

8.2 Planning Proposal - 13-17 Eagleview Road, Minto

Reporting Officer

Executive Manager Urban Centres
City Planning and Environment

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people

Delivery Program

Principal Activity
PA Building Development and Controls

Officer's Recommendation

1. That Council endorse the Planning Proposal at attachment 1 which seeks to amend the Campbelltown Local Environmental Plan 2015 by including 'a place of public worship' as an additional permitted use at 13-17 Eagleview Road, Minto and forward the Planning Proposal to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination.
2. That Council request delegation to make the local environmental plan under Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
3. That subject to a Gateway Determination, the Planning Proposal be exhibited in accordance with the Gateway Determination requirements.
4. That a report on the outcome of the public exhibition of the Planning Proposal be presented to Council for consideration.

Executive Summary

- A request has been received to amend the Campbelltown Local Environmental Plan 2015 for the site at 13-17 Eagleview Road, Minto, to make 'a place of public worship' a land use permitted with consent on this site.
- The Campbelltown Local Planning Panel reviewed the proposal on 22 May 2024, and expressed conditional support. The Local Planning Panel recommended the applicant submit further information to:

- address the intensity and frequency of use
 - limit scale and capacity (number of users)
 - provide additional information regarding traffic impact on the locality
 - demonstrate the suitability of the C4 zone for the proposed use, with consideration given to the preservation of environmental amenity.
- The applicant revised the proposal following feedback from Council staff and the Local Planning Panel and provided additional information that specifically addressed the issues raised by the panel.
- The applicant also prepared a traffic assessment report and a roundabout design concept plan illustrating alternate access to and egress from the site. While this assists with informing the planning proposal, traffic / transport design matters and the ultimate traffic / transport response, would be dealt with under any future DA that might be lodged in the future.
- The Planning Proposal is considered generally consistent with regional, district and local planning policies.
- The report recommends that Council endorse the Planning Proposal (attachment 1), which seeks to include 'a place of public worship' as an additional permitted use at 13-17 Eagleview Road, Minto, and forward the Planning Proposal to the Department of Planning, Housing and Infrastructure, seeking a Gateway Determination.
- It is also recommended that the Council request delegation to make the plan.

Purpose

The purpose of this report is to seek Council's endorsement of a Planning Proposal that requests the amendment of Schedule 1, Additional Permitted Uses, of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to make 'a place of public worship' a land use that is permitted with consent on the site known as 13-17 Eagleview Road, Minto.

Property Description	13-17 Eagleview Road, Minto (Lot 7 DP 39165)
Application No	106/2024/E-PP & PP-2023-2652
Applicant	GