 7 am)	35 dBA

During the noise survey heavy rain fell on the 17<sup>th</sup> and 18<sup>th</sup> September and rain affected data has been excluded from results.

Since the initial background noise survey, the author carried out an additional long-term background noise survey at the request of Council.

A noise logger was placed at 33 Berkeley Road, Berkeley as shown in Figure 1 between Tuesday 25 February and Monday 2 March 2020. This property is located to the south east of the mosque and is considered representative of the acoustical environment at residences in close proximity to the mosque whilst not being affected by noise generated from the site.

The results of the background noise survey are summarised in Table 3 below.

Details of instrumentation used during the noise survey can be seen in the attached Appendix A.

**Table 3 Rating Background Levels – 33 Berkeley Rd, Berkeley, NSW - 2020**

Time of Day	Rating Background Level (L <sub>90</sub> )
Day (7 am to 6 pm)	45 dBA
Evening (6 pm to 10 pm)	43 dBA
Night (10 pm to 7 am)	38 dBA

It is the contention of Council that the background noise levels in the vicinity of the Site during the night time period appear to be relatively high and that there is concern that the background noise during the time that early morning prayers occur may be lower than those shown in Tables 2 and 3.

The two separate background noise surveys are considered reliable for the receptor area. Notwithstanding this however, consideration is given to minimising noise emission during the early hours of the morning, prior to 7 am, to a level that is lower than the noise design goal derived from background noise levels.

### 3.4 Sleep Disturbance Criteria

#### 3.4.1 Noise Policy for Industry 2017

Section 2.5 ‘Maximum noise level event assessment’ states: -

*“The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.*

*Where the subject development/premises night-time noise levels at a residential location exceed:*

- *L<sub>Aeq,15min</sub> 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or*
- *L<sub>AFmax</sub> 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,*

*a detailed maximum noise level event assessment should be undertaken.*

*The detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period. Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy.”*

#### 3.4.2 EPA’s Road Noise Policy 2011 (Sleep disturbance)

Section 5.4 of the NSW EPA’s Road Noise Policy states: -

*“Further studies by the enHealth Council (2004) and the guidelines published by the World Health Organisation (1999) were reviewed and analysed in terms of the guidance on noise exposure and sleep disturbance.*

*The enHealth report states that:*

*‘as a rule, for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A) L<sub>Max</sub> more than 10 or 15 times per night’.*”

### 3.4.3 Environmental Criteria for Road Traffic Noise 2009

Appendix B5 of the NSW EPA's Environmental Criteria for Road Traffic Noise (ECRTN) reviews the current level of knowledge and concludes that maximum internal noise levels below 50–55 dBA are unlikely to cause awakening reactions, and that one or two noise events per night with maximum internal noise levels of 65–70 dBA are not likely to affect health and wellbeing significantly.

### 3.5 On Road Traffic Noise Criteria – Road Noise Policy

The NSW EPA published the NSW *Road Noise Policy* in March 2011 and that Policy replaced the *Environmental Criteria for Road Traffic Noise* (ECRTN- 1999) in July 2011.

The Policy contains strategies to address the issue of road traffic noise from, among other things, traffic generating developments.

#### 3.5.1 Noise Assessment Criteria – Residential Land Uses

Table 3 of Section 2.3.1 of the Policy '*Noise assessment criteria – residential land uses*' sets out the assessment criteria for residences to be applied to particular types of project, road category and land use.

The relevant parts of Table 4 are replicated in Table 4 below.

**Table 4 Road Traffic Noise Assessment Criteria**

Road Category	Type of Project / Land Use	Assessment Criteria, dBA	
		Day (7 am – 10 pm)	Night (10 pm – 7 am)
Local Roads	6. Existing residences affected by <b>additional traffic</b> on existing local roads generated by land use developments	L <sub>Aeq</sub> (1 hour) 55 (external)	L <sub>Aeq</sub> (1 hour) 50 (external)

### 3.6 Project Specific Noise Goals

The most relevant criteria\* are as follows: -

#### All residential receptors

- (44 + 5 =) **49 dBA** L<sub>eq, 15 minute</sub> during the day time period,
- (42 + 5 =) **47 dBA** L<sub>eq, 15 minute</sub> during the evening time period,
- (35 + 5 =) **40 dBA** L<sub>eq, 15 minute</sub> during the night time period (prior to 7 am for Fajr prayer),
- (35 + 15 =) **50 dBA** L<sub>1, 1 minute</sub> at night as an external screening test for sleep disturbance at night,
- **45 dBA to 55 dBA** L<sub>1, 1 minute</sub> inside residential dwellings for further sleep disturbance assessment,
- **55 dBA** (L<sub>eq, 1 hour</sub>) from on-road traffic noise during the day time period, and
- **50 dBA** (L<sub>eq, 1 hour</sub>) from on-road traffic noise during the night time period.

\* The design noise goals are derived from the lowest background noise levels shown in Tables 2 and 3 respectively for each of the day time, evening time and night time periods.

As mentioned previously, consideration is given to minimising noise impacts during the early morning prayer to a level that is lower than the noise design goal of 40 dBA prior to 7 am.

The noise goals are to be assessed at the most affected point at or within the receptor's boundary, or if that is more than 30 metres from the residence, at the reasonably most affected point within 30 metres of the residence but no closer than 3 metres from a reflective surface and at a height of between 1.2 and 1.5 metres. For multi-storey residential buildings (greater than two storeys) where a ground floor assessment location is deemed to be unrepresentative of the exposure of upper stories, the assessment may be undertaken at a representative elevation. The sleep disturbance screening test is assessed outside any potentially affected residential bedroom window.

In this instance the residence at receptor R1 to the north of the Site is a two storey residences with windows overlooking the car park. It is assumed that the southern façade windows in this residence are potentially bedroom windows as a worst-case scenario.

Therefore the intrusiveness noise goals ( $L_{eq, 15 \text{ minute}}$ ) are assessed at the most affected point within the residential boundaries at the ground floor level, whereas the sleep disturbance assessment during night time hours is assessed at the first floor façade of any two storey dwellings.

#### 4. PLACE OF PUBLIC WORSHIP NOISE EMISSION

##### 4.1 People Talking

A noise model has been developed for the calculation of noise generated by people indoors or outdoors. This is based on sound pressure level data for one person as given in Kryter<sup>1</sup>, Harris<sup>2</sup> and from the author's database compiled over many years of similar assessments.

Table 4 below shows the calculated sound power levels for human voice noise used in noise modelling.

**Table 4**  $L_{eq}$  Sound Power Levels – Worshippers Talking / Praying

Type of Voice	Sound Power Level (dBA)	Estimated Time Spent Utilising Each Type of Voice Level (minutes in 15)	Resultant Sound Power Level 15- Minute Average ( $L_{Aeq, 15 \text{ minute}}$ ) dBA
Casual	61	3	54
Normal	64	5	61
Raised	73	6	69
Loud	83	1	71
15-minute average for 1 Person			74
15-minute average for 50 people congregating outside (assumes 50% vocal)			88
Imam – amplified speech inside mosque			90

<sup>1</sup> 'The Effects of Noise on Man' by Karl Kryter, Academic Press (1985)

<sup>2</sup> 'Handbook of Acoustical Measurements and Noise Control' 3rd Edition by Cyril M. Harris, McGraw-Hill Inc (1991)

Noise models and subsequent predictions have also been verified by noise measurements taken on-site during Friday afternoon prayer (Jumu'ah) on Friday 13 September 2019.

#### 4.2 Children at Play

A similar noise model has been developed to establish the noise level of children at play. This model is based on measurements taken of children at play in groups undertaken during previous assessments of childcare centres by the author and sound pressure level data for children given in Kryter as detailed in Section 4.1 above.

The data has been used to establish the sound power level for individual children shown in Table 5 below. These levels are in line with the sound power levels provided in the AAAC 'Guideline for Child Care Centre Acoustic Assessment'.

**Table 5 Children at Play -  $L_{eq}$  Sound Power Levels**

Description	$L_{eq}$ Sound Power Levels (dBA)
1 child 0 to 2 years	69
1 child 2 to 3 years	75
1 child 3 to 4 years	75
1 child 4 to 5 years	77
20 children 0 to 2 years	82
20 children 2 to 3 years	88
20 children 4 to 5 years	90

#### 4.3 Motor Vehicle Noise

The  $L_{eq}$  sound power level of cars is given in Table 6 below. Table 6 also shows the  $L_{1, 1 \text{ minute}}$  sound power level of vehicle activity for sleep disturbance assessment.

**Table 6  $L_{eq}$  and  $L_1$  Sound Power Levels of Typical Motor Vehicle Movements**

Description	Sound Power Level dBA
$L_{eq, 15 \text{ minute}}$ level of one car passing	69
$L_{1, 1 \text{ minute}}$ level of a door closing	84
$L_{1, 1 \text{ minute}}$ level of one car passing	89

#### 4.4 Mechanical Plant

A ducted air conditioning system has been installed at the Site and the Daikin model external condenser units are located at the rear, southern side, of the building. The level of noise emission from the operation of the units is below the noise design goals at all receptor locations during the day time, evening time and night time periods as shown in Table 11 in Section 5.2.

## 5. NOISE LEVEL PREDICTIONS

### 5.1 Modelling Equations

The level of noise emission from amplified speech and people talking within the building has been calculated from the formula: -

$$Lp_2 = Lp_1 - R_w + 10 \log_{10} S - 20 \log_{10} r - 14 + DI \text{ dBA}$$

Where:

- Lp<sub>2</sub> is the predicted noise level at the receiver;
- Lp<sub>1</sub> is the internal noise level;
- R<sub>w</sub> is the weighted sound reduction index of the building element (wall, roof, windows, openings, etc);
- S is the area of the building element (m<sup>2</sup>);
- r is the distance between the receiver and the building element;
- DI is the directivity index of the façade.

Outdoor noise sources including people talking outside and motor vehicle movements have been modelled using the formula: -

$$L_{eq} = L_w + Dc - A$$

Where:

- L<sub>w</sub> is the sound power level of the noise source;
- Dc is directivity correction; and
- A is the attenuation that occurs during the propagation from source to receiver.

The term A in the equation includes attenuation from geometric divergence (distance loss), atmospheric absorption, ground absorption, barrier effects and miscellaneous other effects.

This model derives from the International Standard ISO 9613-2 (1996(E)) '*Acoustic – Attenuation of sound during propagation outdoors Part 2 General method of calculation*'. The method described in the Standard is general in the sense that it may be applied to a wide variety of noise sources and covers the major mechanism of sound attenuation. The method allows for propagation conditions with the wind blowing from the source to the receiver.

### 5.2 Noise Modelling Predictions

The predicted noise levels at each receptor are shown in the following Tables, where: -

**Table 7** – shows the predicted noise level from the mosque during prayer with amplified speech for assessment against the intrusiveness noise goals during the day, evening and early morning periods.

**Table 8** – shows the predicted level of noise emission from people talking and gathering outside of the mosque building for assessment against the intrusiveness noise goals during the day, evening and early morning periods.

**Table 9** – shows the predicted level of noise emission from children at play outdoors for assessment against the intrusiveness noise goals during the day, evening and early morning periods.

**Table 10** – shows the predicted level of noise emission from classes to be held in the demountable building for assessment against the intrusiveness noise goals during the day, evening and early morning periods.

**Table 11** – shows the predicted level of noise emission from on-site motor vehicle activity for assessment against the intrusiveness noise goals during the day, evening and early morning periods

**Table 12** – shows the predicted level of noise emission from on-site motor vehicle activity for assessment against the screening test level for Sleep Disturbance outside each residential façade during the early morning.

**Table 13** – shows the predicted level of noise emission from on-site motor vehicle activity for assessment against the internal noise goals to determine the potential for sleep arousal, and

**Table 7 Predicted  $L_{eq}$  Noise Levels – Amplified Speech During Prayer**

Description	Predicted Noise Level $L_{eq, 15 \text{ minute}}$ (dBA) at Receptor Locations			
	R1	R2	R3	R4
<b>Day Time Noise Goal</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>
Amplified speech during Friday prayer	36	38	36	36
Complies	Yes	Yes	Yes	Yes
<b>Evening Time Noise Goal</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>47</b>
Complies	Yes	Yes	Yes	<b>Yes</b>
<b>Early Morning (Sunrise) Noise Goal*</b>	<b>35 - 40</b>	<b>35 - 40</b>	<b>35 - 40</b>	<b>35 - 40</b>
Amplified speech during Friday prayer	33	35	33	33
Complies	Yes	Yes	Yes	Yes

\* The noise goal provided for night time activity is based on the noise goal derived from the EPA's minimum background ( $30 + 5 = 35$ ) and the noise goal derived from the actual measured background noise level ( $35 + 5 = 40$ ). This is to satisfy concerns raised by Council in relation to the potential for lower background noise levels in the early hours of the morning.

Predictions in Table 7 assume the following: -

- Recommendations made in Section 7 of this Report are implemented and adhered to. Noise model has been calibrated and validated based on actual noise measurements undertaken at the Site during Friday prayer. The predicted noise levels for the morning prayer have been adjusted in accordance with the reduced duration of amplified speech, significantly less number of attendees and the silent nature of private prayer. Predictions for morning prayer also assume that recommendations made in Section 7 of this Report have been implemented and adhered to.

**Table 8 Predicted  $L_{eq}$  Noise Levels – People Talking Outside**

Description	Predicted Noise Level $L_{eq, 15 \text{ minute}}$ (dBA) at Receptor Locations			
	R1	R2	R3	R4
<b>Day Time Noise Goal</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>
People talking outside (Friday Prayer - Jumu'ah & Ramadan)	32	41	29	32
Complies	Yes	Yes	Yes	Yes
<b>Evening Time Noise Goal</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>47</b>
Complies	Yes	Yes	Yes	Yes
<b>Early Morning (Sunrise) Noise Goal*</b>	<b>35 - 40</b>	<b>35 - 40</b>	<b>35 - 40</b>	<b>35 - 40</b>
People talking outside (Early Morning Prayer - Fajr)	26	36	23	26
Complies	Yes	Yes	Yes	Yes

\* The noise goal provided for night time activity is based on the noise goal derived from the EPA's minimum background ( $30 + 5 = 35$ ) and the noise goal derived from the actual measured background noise level ( $35 + 5 = 40$ ). This is to satisfy concerns raised by Council in relation to the potential for lower background noise levels in the early hours of the morning.

Predictions in Table 8 assume the following: -

- Predicted noise levels for people talking outside before or after Friday prayer are calibrated to actual noise measurements taken at the Site on Friday 13 September 2019,
- Predicted noise levels for early morning prayer are based on the number of people reported to attend each prayer as shown in Section 2.2 and the implementation of the Noise Management Plan detailed in Section 7.3.

**Table 9 Predicted  $L_{eq}$  Noise Levels – Children at Play Outdoors**

Description	Predicted Noise Level $L_{eq, 15 \text{ minute}}$ (dBA) at Receptor Locations			
	R1	R2	R3	R4
<b>Day Time Noise Goal</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>
Children playing in the designated play area – In the day time (no noise controls)	33	<20	48	33
Complies	Yes	Yes	Yes	Yes
Children playing on the <u>playing field</u> – In the day time only (with noise controls)	47*	47	48	32**
Complies	Yes	Yes	Yes	Yes
<b>Evening Time Noise Goal</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>47</b>
Children playing in the designated play area – In the evening (with noise controls)	33	<20	45	33
Complies	Yes	Yes	Yes	Yes

Predictions in Table 9 assume the following: -

- Noise control recommendations made in Section 7.3 are implemented
- \* In this instance, receptor R1 refers to the closest dwelling to the playing field (being 48B Berkeley Road)
  - Attenuation at this receptor from the existing boundary fence of a maximum 5 dB,
- \*\* assumes attenuation from the boundary fence proposed in Section 7.4 of this Report.

**Table 10 Predicted  $L_{eq}$  Noise Levels – Demountable Building Classes**

Description	Predicted Noise Level $L_{eq, 15 \text{ minute}}$ (dBA) at Receptor Locations			
	R1	R2	R3	R4
<b>Day Time Noise Goal</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>
Human Voice Noise During Classes - Indoors	34	36	34	34
Complies	Yes	Yes	Yes	Yes
<b>Evening Time Noise Goal</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>47</b>
Complies	Yes	Yes	Yes	Yes
Human Voice Noise During Classes - Outdoors	29	38	26	29
Complies both Day and Evening Periods	Yes	Yes	Yes	Yes

**Table 11 Predicted  $L_{eq}$  Noise Levels – Motor Vehicle Movements On-Site**

Description of Vehicle movements	Predicted Noise Level $L_{eq, 15 \text{ minute}}$ (dBA) at Receptor Locations			
	R1	R2	R3	R4
<b>Day Time Noise Goal</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>
Motor vehicle movements (Friday prayer - Jumu'ah)	47	41	30	47
Complies	Yes	Yes	Yes	Yes
<b>Evening Time Noise Goal</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>47</b>
Complies	Yes	Yes	Yes	Yes
Motor vehicle movements (Evening & Sunset – during Ramadan)	45	39	<30	45
Complies	Yes	Yes	Yes	Yes
Motor vehicle movements (Evening & Sunset - Maghrib and Isha – Outside of Ramadan)	<25**	35	<30	<25
Complies	Yes	Yes	Yes	Yes
<b>Early Morning (Sunrise) Noise Goal*</b>	<b>35 - 40</b>	<b>35 - 40</b>	<b>35 - 40</b>	<b>35 - 40</b>
Motor vehicle movements (Morning prayer – Fajr)	36	37	<30	36
Complies	Yes	Yes	Yes	Yes

\* The noise goal provided for night time activity is based on the noise goal derived from the EPA's minimum background ( $30 + 5 = 35$ ) and the noise goal derived from the actual measured background noise level ( $35 + 5 = 40$ ). This is to satisfy concerns raised by Council in relation to the potential for lower background noise levels in the early hours of the morning.

Predictions in Table 11 assume the following: -

- Recommendations made in Section 7 of this Report have been implemented and continue to be adhered to,
- \*\* Assessment location is at the ground floor level for the intrusiveness criteria, consideration is given to the floor level (bedroom windows) in the potential for sleep disturbance assessment shown in Table 12 below.

**Table 12 Predicted L<sub>1, 1 minute</sub> Noise Levels – Motor Vehicle Activity On-Site (Potential for Sleep Disturbance Initial External Assessment)**

Description of Vehicle movements	Predicted Noise Level L <sub>1, 1 minute</sub> (dBA) at Receptor Locations			
	R1	R2	R3	R4
<b>Sleep Disturbance Assessment Trigger Level*</b>	<b>45 - 50</b>	<b>45 - 50</b>	<b>45 - 50</b>	<b>45 - 50</b>
Motor vehicle movements (Fajr) Cars moving – car doors closing	44 – 49	41 – 46	<35	34 – 39
Complies	No + 4**	Yes	Yes	Yes

\* The trigger level provided for the initial assessment of the potential for sleep disturbance is again derived from the EPA's minimum background (30 + 15 = 45) and the actual measured background noise level (35 + 15 = 50).

This is again to satisfy concerns raised by Council in relation to the potential for lower background noise levels in the early hours of the morning.

In this instance it can be seen that the higher level of 50 dBA L<sub>1, 1 minute</sub> is met at all receptors for noise emission arising from the closing of car doors and engines revving prior to 7 am. This is providing that recommendations made in Section 7 of this Report are implemented and continue to be adhered to.

\*\* There is potential for the lower trigger level of 45 dBA L<sub>1, 1 minute</sub> to be exceeded by up to 4 dB at the first floor façade of the two storey dwelling at 13 Blackwattle Parade only.

The EPA recommends that where the external trigger level is exceeded a detailed maximum noise level event assessment should be undertaken.

Consideration is therefore given to the assessment of potential noise levels emitted from the Site as received within receptor R1.

A reduction of approximately 10 dB occurs from outside to inside with windows partially open. The predicted level from one-off events at receptor R1 is up to 49 dBA outside (minus 10 dB, this becomes 39 dBA inside).

As can be seen from Sections 3.3.2 and 3.3.3 in this report, the *enHealth Council (2004) report states that:*

*'as a rule, for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A) L<sub>Max</sub> more than 10 or 15 times per night'.*

The NSW EPA's *Environmental Criteria for Road Traffic Noise (ECRTN)* concludes that maximum internal noise levels below 50 to 55 dBA are unlikely to cause awakening reactions, and that one or two noise events per night with maximum internal noise levels of 65 to 70 dBA are not likely to affect health and wellbeing significantly.

Table 13 below shows the internal noise level predicted within dwellings at receptor R1 with the window in the first floor façade being partially open.

**Table 13 Predicted  $L_{1, 1 \text{ minute}}$  Internal Noise Levels at Receptors R1 and R3 From On-Site Motor Vehicle Movements - (Sleep Disturbance)**

Description	Predicted Noise Level $L_{1, 1 \text{ minute}}$ (dBA) Within Receptor Location
	R1
Internal sleep arousal range	45 – 55
One-off noise events ( <u>inside</u> dwelling)	39
Within trigger level	Yes

**Table 14 Predicted  $L_{eq}$  Noise Levels – Air Conditioning Plant**

Description	Predicted Noise Level $L_{eq, 15 \text{ minute}}$ (dBA) at Receptor Locations			
	R1	R2	R3	R4
Day Time Noise Goal	49	49	49	49
Evening Time Noise Goal	47	47	47	47
Early Morning (Sunrise) Noise Goal*	35 - 40	35 - 40	35 - 40	35 - 40
Daikin Model Air Conditioning Units Combined	<30	<30	35	<30
Complies	Yes	Yes	Yes	Yes

\* The noise goal provided for night time activity is based on the noise goal derived from the EPA's minimum background ( $30 + 5 = 35$ ) and the noise goal derived from the actual measured background noise level ( $35 + 5 = 40$ ). This is to satisfy concerns raised by Council in relation to the potential for lower background noise levels in the early hours of the morning.

## 6. ON ROAD TRAFFIC NOISE

Consideration is given to on-road traffic noise for people arriving or leaving the Site along Berkeley Road. Berkeley Road is a busy road and traffic noise from people attending the mosque will not be noticeable above existing traffic noise levels, however this assessment is undertaken for completeness.

Formulae are given in the Calculation of Road Traffic Noise (CoRTN) from the UK Department of Transport and Welsh Office (1988) for the calculation of on-road vehicle noise. However, the calculation procedure given in CoRTN is untested for small traffic flows (under 200) and typically yields lower levels than occur in practice.

Therefore, a calculation based on the sound exposure level for various vehicles has been carried out. The sound exposure level ( $L_{Ae}$ ) is a summation of the sound energy produced during a single event (i.e. a motor vehicle pass-by, train pass-by, etc).

The author has measured the level of noise emission from numerous vehicle types including cars, four wheel drives, etc.

The average maximum measured sound exposure levels of a of range vehicles, normalised to a distance of 10 metres is as follows: -

- Car – 69 dBA, and
- 4WD – 72 dBA.

Once established, a sound exposure level ( $L_{Ae}$ ) can be used to calculate an energy average, sound pressure level ( $L_{eq, time}$ ) using the following formula: -

$$L_{eq, 1 \text{ hour}} = L_{Ae} - 10 \log_{10} (T) + 10 \log_{10} (N)$$

Where T is the time in seconds (1 hour in this instance – in accordance with the assessment criteria, see Table 2) and N is the number of vehicle trips. The calculated level can then be adjusted to various distances from the 10-metre assessment location.

In this instance the closest houses to Berkeley Road adjacent to sections of the road that people attending the mosque may travel are at between approximately 10 and 15 metres to the south and north bound lanes respectively.

During Friday prayer it is assumed there will be up to 120 vehicles accessing the site and for the purpose of predicted noise emission it is assumed that these are evenly split in the two directions (north and south).

This equates to potentially 60 car movements in the busiest one-hour period passing the same dwelling at either 10 or 15 metres during the day time period.

During the night time period, there will be up to a maximum of 15 cars accessing the Site. This equates to approximately 8 car movements in the busiest one-hour period passing the same dwelling at either 10 or 15 metres prior to 7 am.

The predicted noise level from on-road vehicle movements during the times that people may arrive, or leave is shown in Table 15 below.

**Table 15 Predicted  $L_{eq, 1 \text{ hour}}$  Noise Levels – Motor Vehicles (On Road Traffic)**

Description	Predicted Noise Level $L_{eq, 1 \text{ hour}}$ (dBA) at Receptor Locations	
	North bound circa 15 metres	South bound circa 10 metres
<b>Acceptable Noise Level (day time period)</b>	<b>55</b>	<b>55</b>
On road traffic noise (day time and evening prayers)	51	53
Complies	Yes	Yes
On road traffic noise (early morning prayer - Fajr)	44	42
Complies	Yes	Yes

There may be times when the noise levels may vary slightly to those shown in Table 14 depending upon, for example, the percentage of cars in any given direction. However, on-road traffic noise is not considered a significant issue at this Site given the busy flows on Berkeley Road.

## **7. RECOMMENDED NOISE CONTROLS**

To reduce the level of noise emission from the operation of the mosque to meet the noise design goals so far as is reasonably practicable, the following recommendations are made.

### **7.1 Amplified Speech**

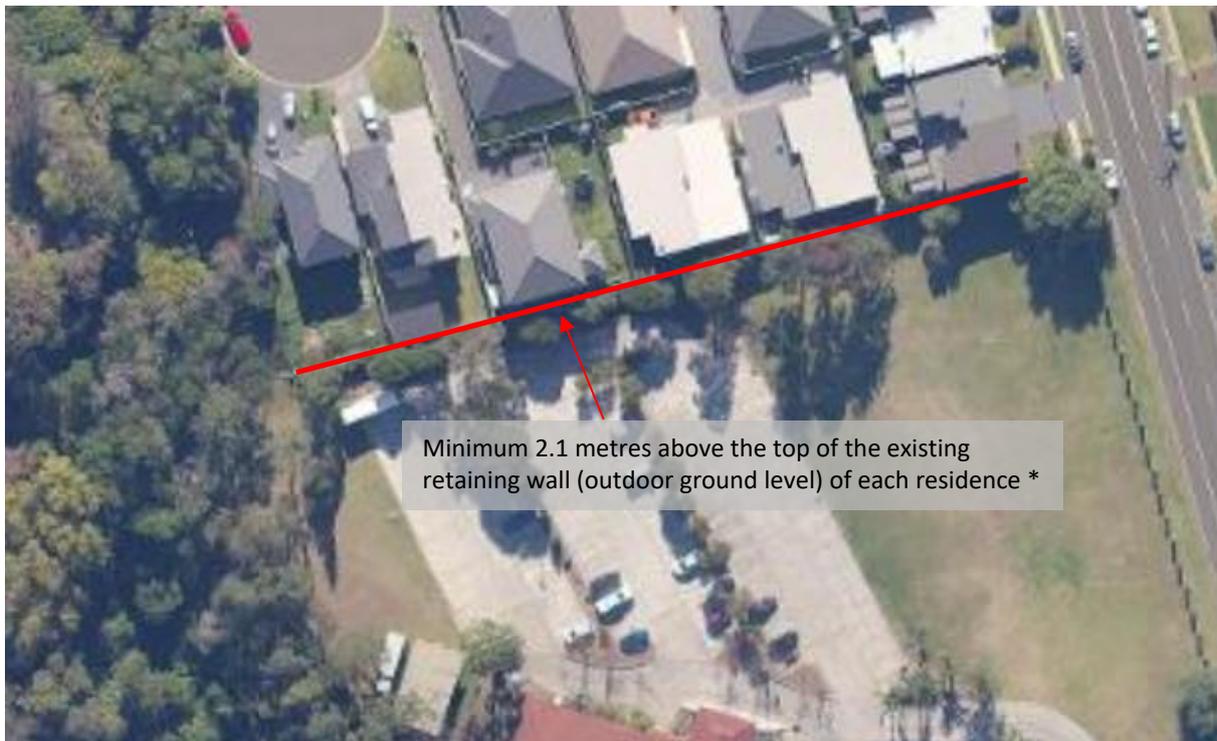
- The noise level from amplified speech noise should not exceed an energy average sound pressure level over 15 minutes, ( $L_{eq, 15 \text{ minute}}$ ) of more than 75 dBA when measured no further than 3 metres from the acoustic centre of any speakers.

### **7.2 Allowable Building Openings**

- During any early morning prayer (Fajr), all doors and windows to the building must remain closed, and be closed prior to amplified speech commencing,
- Late arrivals during any amplified speech should close the main entry door behind them prior to opening the internal prayer room door such that both doors are not open simultaneously,
- No restrictions are required on building openings during the day time and evening periods, nor are there restrictions required on openings to the demountable building during classes.

### **7.3 Sound Barrier Screening – Northern Boundary**

- Extend the existing fence / screen along the shared boundary with the six dwellings in Blackwattle Parade to a minimum height of 2.1 metres above the top of the retaining wall, which is representative of the outdoor ground level of each residential dwellings, See Figure 3 below,
  - Or an alternative screen erected to an equivalent height within the subject property adjacent to the boundary line,
- The screen should be constructed from any impervious material such as corrugated sheet steel, lapped and capped timber, 10 mm thick polycarbonate, etc, without holes or gaps including where any extensions meet the existing fence or at the base where the fence meets the retaining wall.



**Figure 3. Sound Barrier Screen Northern Boundary**

\* The fence should extend to the north eastern end of the building proper of the residence at 54 Berkeley Road and need not extend the entire length of the site boundary to Berkeley Road.

#### **7.4 Children at Play Outdoors**

##### *New Designated Play Area*

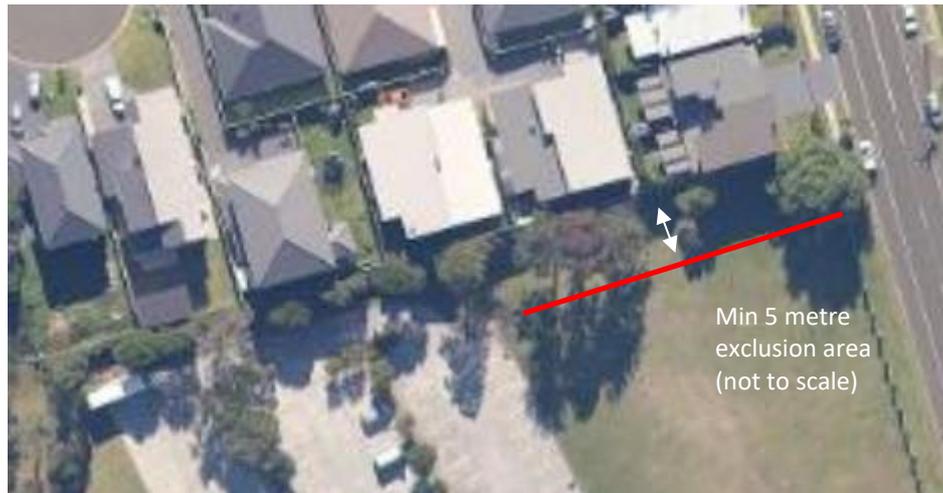
- A designated play area should be established between the demountable building to be relocated slightly to the west as per Development Consent DA-2018/577 and the mosque building including an area to the south of the mosque building as shown in Figure 2 below,
- The play area may extend as far to the north west and south east as required to accommodate the maximum number of children that are likely to use it,
  - The exact location can be finalised after the relocation of the demountable building,
- A fence should be constructed along the entire southern boundary of the play area to a minimum height of 1.6 metres above the ground level of the play area,
- The screen should extend to the north at the eastern and western ends to meet the demountable and mosque building facades respectively (see Figure 2),
- The screen should be constructed from any impervious material such as corrugated sheet steel, lapped and capped timber, 10 mm thick polycarbonate, etc, without holes or gaps other than a maximum 20 mm at the base if required for drainage.
- The play area may be used at any time during the day time and evening periods,
  - There should be no children allowed to play outdoors prior to 7 am (or 8 am on Sundays) on any day,



**Figure 2. Designated Outdoor Play Area for Children**

### *Playing Field*

- Demarcate an area using trees, planter boxes, physical barriers, ropes or chains, potentially football goals, etc to ensure that children are not able to access the playing field within 5 metres of the boundary to the north, see Figure 3,
  - This assumes the fence has been extended / erected in accordance with the recommendations made in Section 7.3),
- The use of the playing field should be restricted to day time hours only (i.e. 7 am to 6 pm Monday to Saturday and 8 am to 6 pm on Sundays and public Holidays),
- In the evening time, after 6 pm, children may play in the new designated area detailed above.



**Figure 4. Playing Field Restricted Area (5 metres)**

### 7.5 Parking Management Plan

- Members of the Community that are attending Fajr prayers prior to 7 am should be instructed to park as close to the mosque building as practical and not toward the north of the car park in accordance with the Bitzios Consulting Pty Ltd’s traffic management plan, response to additional information request, reference P4299.003L, dated 29 April 2020 (the Bitzios Report),
  - The now proposed erection of the sound barrier screen along the northern boundary of the Site (see Section 7.4 above) will negate the need for the traffic management plan for the evening in the month of Ramadan contained in the Bitzios Report and previous NIAs issued by Harwood Acoustics.
- Install a lock with an electronic tier on the main access gate to the driveway that is set by the leaders of the Community to ensure that members do not arrive any more than 15 minutes prior to the commencement of the Farj early morning prayer.
  - The Noise Management Plan detailed in Section 7.6 below will address the potential for members to park and wait on Berkeley Road for the gate to open.

### 7.6 Noise Management Plan

- A general Noise Management Plan should be prepared by the leaders of the Community outlining the need to be conscious of noise generation at the Site,
- The plan should contain the procedures for:-
  - Ensuring children only play in the designated playground and not on the sporting field after 6 pm,
  - Ensuring no children play outdoors prior to 7 am Monday to Saturday or prior to 8 am on Sundays or after 10 pm on any day,
  - Inclusion of signage around the Site informing community members about the importance of minimising noise generation in the outdoor areas,
  - The need for the gate to be locked prior to the commencement of Fajr and members attending Fajr must be advised of the opening time and discouraged from arriving early and parking on Berkeley Road prior to the gate unlocking.

## 7.7 Council Draft Consent Conditions – Hours of Operation

A copy of a referral from Council's Environment Officer dated 25 August 2020 was obtained by the applicant via the *Government Information (Public Access) Act 2009 (GIPA Act)*. This document indicated that the NIA lodged to Council in August (Revision A) was assessed and found the issues to be satisfactory subject to recommended draft conditions of consent. One of the conditions....". One of the conditions relates to the hours of operation of the Mosque and aims to manage noise emission from on-site activities during those times with regard specifically to the gathering of people in the early morning and evening times.

The intent of the recommended draft condition appears to be clear however it is somewhat ambiguous in parts.

It is requested / recommended to amend the relevant condition to the following:-

*"The approved operating hours of the Mosque are as follows:-*

- *4 am to 10 pm 7 days per week in Summer and 5 am to 10 pm 7 days per week in winter.*

*Furthermore:-*

- *between the hours of 4 am and 7 am Monday to Saturday and 4 am and 8 am on Sundays and Public Holidays there is to be no gathering of adults or children in any external areas,*
- *there is to be no gathering of children or adults in any external areas after 10 pm on any day."*

## 8. CONCLUSION

An assessment of the potential noise impact arising from the use of the Masjid As-Salaam mosque is located at 46 Berkeley Road, Berkeley, NSW was undertaken.

Recommendations are made in Section 7 of this report to ensure that the use and operation of the mosque is within the EPA's and Council's standard noise design goals at all receptors at all times of the day, evening and early morning.

The focus is on implementing [physical noise controls that minimise the reliance on human intervention and administrative measures to minimise noise impacts under varying operational scenarios.

Providing these recommendations are implemented and continue to be adhered to, the EPA's and Council's standard noise design goals can be met for this development.



**Matthew Harwood**, MAAS

Principal Acoustical Consultant

Attachments: -

Important note

Appendix A – Noise Survey Instrumentation

Appendix B – Noise Survey Results – 2019

Appendix C – Noise Survey Results - 2020

**Important Note**

*All products and materials suggested by Harwood Acoustics are selected for their acoustical properties only.*

*Recommendations made in this report are intended to resolve acoustical problems only, therefore all other properties such as aesthetics, air flows, chemical, corrosion, combustion, construction details, decomposition, expansion, fire rating, fumes, grout or tile cracking, loading, shrinkage, smoke, ventilation etc. are outside Harwood Acoustic's fields of expertise and **must** be checked with the supplier or suitably qualified specialist before purchase.*

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<b>Noise Survey Instrumentation</b>	<b>Appendix A</b>
-------------------------------------	-------------------

The instrumentation used during the noise survey consisted of the following: -

Description	Model No.	Serial No.
SVANTEK 957	957	15395
Infobyte Noise Logger (Type 2) with Condenser Microphone 0.5" diameter	iM4 MK 250	104 104
SVANTEK Acoustical Calibrator	SV34A	58762

The SvanTek Model 957 sound level meters conform to Australian Standard AS IEC 61672.1-2004: 'Electroacoustics - Sound level meters – Specifications' as Class 1 precision sound level meter.

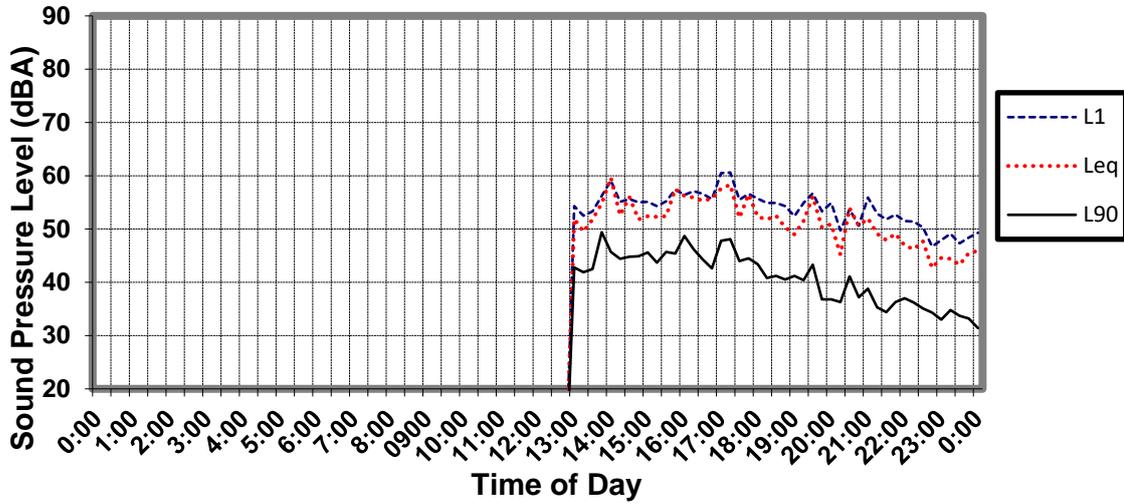
The Infobyte Model iM4 noise logger conforms to Australian Standard AS1259:2-1990 'Acoustics - Sound Level Meters' as a Type 2 sound level meter and has an accuracy suitable for field use.

The calibration of the logger was checked before and after the measurement periods. No significant system drift occurred over the measurement periods.

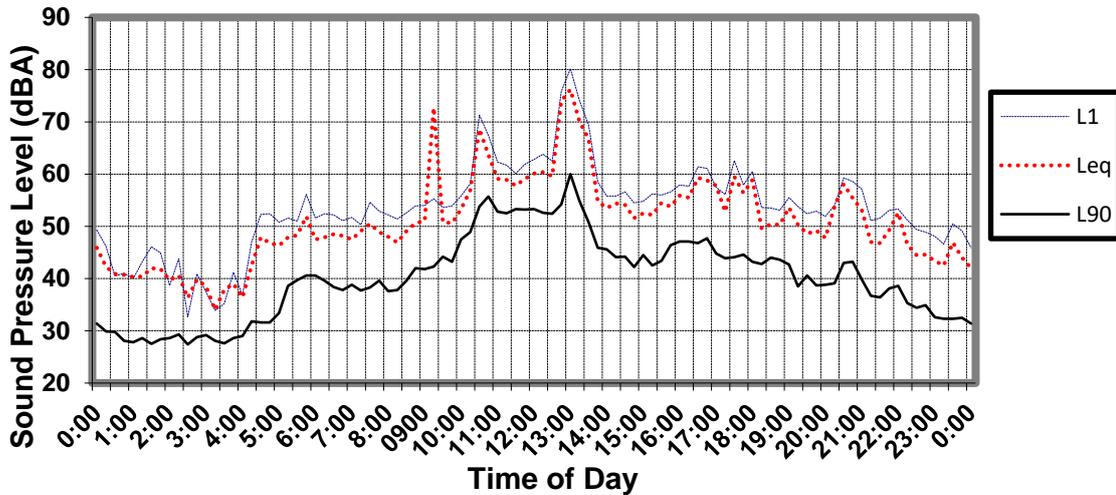
The logger and calibrator have been checked, adjusted and aligned to conform to the factory specifications and issued with conformance certificates as required by the regulations.

<b>Background Noise Survey Results - 2019</b>	<b>Appendix B</b>
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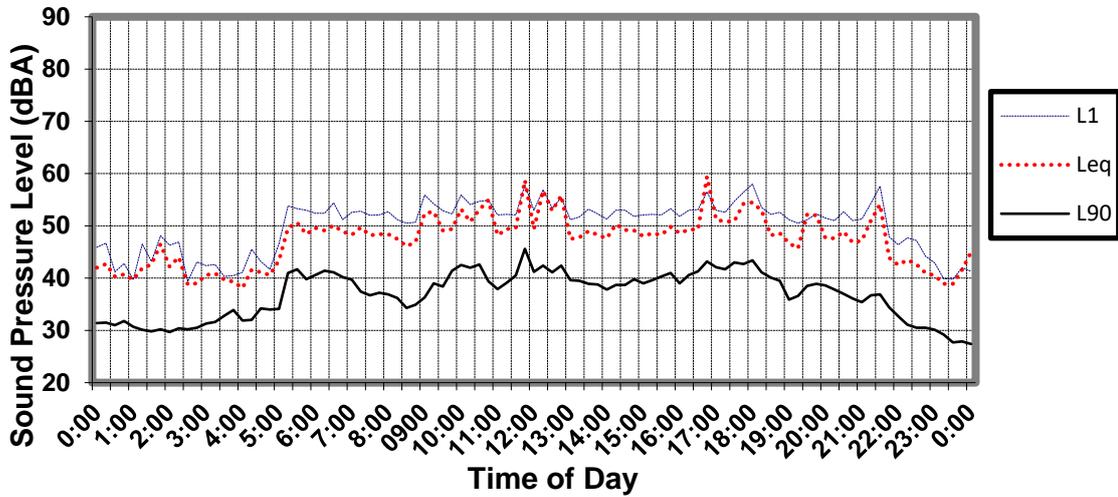
**Friday September 13<sup>th</sup> 2019**



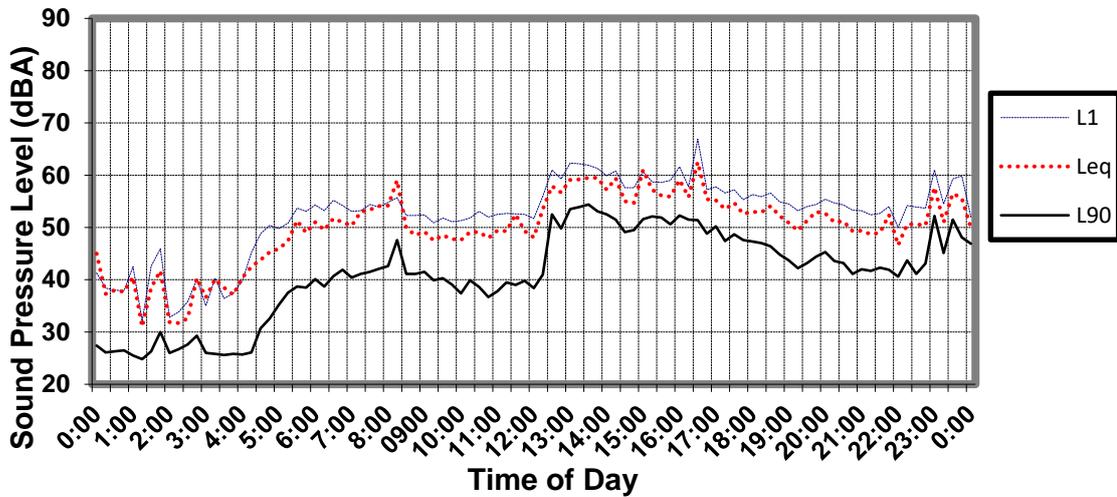
**Saturday September 14<sup>th</sup> 2019**



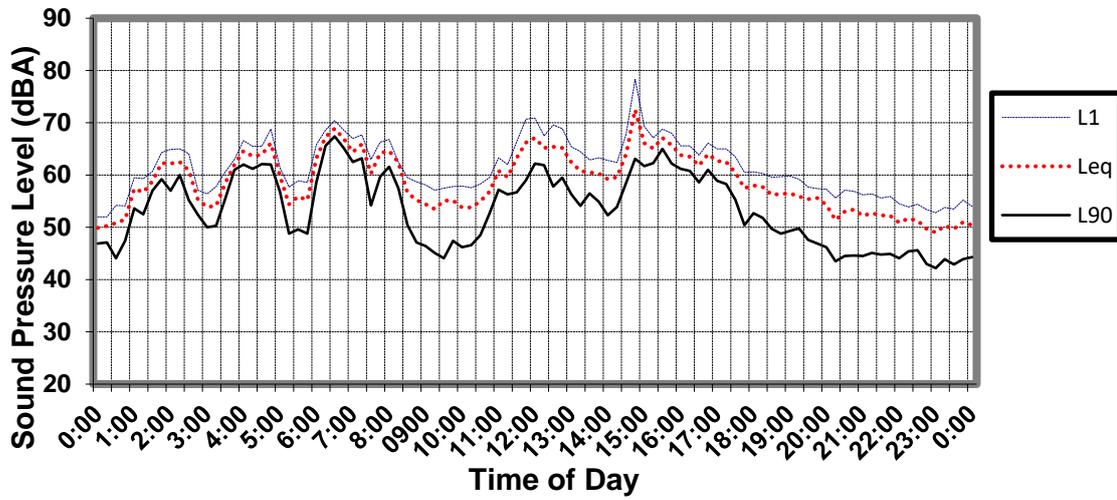
### Sunday September 15<sup>th</sup> 2019



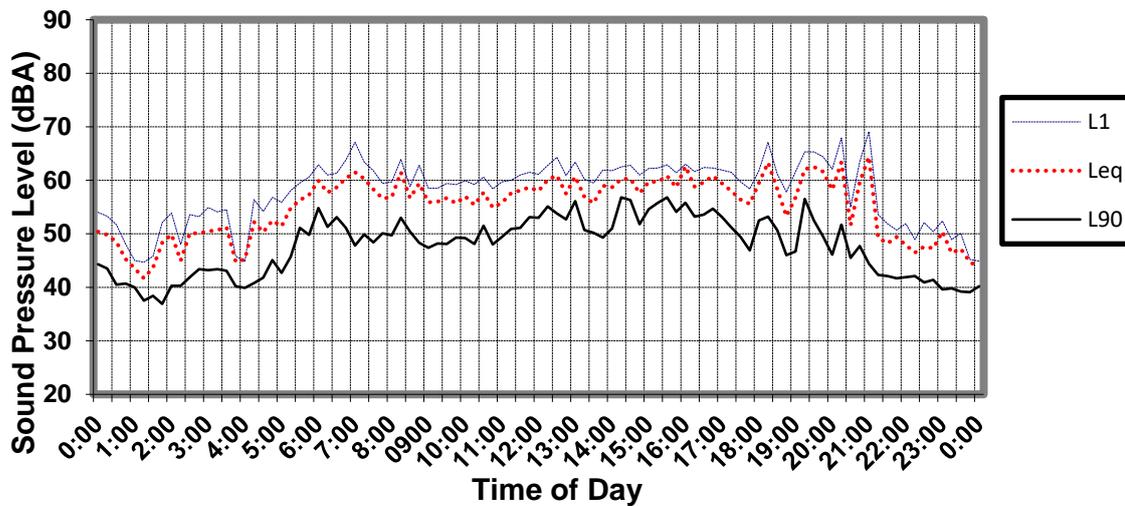
### Monday September 16<sup>th</sup> 2019



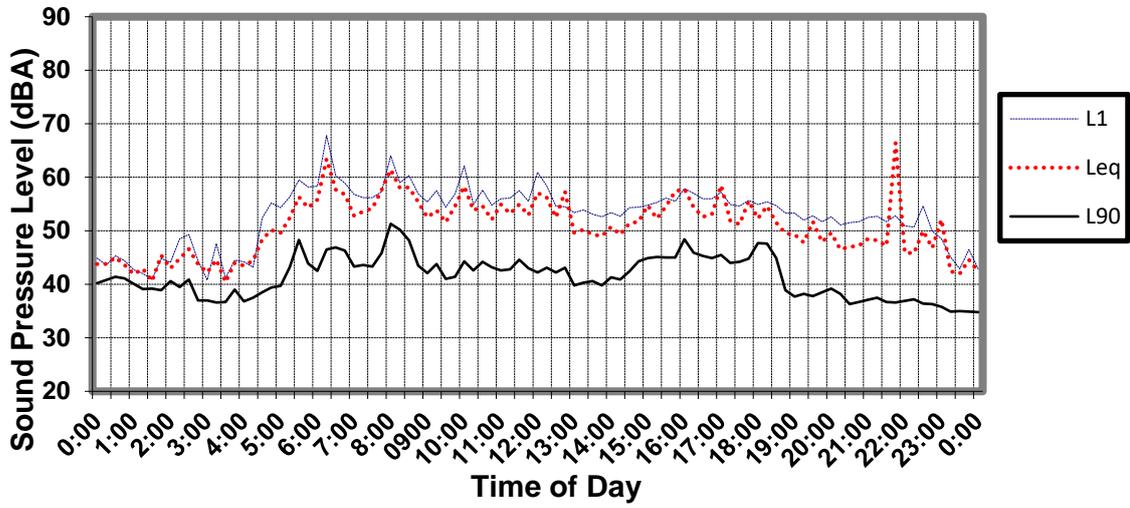
### Tuesday September 17<sup>th</sup> 2019



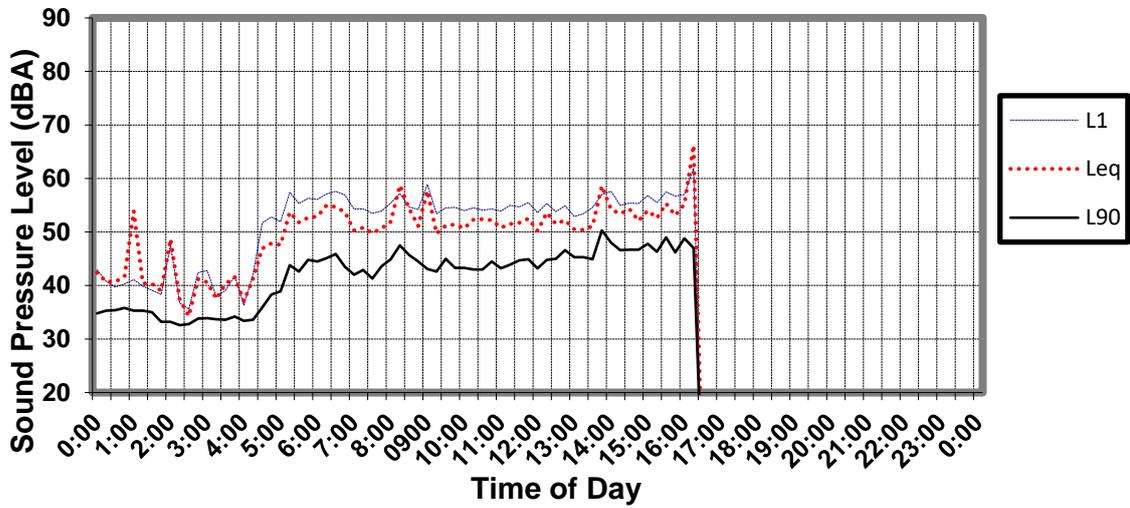
### Wednesday September 18<sup>th</sup> 2019



### Thursday September 19<sup>th</sup> 2019

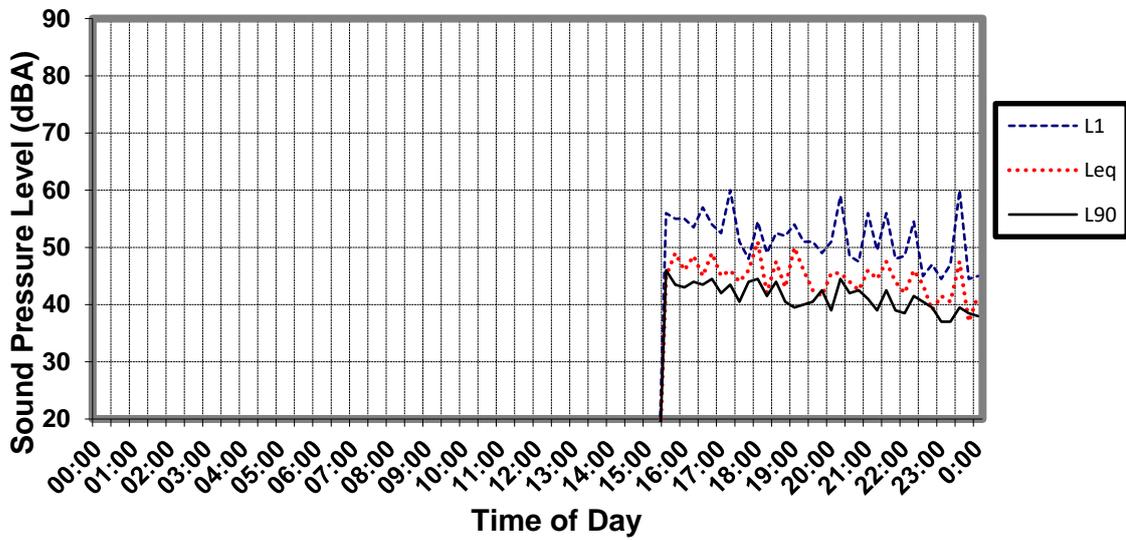


### Friday September 20<sup>th</sup> 2019

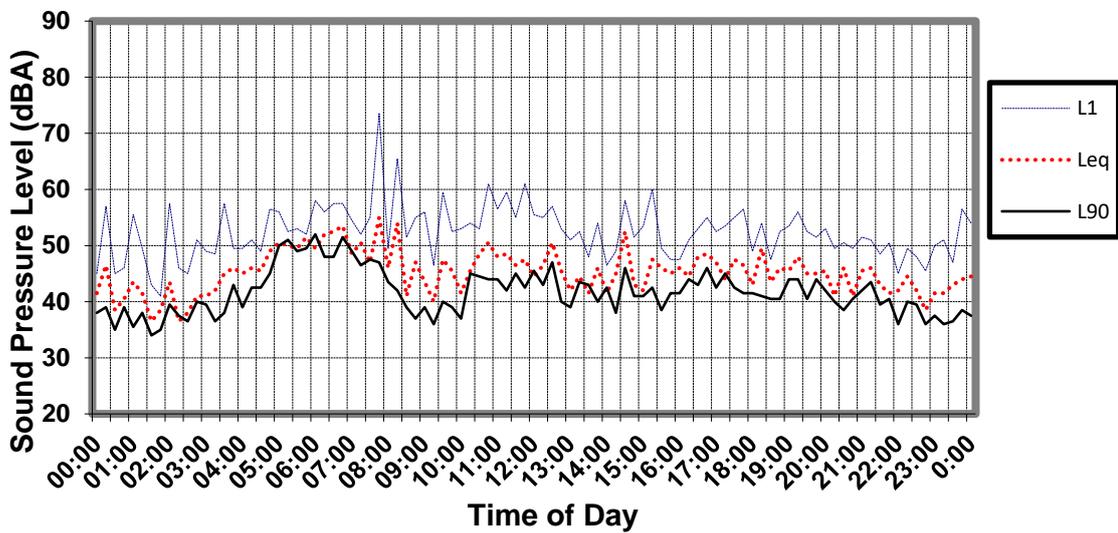


Background Noise Survey Results - 2020 Appendix C

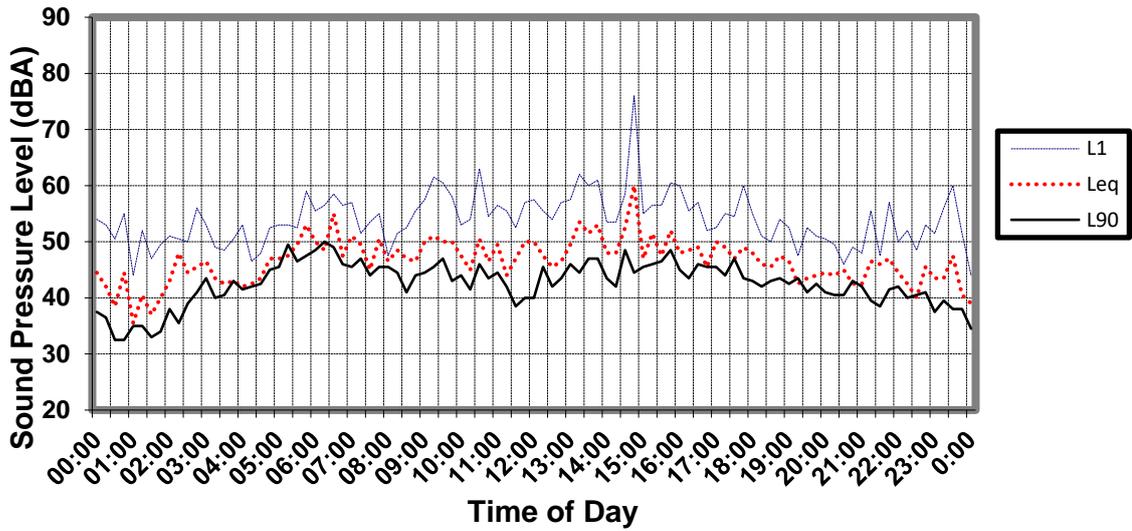
Tuesday February 25<sup>th</sup> 2020



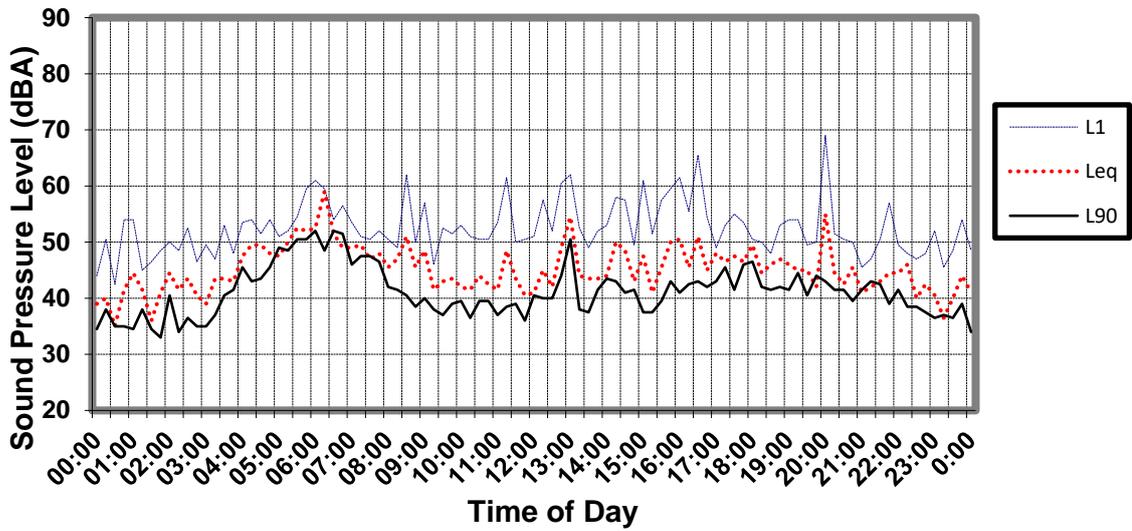
Wednesday February 26<sup>th</sup> 2020



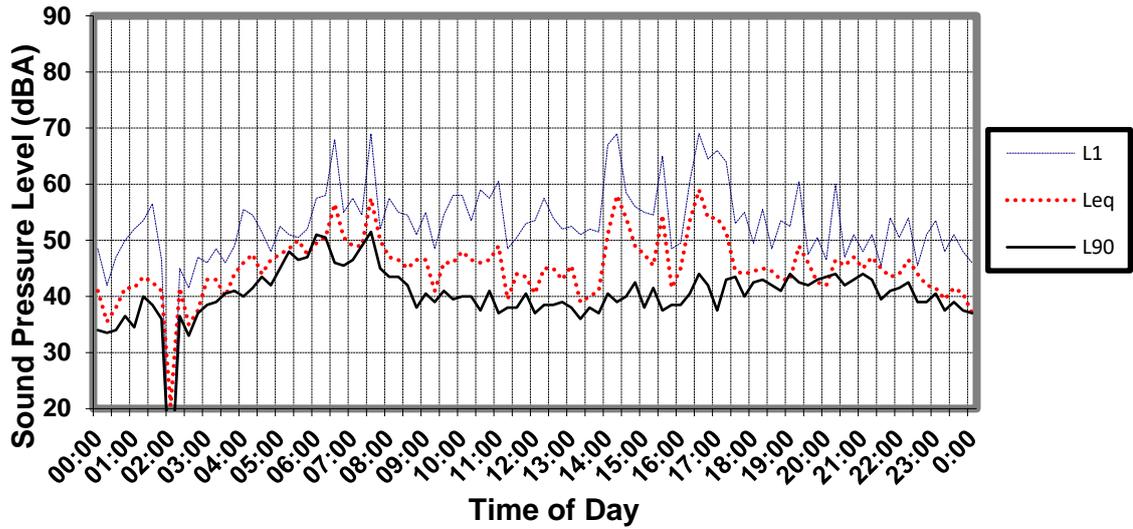
### Thursday February 27<sup>th</sup> 2020



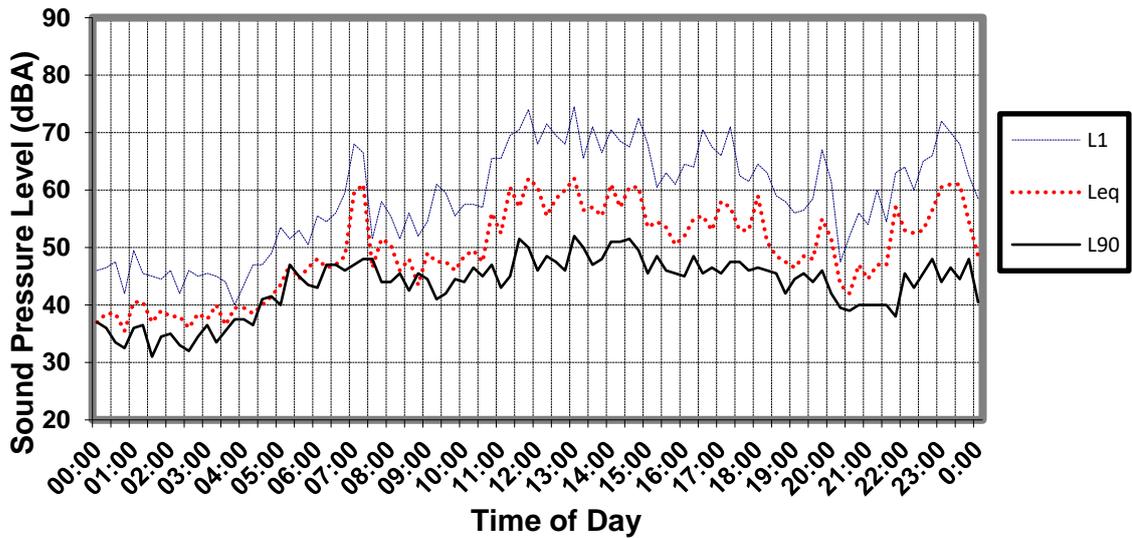
### Friday February 28<sup>th</sup> 2020



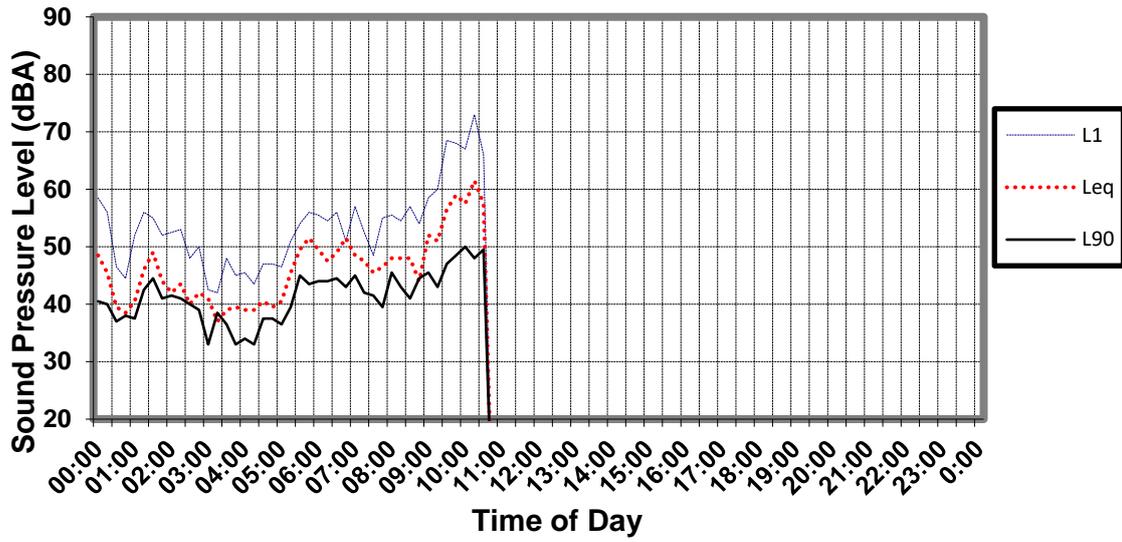
### Saturday February 29<sup>th</sup> 2020



### Sunday March 1<sup>st</sup> 2020



### Monday March 2<sup>nd</sup> 2020



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Your reference:

**29 April 2020**

Berkeley Road Pty Ltd  
C/- TCG Planning  
174/182 Gipps Road  
Gwynneville NSW 2500

Attention: **Nadine Page**Sent via email: [nadine@tcgplanning.com.au](mailto:nadine@tcgplanning.com.au)

Dear Nadine

**RE: 46 BERKELEY ROAD, BERKELEY – RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Bitzios Consulting (Bitzios) was engaged by Berkeley Road Pty Ltd to prepare a response to Wollongong City Council's (Council) Information Request (IR) dated 9<sup>th</sup> January 2020 (DA-2019/1253). This letter specifically responds to Traffic and Transport items 2a, 2b, 2c, 2d and 2e.

**1.0 RESPONSE ITEMS****1.1. Item 2a – Car Parking Provision**

How many car parking spaces would result if line marked in accordance with AS2890.1, as suggested in the Bitzios Consulting report? Please provide a car park concept design reflecting this new linemarking.

Response:

Linemarking for the existing car park geometry has been designed in accordance with Australian Standards (AS2890.1 and AS2890.6). The car park concept design is shown by 'Sheet 1' in **Attachment A** and allocation of car and motorcycle spaces shown in Table 1.1.

**Table 1.1: Car and Motorcycle Parking Compliance**

Design Element	Requirement	Provided	Compliant	Provision
Visitor car parking	2.6m by 5.4m long, 5.8m aisle width	2.6m by 5.4m long, 5.8m aisle width	Yes	93
Staff car parking	2.4m by 5.4m long, 5.8m aisle width	2.4m by 5.4m long, 5.8m aisle width	Yes	2
PWD car parking	2.4m by 5.4m long and 2.4m by 5.4m long shared area	2.4m by 5.4m long and one (1) 2.4m by 5.4m long shared area between	Yes	2
Motorcycle parking	1.2m by 2.5m long	1.2m by 2.5m long	Yes	2
<b>Total</b>				<b>97 Car Spaces 2 Motorcycle Spaces</b>

PWD = Parking with Disabilities

As shown, the car parking includes visitor, staff and PWD, which have been designed to comply with AS2890.1 and AS2890.6. The motorcycle parking has been designed to comply with AS2890.1.

## 1.2. Item 2b – Car Parking Restrictions

Please provide a car park layout plan or survey plan overlaid with the restricted areas as recommended by the Harwood Acoustics report.

### Response:

The car park concept plans have been designed to include traffic control signage to enforce restrictions within the car park in accordance with the 'Harwood Acoustics' report. These plans are shown by 'Sheet 2' and 'Sheet 3' in **Attachment A**.

As shown by the car park concept plan 'Sheet 2', 'No Entry' (R2-4n), 'Turn-around Bay' and 'Times of Restriction' (R9-1-1) signage are to be erected on steel posts on either side of the circulation roadway to restrict vehicle access to the nominated areas of the car park during restriction times.

The northern end of the car park is to be restricted during the hours of 9:00pm to 6:30am to limit vehicle movements during the 'Evening' and 'Holy Month of Ramadan' prayers.

The south-eastern section of the car park is the only section available for car parking between 10:00pm and 6:30am to limit vehicle movements during the early hours of the 'Morning' prayer.

The installation of 'No Stopping (with times)' (R5-402) signs is proposed for car spaces which are allocated as turn-around bays.

## 1.3. Item 2c – Restricted Car Parking Provision

How many car parking spaces will remain available if these restrictions are in place?

### Response:

The outcomes of the restricted access to the carpark is shown in Table 1.2.

**Table 1.2: Restricted Car Parking Provisions**

Prayer (Time-Restriction)	Parking	Provision
'Morning' Prayer (10:00pm to 6:30am)	Visitor	10
	Staff	0
	PWD	2
	Motorcycle	0
	<b>Total</b>	
'Evening' and 'Holy Month of Ramadan' Prayers (6:00pm to 6:30am)	Visitor	89
	Staff	2
	PWD	2
	Motorcycle	2
	<b>Total</b>	

As shown, during the 'Morning' prayer, the carpark proposes 12 parking spaces including ten (10) visitor car spaces and two (2) PWD spaces. During both the 'Evening' and 'Holy Month of Ramadan' prayers, the carpark proposes 93 car spaces including 89 visitor spaces, two (2) staff spaces, two (2) PWD spaces.

#### 1.4. Item 2d – Car Park Circulation

Will movement up and down the aisles comply with AS2890.1 if the northern end is inaccessible during restricted times?

##### Response:

The proposed car park aisle width has been assessed and complies with AS2890.1 and AS2890.6, shown in Table 1.1 and **Attachment A**. Turn-around bays are allocated to allow for light vehicles to turn-around and exit the parking aisle should all car spaces be occupied. A 1m blind aisle extension has been provided adjacent to each turn-around bay to facilitate egress manoeuvres.

'Turn-around Bay' (Left or Right illustrated), 'No Entry' (R2-4n) and 'Times of Restriction' (R9-1-1) signage should be erected on steel posts on either side of the roadway to the turn-around bay as shown on 'Sheet 3' to direct motorists to the turn-around bay.

'All Traffic' (R2-14 (Right symbolic)) and 'Times of Restriction' (R9-1-1) signs should be erected on steel posts on either side of the circulation roadway as shown on 'Sheet 3' to direct all motorists to turn right into the eastern parking aisle during 'Morning' prayer.

The 'Turn-around Bay' and 'Right Turn Only' signs should be manufactured with approved retroreflective sheeting in accordance with relevant Australian Standards to ensure visibility to motorists and pedestrians.

A swept path assessment has been undertaken to demonstrate a B99 design vehicle using the turn-around bays to perform egress manoeuvres from end car spaces. Swept paths have been provided in **Attachment B**.

#### 1.5. Item 2e – Green Travel Plan

A Green Travel Plan is required which seeks to decrease the number of cars on the premises, to reduce the overflow parking on public roads. Other measures to increase the uptake of sustainable measures (walking, cycling, public transport) should also be included in the plan. The Green Travel Plan must include a process of continual monitoring and review towards specific identified targets to reduce car parking demands and potential on-street impacts during peak periods like Friday prayers and major events.

##### Response

The Green Travel Plan report is provided in **Attachment C**.

Yours faithfully



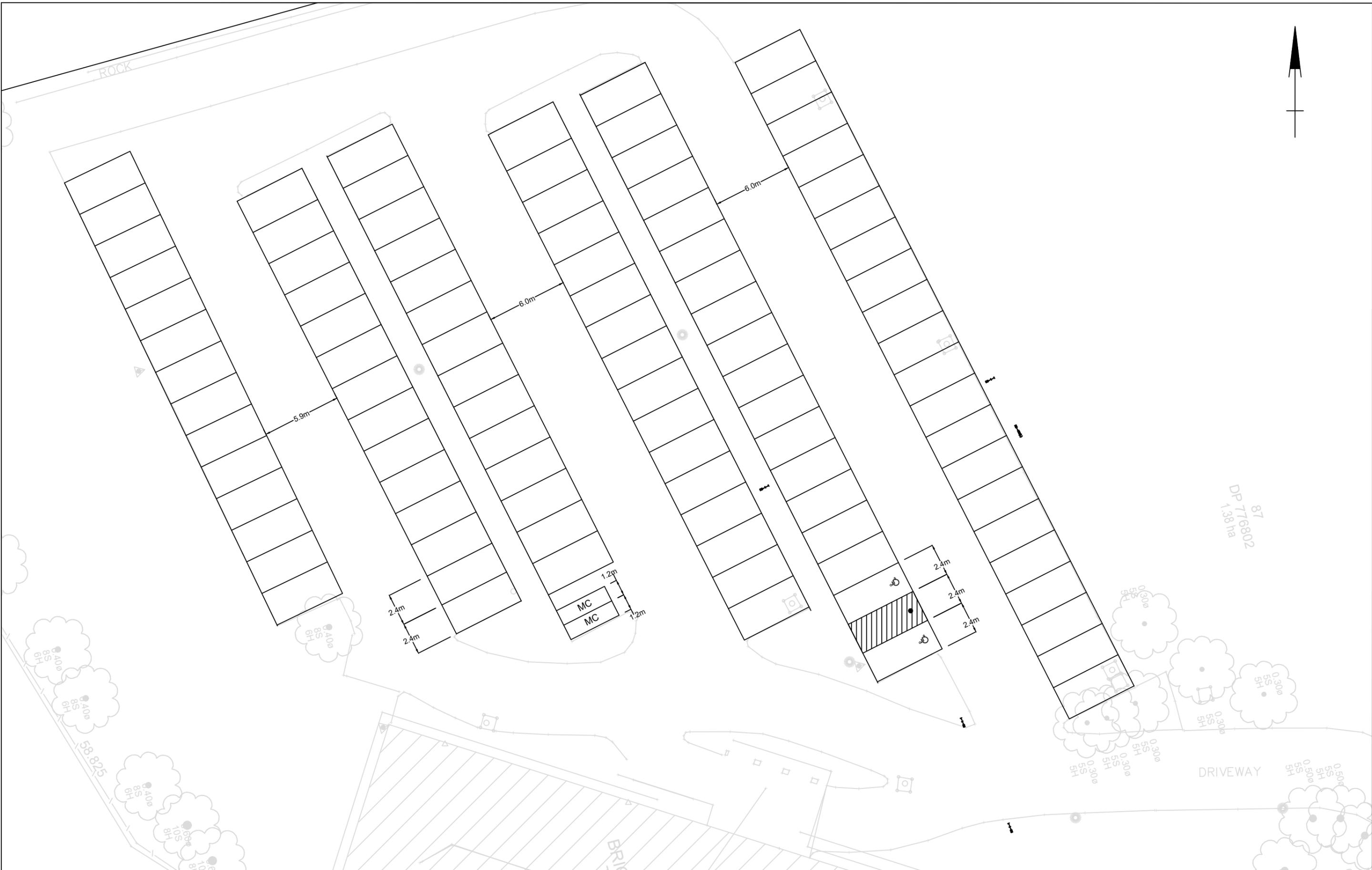
**Adrian Bitzios**  
*Principal Traffic Engineer*  
**BITZIOS CONSULTING**

Attachments:

- A. *Car Park Concept Plan*
- B. *Swept Path Assessment*
- C. *Green Travel Plan*

## **Attachment A**

### **Car Park Concept Plan**



87  
DP 776802  
1.38 ha

Date:  
29/04/20

Project No:  
P4299

Designed  
JBE

Approved  
LJ

Drawing Name:  
Car Park Overview

Project Name:  
Berkeley Mosque Car Park Concept Design

**NOT FOR CONSTRUCTION**

0 2 4 6 8 10m

Scale 1:250 (A3)

**BITZIOS**  
-consulting

Sheet  
1

Version  
003



87  
DP 776802  
1.38 ha

DRIVEWAY

Date:  
29/04/20

Designed  
JBE

Drawing Name:  
**Car Park Overview with Restricted Access**

Project No:  
P4299

Approved  
LJ

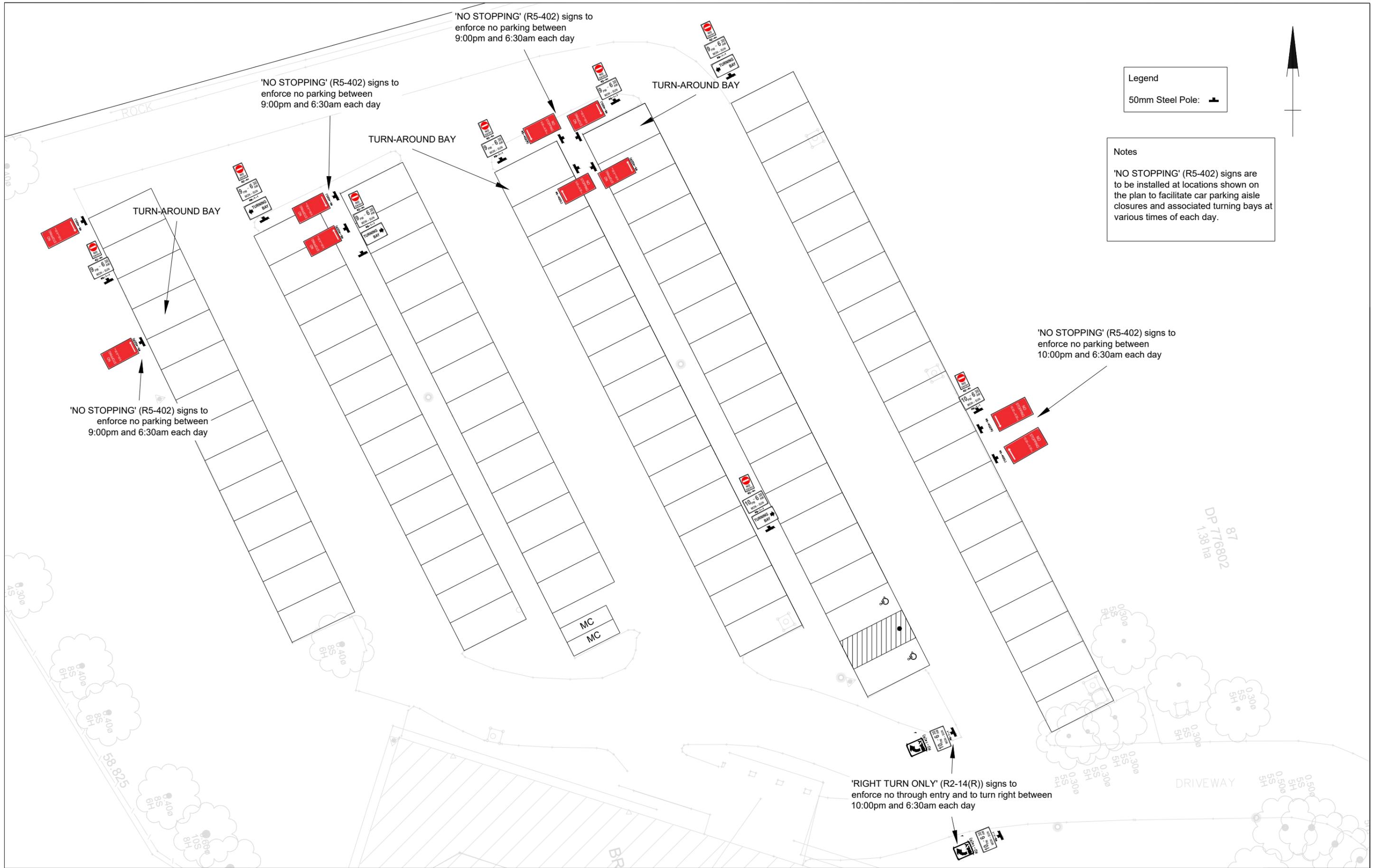
Project Name:  
**Berkeley Mosque Car Park Concept Design**

**NOT FOR CONSTRUCTION**

**BITZIOS**  
-consulting

0 2 4 6 8 10m  
Scale 1:250 (A3)

Sheet  
2  
Version  
003



Legend  
50mm Steel Pole: 

Notes  
'NO STOPPING' (R5-402) signs are to be installed at locations shown on the plan to facilitate car parking aisle closures and associated turning bays at various times of each day.

Date: 29/04/20  
Designed: JBE  
Project No: P4299  
Approved: LJ

Drawing Name:  
Project Name:  
Car Park Signage and Aisle Closure Operation  
Berkeley Mosque Car Park Concept Design

**NOT FOR CONSTRUCTION**  
0 2 4 6 8 10m  
Scale 1:250 (A3)

**BITZIOS** consulting  
Sheet 3  
Version 003

## **Attachment B**

### **Swept Path Assessment**



B99

	Width	: 1.94	meters
	Track	: 1.84	
	Lock to Lock Time	: 6.0	
	Steering Angle	: 38.0	

## **Attachment C**

### **Green Travel Plan**



# Berkeley Mosque

## Green Travel Plan

Berkeley Rd Pty Ltd

29 April 2020

**Gold Coast**

Suite 26, 58 Riverwalk Avenue  
Robina QLD 4226  
P: (07) 5562 5377

**Brisbane**

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# 1. INTRODUCTION

## 1.1 Background

The Berkeley Mosque development involves changes to prayer times in line with that of Muslim faith, which varies depending on the time of year. The Mosque will operate seven (7) days a week with five (5) prayer times per day. Bitzios Consulting has been engaged by Berkeley Rd Pty Ltd to prepare a Green Travel Plan (GTP) to reduce reliance on private vehicle usage by worshippers and to directly reduce impacts to surrounding on-street parking.

Increased usage of alternate transport can result in a number of benefits for employers, staff, the local community and the environment, including:

- Reduced congestion on the surrounding road network
- Reduced car emissions
- Reduced vehicle operating costs such as fuel and maintenance
- Reduced need and cost to provide off-street parking
- A healthier, more active and more productive workforce
- A greater sense of community among employees.

## 1.2 Aim of the Plan

The aim of a GTP is to identify strategies to reduce the dependency on private vehicle usage.

## 1.3 About the Plan

This GTP is a document that details a range of sustainable travel options to and from the development and proposes strategies to encourage the wider use of alternate transport.

This plan covers:

- Existing transport facilities
- Current travel patterns for the site
- Proposed green travel targets
- Actions to achieve travel mode share targets.

The GTP should be reviewed and updated on a regular basis to monitor progress towards targets and strategy successes. The proposed methodology is outlined in Figure 1.1.

### **Step 1 – Understanding Existing Conditions**

Background information is collected about the existing site, such as:

- Description of the area and key travel modes
- Surrounding alternate transport facilities, including end-of-trip facilities
- Availability of transport information.

### **Step 2 – Specifying Achievable Targets**

A range of targets are developed to meet the aims of the plan. These targets involve:

- Switching mode share from private vehicles to alternate transport modes
- Reducing vehicle-kilometres travelled.

### **Step 3 – Developing Actions**

A range of actions are developed to meet the targets. These actions involve:

- Identifying measurable outcomes which demonstrate the aims of the plan have been met
- Developing methods to achieve these outcomes.

**Figure 1.1: GTP Methodology**

## 2. EXISTING CONDITIONS

### 2.1 Site Location and Context

The site is located at 46 Berkeley Road, Berkeley NSW, as shown in Figure 2.1.



Source: Nearmap

**Figure 2.1: Site Location**

### 2.2 Site-Specific Travel Patterns

Existing travel behaviours for worshippers of the Mosque were surveyed through the completion of a short travel mode survey which was issued on 7<sup>th</sup> February 2020. The survey was conducted on a Friday as the highest demand for the Mosque is during the Friday prayer between 12:30pm and 2:30pm (approximately 200-250 persons). All forms were completed and returned for data collection by Tuesday 11<sup>th</sup> February 2020 and the survey was completed by 90 people. The surveys are attached at **Appendix A**.

The surveys aimed to collect data about current travel behaviours and ideas to reduce traffic and parking impacts (i.e. walking and car sharing).

### 2.2.1 Mosque Attendance

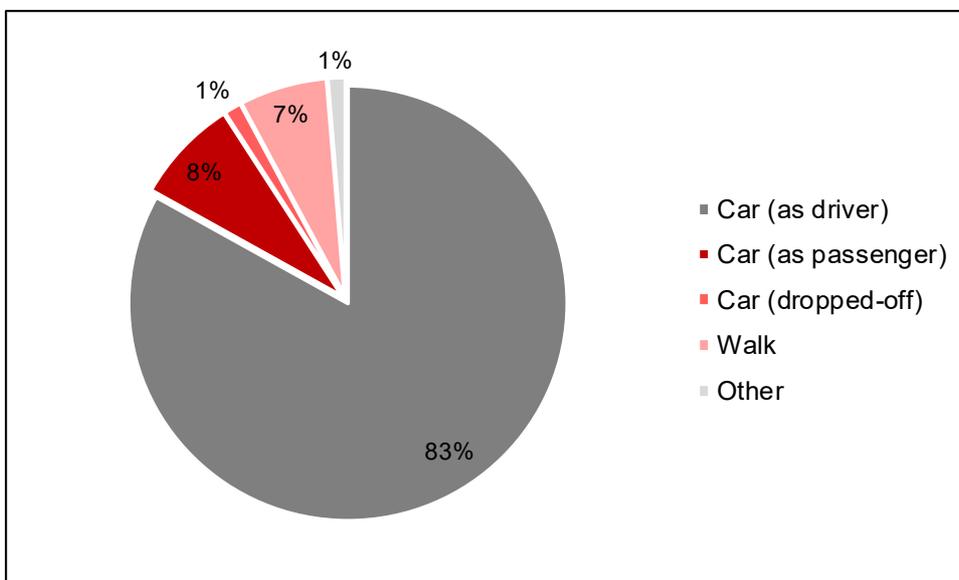
The construction of a nearby Mosque at 5-9 Foley Street, Gwynneville (Omar Mosque) has commenced and as such, a number of worshippers who would typically attend services there are temporarily travelling to Berkeley Mosque for the duration of the redevelopment. On a Friday, 83% of worshippers usually attend Berkeley Mosque whereas 17% of worshippers usually attend Omar Mosque.

### 2.2.2 Peak Mode Share

Considering 17% of surveyed worshippers do not usually attend Berkeley Mosque, peak mode share results were filtered to only include responses from regular Berkeley Mosque worshippers.

Filtered responses indicated that on a Friday, 91% of trips to the Mosque are made by private vehicle either as driver or as passenger. Also, approximately 7% of worshippers travel to the Mosque by walking, 1% of worshippers are dropped-off and 1% of worshippers arrive by an 'other' mode of transport. No worshippers arrive to the Mosque via bike, bus or taxi/rideshare.

Figure 2.2 shows typical mode share of worshippers on a Friday.

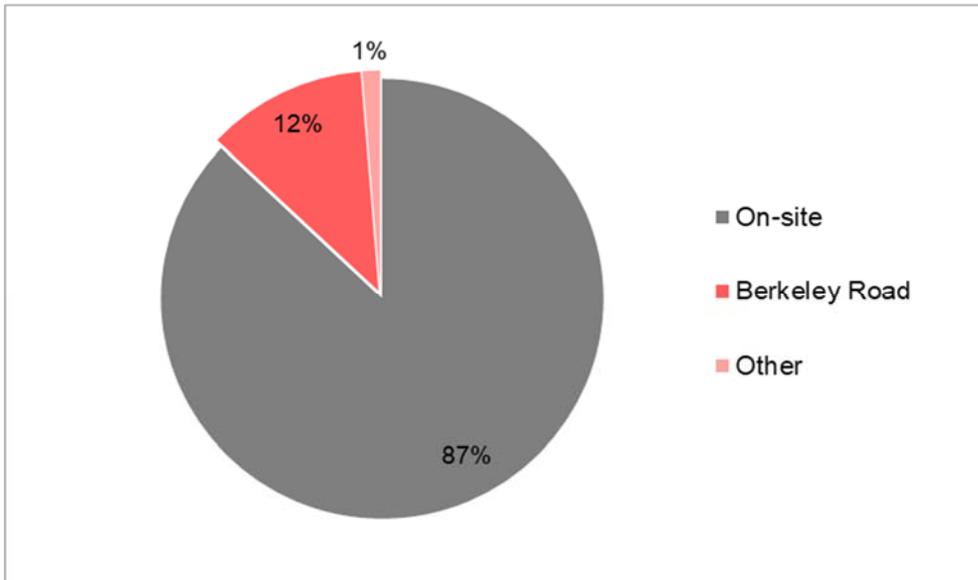


**Figure 2.2: Mode Share of Berkeley Mosque Worshippers on a Friday**

The modes of transport that worshippers are most inclined to use alternate to car (as driver) include car (as passenger) (72%), walk (15%), car (dropped-off / picked-up) (10%), bus (1%) and taxi (1%). Moreover, the majority of members highlighted that the main reasons they use their car is due to not being located within proximity to public transport facilities, living too far away to walk or cycle, health reasons and coming from or going back to work.

### 2.2.3 Car Parking

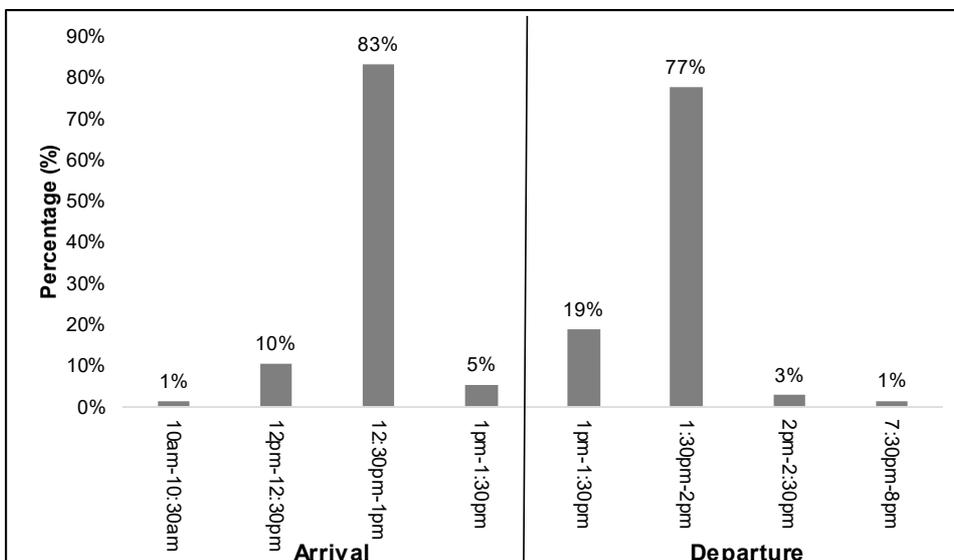
On a Friday, 87% of worshippers park on-site within the Mosque property, 12% park along Berkeley Road and 1% utilise other alternatives. Figure 2.3 highlights the typical areas that worshippers park on a Friday.



**Figure 2.3: Car Parking Location**

### 2.2.4 Arrival and Departure

On a Friday, the majority of worshippers (83%) arrive at the Mosque between 12:30pm and 1:00pm. This coincides with the Mosque service beginning at 12:30pm. The majority of worshippers (77%) depart the Mosque between 1:30pm and 2:00pm. Figure 2.4 shows the arrival and departure times of worshippers on a Friday.



**Figure 2.4: Arrival and Departure Times on a Friday**

# 3. EXISTING INFRASTRUCTURE

## 3.1 Public Transport Facilities

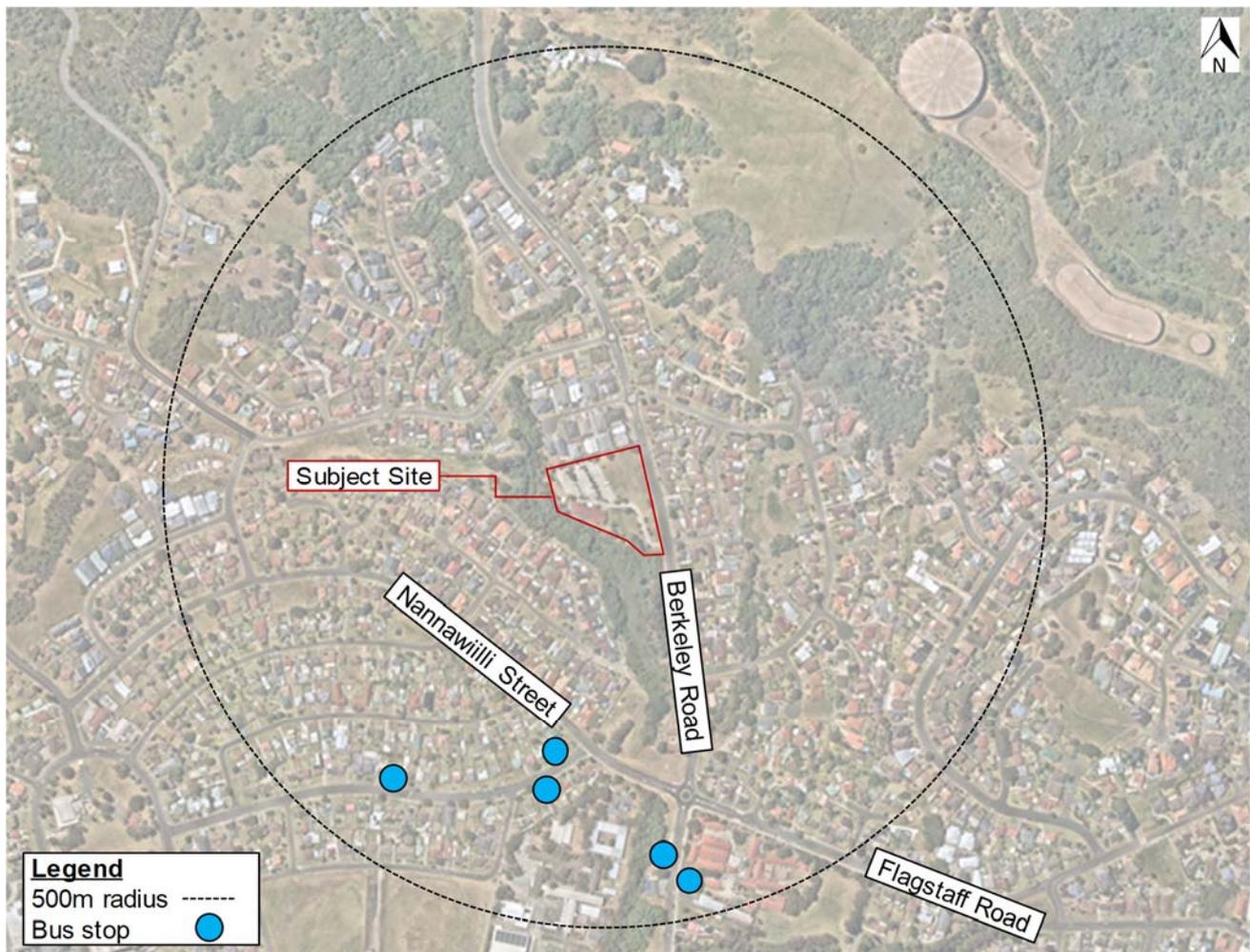
There are various modes of public transport within Berkeley including taxis, rideshare and buses. The Mosque is located within a 500m radius of five (5) bus stops. Table 3.1 details the bus routes that service these stops.

**Table 3.1: Available Public Bus Routes**

Route Number	Route	Peak Frequency	
		AM Peak	PM Peak
34	Wollongong to Warrawong via Unanderra (Loop Service)	30 minutes	20 minutes
43	Port Kembla to Dapto (Loop Service)	50 minutes	60 minutes

Source: Transport for NSW

The location of the public transport facilities within proximity to the site is illustrated in Figure 3.1.



Source: Google Maps

**Figure 3.1: Surrounding Public Transport Facilities**

## 3.2 Car Share Accessibility

Ridesharing service provider Uber operates across Berkeley, providing a convenient and accessible point-to-point transport option. With Berkeley being a common Uber hub, passengers can request a ride through the smart phone application and have a car arrive between 5 and 15 minutes (depending on demand and availability). For further information, visit [www.uber.com](http://www.uber.com).

## 3.3 Active Transport Facilities

### 3.3.1 Cycling

There is a limited amount of on-road and off-road cycle paths in proximity to the subject site. Off-road cycle paths are available along Northcliffe Drive connecting to Five Islands Road. Bicycle routes within Berkeley identified in the Roads and Maritime Services (RMS) Cycleway Finder are illustrated in Figure 3.2.



Source: RMS Cycleway Finder

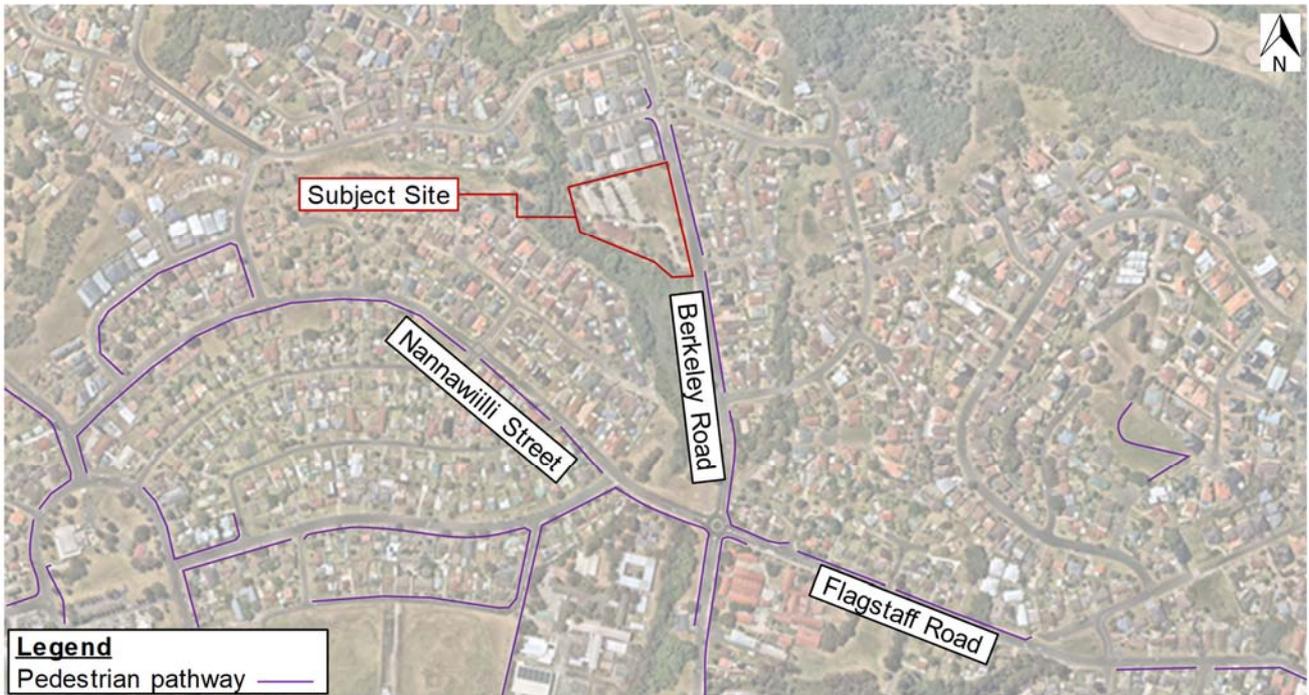
### Figure 3.2: Dedicated Cycle Routes Surrounding the Site

There are no existing formalised bicycle parking spaces on the site. Council's DCP Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management requires a Place of Worship development to have 1 bicycle space per 10 car parking spaces. Bicycle parking spaces and aisles should be designed in accordance with the relevant Security Levels specified in the Australian Standard AS2890.3 Bicycle Parking Facilities.

### 3.3.2 Walking

A pedestrian footpath is provided along the eastern side of Berkeley Road which connects to the pedestrian network along Flagstaff Road to the south. A pedestrian footpath is also provided on the southern side of Nannawilli Street, servicing a large residential catchment.

The pedestrian network surrounding the site is illustrated in Figure 3.3.



Source: Google Maps

**Figure 3.3: Footpath Facilities Surrounding the Site**

### 3.3.3 End-Of-Trip Facilities

There are currently no end-of-trip facilities available on-site for active transport users.

## 3.4 Available Transport Information

Various useful websites for trip planning include:

- Transport for NSW Trip Planner ([transportnsw.info](http://transportnsw.info)) – a website to plan public transport travel, and look up stop and route details
- Live Traffic NSW ([livetraffic.com](http://livetraffic.com)) – a website to review road incidents, closures, works, planned events and weather events. A live traffic viewer and traffic camera feeds are also available.

There are also a number of free and paid transport apps that allow users to plan bus and carpool trips. Transport for NSW recommends the following transport apps:

- abil.io (iOS)
- AnyTrip (Android)
- Auto (iOS)
- Citymapper (iOS, Android)
- Commuter NSW (iOS)
- Feedback2Go (iOS, Android)
- Live Traffic NSW (iOS, Android)
- Metarove (Android)
- Moovit (iOS, Android)
- NextThere (iOS)

- Snarl (iOS, Android)
- Speed Adviser (iOS, Android)
- Transit (iOS, Android)
- Triptastic (iOS)
- TripView (iOS, Android).

## 4. TARGETS

Progress towards travel targets can be measured using a tailored travel survey. The survey results can be compared with the targets of this GTP to determine if the aims of the plan have been achieved.

The targets of the plan focus on reducing the reliance on private vehicles and increasing the number of public and active transport trips. Specifically, the inaugural targets include:

- Reducing the proportion of all self-driven trips to the Mosque by worshippers to less than 80% by the end of 2021
- Increasing the proportion of active transport (i.e. walking or cycling) trips to the Mosque by greater than 15% by the end of 2021
- Increasing the proportion of public transport trips to the Mosque by greater than 5% by the end of 2021.

The resultant reduction in vehicle-kilometers over time can be obtained by calculating the total number of alternate transport trips and the travel distance from the Mosque for each worshipper that chooses alternate forms of transport.

# 5. RECOMMENDED ACTIONS

## 5.1 Action 1: Transport Access Guide

Provide all worshippers with a Transport Access Guide information map. The map should display information on public transport routes, bus stops, timetable, active transport infrastructure and end of trip facilities, as well as referral for further information and related websites and smartphone applications.

### Aim:

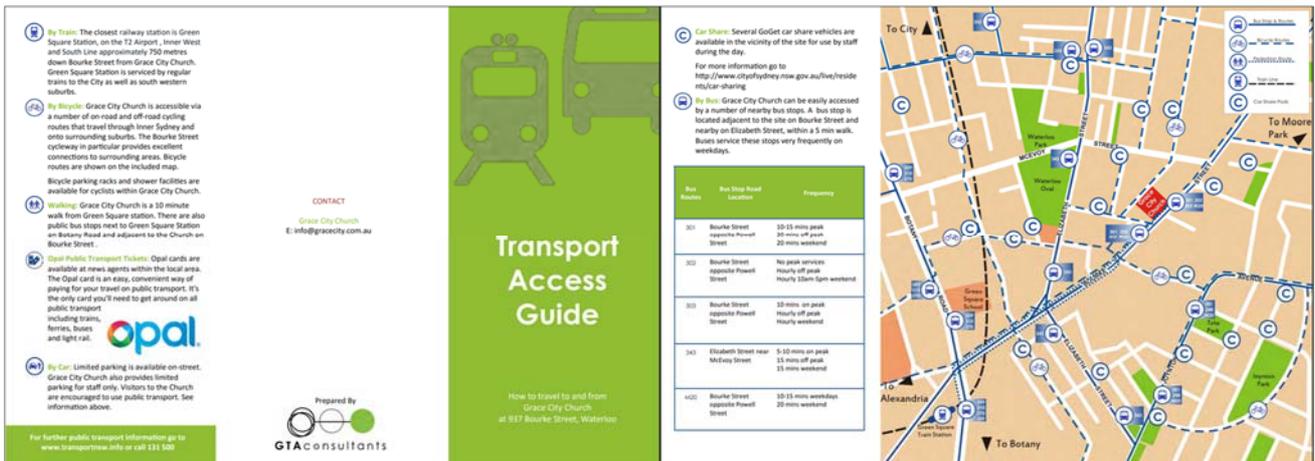
- To provide easily accessible information on public and active transport modes to all worshippers
- To encourage worshippers that are located within close proximity to the Berkeley Mosque to utilise active transport options.

### Method:

- Distribute Transport Access Guide to all worshippers
- Provide Transport Access Guide maps in common areas of the Mosque for worshippers
- Provide Transport Access Guide maps on the Berkeley Mosque website or social media pages
- Educate worshippers on the health benefits of walking and cycling to/from Berkeley Mosque

### Timing:

- Within 3 months.



Source: Grace City Church

Figure 5.1: Transport Access Guide Example

## 5.2 Action 2: Carpooling

This action is to implement and encourage carpooling to reduce private vehicle trips by worshippers to/from the Mosque. This could be undertaken informally (e.g. co-workers, family friends, etc.) or formally through the use of online registers. A formal carpooling arrangement should be promoted on a noticeboard or in a common area within the Mosque, to increase overall uptake.

### Aim:

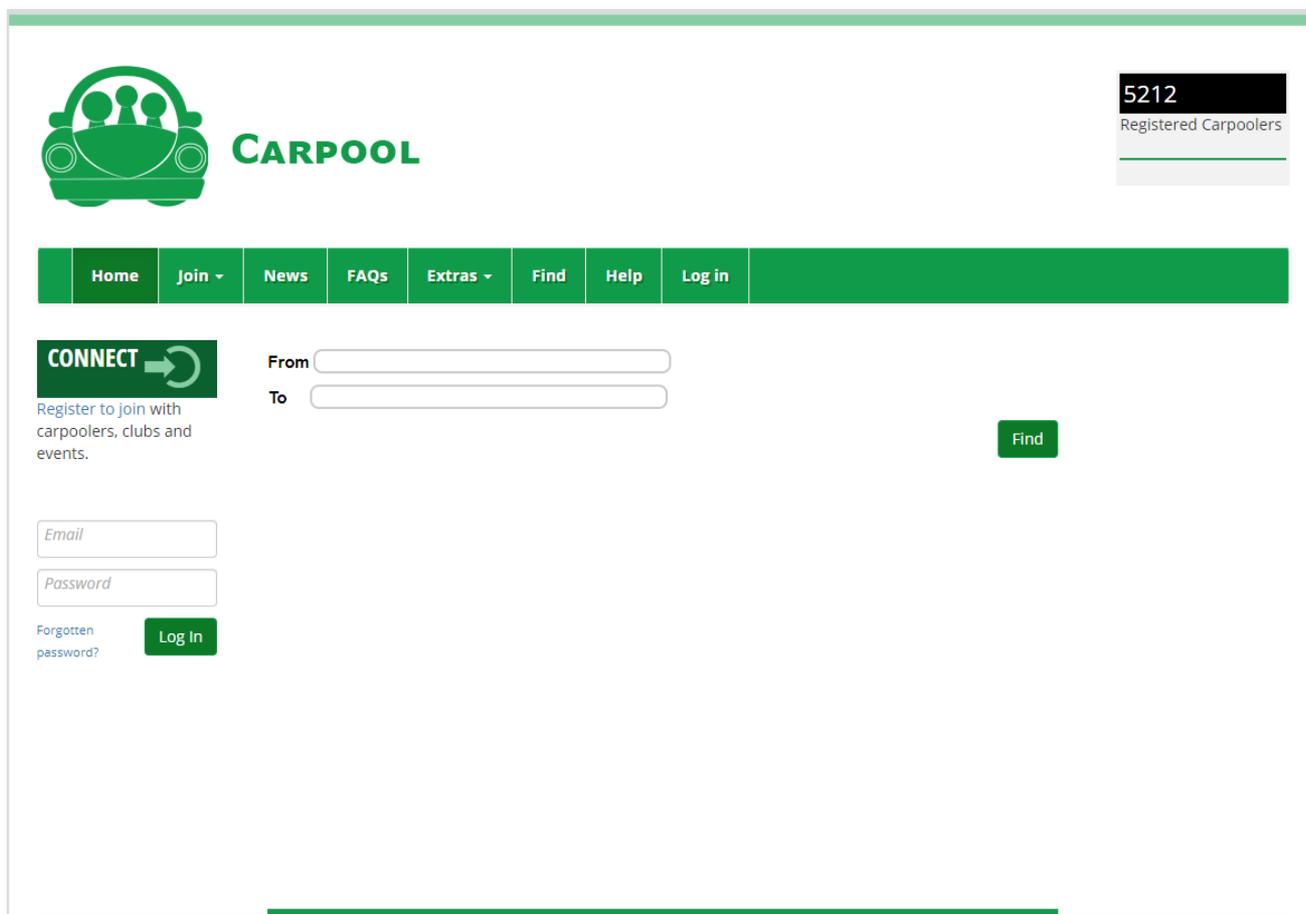
- To reduce private vehicle trips to/from the Mosque.

### Method:

- Implement carpooling arrangement (either formally or informally).

### Timing:

- 12 months.



The screenshot displays the Northern Rivers Carpool website interface. At the top left is a green carpooling icon with three people inside a car, followed by the word "CARPOOL" in green. On the top right, a black box shows "5212 Registered Carpoolers". Below this is a green navigation bar with buttons for Home, Join (with a dropdown arrow), News, FAQs, Extras (with a dropdown arrow), Find, Help, and Log in. The main content area features a "CONNECT" button with a circular arrow icon and the text "Register to join with carpoolers, clubs and events." To the right of this are two input fields labeled "From" and "To", and a green "Find" button. Below the "CONNECT" section are input fields for "Email" and "Password", a "Forgotten password?" link, and a green "Log In" button.

Source: Northern Rivers Carpool

**Figure 5.2:** Carpool Online Register Example

### 5.3 Action 3: Priority Parking for Car Pool Vehicles

Reservation of car spaces to be exclusively available for car pool members from Action 1. It is proposed to set aside some 5-10 car spaces for car pool members. Car pool members are to register with the Mosque committee.

**Aim:**

- To encourage worshippers to carpool to the Mosque to reduce the number of overall car trips.
- Guarantee a car space for car pool members to prioritise over non-car pool vehicles.

**Method:**

- Implementation of the priority car spaces.
- Monitor the levels of usage of priority car spaces.

**Timing:**

- 12 months.



Source: Northern Rivers Carpool

**Figure 5.3: Implementation of Priority Parking Example**

## 5.4 Action 4: On-Site Bicycle Parking and Facilities

It is recommended that one (1) bicycle space per 10 car parking spaces be provided on-site in accordance with Council's DCP Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management. It is recommended that bicycle parking is provided at Security Level C in accordance with AS2890.3 (i.e. bicycle frame and both wheels can be locked to a bicycle rack using the owner's own locking device).

Council's DCP Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management also states that for a development with 5-11 bicycle spaces, one (1) shower and change cubicle is required as well as one (1) personal locker per bicycle space.

### Aim:

- To encourage cycling to the Mosque by improving convenience.

### Method:

- Construct bicycle parking and facilities
- Monitor usage and satisfaction through further travel mode surveys.

### Timing:

- 3-6 months.



Source: City of Wollongong Bike Plan

**Figure 5.4: Short-Stay Bicycle Parking Spaces**

## 5.5 Action 5: Arrival/Departure Spreading

Arrival and departure spreading is to be encouraged during the site's corresponding peak arrival and departure times to reduce traffic volumes entering and exiting the site at any given time. As a part of this action, it is recommended to schedule small social activities at the Berkeley Mosque before and after prayers for worshippers. A formal timetable of activities should be promoted on a noticeboard or in a common area within the Mosque or on an online platform to increase overall uptake.

### **Aim:**

- To encourage worshippers to arrive/depart the Berkeley Mosque outside of peak arrival/departure times

### **Method:**

- Implement a social activities timetable and promote the schedule in a common area of the Mosque for worshippers to acknowledge

### **Timing:**

- 12 months.

## **Appendix A: Travel Mode Survey**

## **Berkeley Mosque – Worshippers Travel Mode Survey**

Q1) Which mode/s of travel do you typically use when travelling to the Mosque? Please tick one box.

Car (as driver)	
Car (as passenger)	
Car (dropped-off)	
Walk	
Bike	
Bus	
Taxi	
Uber	
Other	

Q2) Which mode/s of travel do you typically use when travelling from the Mosque? Please tick one box.

Car (as driver)	
Car (as passenger)	
Car (picked-up)	
Walk	
Bike	
Bus	
Taxi	
Uber	
Other	

Q3) If you answered 'car as driver' for Q1 or Q2, where did you park? Please tick one box.

On-site (within Mosque car park)	
Berkley Road	
Other	

Q4) Typically, what time do you arrive/depart the Mosque? Please fill out the boxes.

Arrival time	
Departure time	

Q5) If you responded 'car as driver' for Q1 or Q2, which of the below travel modes would you be most inclined to use instead of driving your car to the Mosque? Please tick all that apply in the table.

Car (as passenger)	
Car (dropped-off / picked-up)	
Walk	
Bike	
Bus	
Taxi	
Uber	

Q6) If you arrive and depart the Mosque via car what are your main reasons in doing so?  
Please tick all that apply in the table.

Live too far from public transport	
Live too far away to walk or cycle	
Health reasons	
Other (please specify)	

Q7) Which Mosque do you usually attend? If you are currently attending Berkeley Mosque due to the renovations at Omar Mosque please select Omar Mosque. Please tick one box.

Berkeley Mosque	
Omar Mosque	

Q8) Are there any positives or negatives about transport accessibility that you would like to comment on?

--

## ATTACHMENT 7

### DRAFT CONDITIONS FOR DA-2019/1253

#### **Approved Plans and Specifications**

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on
  - General Arrangement Layout Plan 82021047-SK001-1 dated 29 October 2020 prepared by Cardno
  - Typical Details and Floor Layout Plan 82021047-SK002-1 dated 29 October 2020 prepared by Cardno
  - Car Park Overview Sheet 1-3 dated 29 April 2020 prepared by Bitzios Consulting
  - Car Park Overview with Restricted Access Sheet 2-3 dated 29 April 2020 prepared by Bitzios Consulting
  - Car Park Signage and Aisle Closure Operation Sheet 3-3 dated 29 April 2020 prepared by Bitzios Consulting

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

#### **General Matters**

- 2) **Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 3) **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 4) **Number of persons within buildings**

The number of persons within buildings shall be in accordance with the National Construction Code.

#### **Prior to the Issue of the Construction Certificate**

- 5) The site car parking area is to be re-linemarked and signposted as per the approved Berkeley Mosque Car Park Concept Plan (sheets 1-3), prepared by Bitzios Consulting, Reference P4299, Version 003, Dated 29/04/2020. This requirement shall be reflected on the Construction Certificate plans.
- 6) **Compliance with DA-2018/577**

Prior to issue of the Construction Certificate, the demountable building must be moved to the location required in DA-2018/577 and an Occupation Certificate obtained.

- 7) **Lockable gate timer**  
Prior to issue of the Construction Certificate, a lockable gate with electronic timer is to be installed at both the vehicle driveway and pedestrian gate on Berkeley Road.
- 8) **Submit Green Travel Plan**  
Prior to issue of the Construction Certificate, the developer shall submit a Green Travel Plan to the Principal Certifier and Council for approval, which includes actions to reduce motor vehicle use. Actions shall include development of a transport Access Guide, carpooling, designated carpool spaces, and on-site bicycle parking and facilities.
- 9) **Submit Noise Management Plan**  
Prior to issue of the Construction Certificate, the developer shall submit a Noise Management Plan to the Principal Certifier and Council for approval. The noise management plan shall reflect hours of operation approved in this consent and detail further measures to reduce noise transmission off-site.

These measures shall include:

- a) **Amplified Speech**  
The noise level from amplified speech should not exceed an energy average sound pressure level over 15 minutes, ( $L_{eq, 15 \text{ minute}}$ ) of more than 75dBA when measured no further than 3 metres from the acoustic centre of any speakers.
- b) **Allowable Building Openings**  
During early morning prayer (Fajr), all doors and windows to the building must remain closed, and be closed prior to amplified speech commencing.  
  
Late arrivals during amplified speech should close the main entry door behind them prior to opening the internal prayer room door such that both doors are not open at the same time.
- c) **Acoustic barrier - Northern boundary**  
Erect an acoustic barrier as indicated on the Cardno plans 82021047-SK001-1 and 82021047-SK002-1 dated 29 October 2020 and maintain this barrier at all times.  
  
The barrier shall have a minimum height of 2.1 metres above the top of the retaining wall or be erected entirely within the subject site to an equivalent height .  
  
The barrier shall be constructed from any impervious material such as corrugated sheet steel, lapped and capped timber, 10mm thick polycarbonate etc without holes or gaps including where any extensions meet the existing fence or at the base where the fence meets the retaining wall.
- d) **Acoustic barrier - Western boundary**  
Erect an acoustic barrier as indicated on the Cardno plans 82021047-SK001-1 and 82021047-SK002-1 dated 29 October 2020 and maintain this barrier at all times.  
  
The barrier shall have a minimum height of 1.6 metres above ground level.  
  
The barrier shall be constructed from any impervious material such as corrugated sheet steel, lapped and capped timber, 10mm thick polycarbonate etc without holes or gaps other than a maximum 20mm at the base if required for drainage.
- e) **New Designated Play Area**  
A designated outdoor play area shall be established between the demountable building and the main brick building, as shown in Figure 2 of Harwood Acoustics Environmental Noise Impact Assessment dated 27 October 2020.  
  
The outdoor play area may be used between 9am and 6pm Monday-Saturday and 9am-5pm (Sundays and Public Holidays).
- f) **Grassed area fronting Berkeley Road**

Demarcate an area using landscaped or physical barriers to ensure people do not encroach within 5m of the northern boundary.

The outdoor play area may be used between 9am and 5pm, seven days a week. Lighting of this area is not permitted.

g) Parking Management Plan

People attending morning prayer (Fajr) should be instructed to park as close to the main brick building as possible.

A lock with an electronic timer shall be installed on the main vehicular access gate and pedestrian gate. The lock shall be timed to only allow entry on the premises within 15 minutes prior to the prayer.

h) Communication is required between the operator and persons attending the site explaining:

- The permitted hours of operation of the premises;
- People are only to play in outdoor play areas at the designated time for that area;
- The importance of minimising noise generation in outdoor areas;
- People are only allowed to be in outdoor areas for the purpose of accessing the buildings, car park area, or outdoor play areas; and
- The pedestrian gate and main vehicle gate must be locked overnight and prior to the commencement of the morning prayer (Fajr). People should be discouraged from arriving early and parking on Berkeley Road.

10) **Car Parking and Access**

The development shall make provision for a total of 97 car parking spaces (including 2 car parking spaces for people with disabilities, 2 dedicated staff parking spaces and 10 carpool spaces for multi-occupancy vehicles only). The development shall also make provision for a minimum of 2 motorcycle parking spaces and 9 (Class C) bicycle spaces.

This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved plans requires a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

The car park area shall only be used for car parking.

- 11) The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 12) Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
- 13) The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a) provision of a minimum 5m deep densely planted landscaped buffer for the full length of the Berkeley Road frontage
  - b) provision of a 5m deep densely planted landscape buffer as shown on Cardno plan 8202047-SK001 A1 dated 29 October 2020
  - c) planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

- A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- d) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
  - e) the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
  - f) any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

- 14) Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.
- 15) A Site Waste Management and Minimisation Plan in accordance with Wollongong Development Control Plan 2009 shall be provided to the Principal Certifier prior to issue of the Construction Certificate.

#### **Prior to the Commencement of Works**

##### **16) Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

##### **17) Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the Principal Certifier for the work; and
- c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

##### **18) Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a a standard flushing toilet; and
- b connected to either:
  - i the Sydney Water Corporation Ltd sewerage system or
  - ii an accredited sewage management facility or
  - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

### **During Demolition, Excavation or Construction**

19) **Structural Acoustic Attenuation**

Implement all structural noise attenuation including acoustic barriers as recommended in the Harwood Acoustics Environmental Noise Impact Assessment dated 27 October 2020. Acoustic barriers should have sufficient density to act as noise barriers. All mechanical plants such as air conditioning units should have acoustic enclosures around them.

20) **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

The construction works noise shall comply with the Australian Standard AS 2436-2010 “Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites” and any other requirements as specified by Council or the NSW Environment Protection Authority.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

21) **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

### **Prior to the Issue of the Occupation Certificate**

22) **Completion of acoustic fencing**

All acoustic fencing as shown on Cardno plans 82021047-SK001-1 and 82021047-SK001-2 dated 29 October 2020 shall be completed prior to issue of the Occupation Certificate.

23) **Implementation of Green Travel Plan**

Physical aspects of the Green Travel Plan such as painting of designated car pool parking spaces are to be implemented prior to issue of the Occupation Certificate.

24) **Completion of Landscape Works**

The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate. Photographic evidence of the completed landscaping is to be provided to Council by the Principal Certifier.

### **Operational Phases of the Development/Use of the Site**

25) **Restricted Hours of Operation**

The overall hours of operation for the development shall be restricted to:

- 4.15 am to 9.30 pm in summer/daylight savings, 7 days a week

- 5:15 am to 7pm for the rest of the year, 7 days a week
- During Ramadan: 5.15am to 8pm

All persons are to have vacated the site by 9.30pm in summer/daylight savings and 7pm during the rest of the year, with the exception of 8pm during Ramadan.

**Movement external to building**

- To minimise noise transmission, no gathering outside the building during the following times:
  - 4.15am-7am in summer/daylight savings; Monday-Friday
  - 7pm-9.30pm in summer/daylight savings; Monday-Friday
  - 4.15am-8am in summer/daylight savings; weekends and Public Holidays
  - 5.15am-7am rest of the year; 7 days a week
  - 5.15am-8am rest of the year; weekends and Public Holidays
  - 7pm-8pm during Ramadan

**School holiday activities and other children's activities - within buildings**

- Monday to Friday 7am to 6pm
- Saturday, Sunday and Public Holidays 8am to 6pm

**Outdoor play areas**

- New designated play area between demountable and main brick building
  - Monday to Saturday : 9am to 6pm
  - Sunday and Public Holidays: 9am-5pm
- Grassed area fronting Berkeley Road
  - 9am-5pm, seven days a week

Any alteration to the approved hours of operation will require separate Council development consent.

26) **Prayer**

The maximum number of people allowed on site and the duration of each prayer (Salat times) is as follows:

- Morning prayer (Fajr) – 20 people for approximately 15 minutes;
- Midday prayer (Zuhr) – 30 people for approximately 15 minutes;
- Afternoon prayer (Asr) – 30 people for approximately 15 minutes;
- Sunset prayer (Maghrib) – 60 people for approximately 15 minutes;
- Evening Prayer (Isha) – 60 people for approximately 15 minutes,;
- Friday prayer (Jumu'ah Khutbah) – 200 people approximately 2 hours between 12pm and 2pm (including gathering and socialising before and after the prayer); and
- During Ramadan – 130 people for evening prayer 6-8pm.

All prayer must occur within the main brick building.

27) **Implement Noise Management Plan**

The place of public worship must be operated in accordance with the approved Noise Management Plan, to minimise the noise disturbance to adjacent residents and comply with restriction limits.

28) **Implement and Review Green Travel Plan**

The operator shall ensure that targets are reviewed annually, and that recommended actions are implemented in accordance with the recommended timeframes.

29) **Acoustic Compliance Report**

With 12 months of the date of this consent, the operator shall submit a noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC). The report shall detail activities occurring on-site, number of persons in attendance and determine whether compliance with noise restriction conditions has been achieved.

Noise levels shall be measured on a minimum of four occasions and include the activities permitted in this consent.

30) **Noise complaints**

If Council receives substantiated and non-vexatious noise complaints regarding operation of the place of public worship, Council may request the operator to engage an acoustic consultant to assess the operational noise that is causing the noise complaints and devise further noise attenuation methods. These methods would need to be incorporated into a revised Noise Management Plan, and a copy submitted to Council. The acoustic consultant shall be a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC).

31) **Noise Restrictions**

During operation of the place of public worship the operator shall ensure that the noise generated at the premises does not exceed the noise limits presented in the table below unless otherwise agreed to in writing by Council:

Receiver Locations	Allowable Noise Limits dB(A) - BG + 5 dBA			
	Day	Evening	Night	
	L <sub>Aeq</sub> (15 minutes)	L <sub>Aeq</sub> (15 minutes)	L <sub>Aeq</sub> (15 minutes)	L <sub>AMAX</sub> #
All potentially affected residential properties boundaries	35	47	49	50##

# Sleep Disturbance Criteria dB(A) L<sub>AMAX</sub>

## if maximum allowable noise limit is exceeded between 10.00 pm and 7.00 am, then the acoustic consultant should reassess the noise management plan.

*For the purpose of this condition:*

‘Day’ is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;

‘Evening’ is defined as the period from 6pm to 10pm; and

‘Night’ is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

32) **Waste Management**

An adequate number of waste receptacles for both general rubbish and recyclable materials shall be placed strategically around the site and collected on regular basis. Waste shall not be allowed to accumulate on the site.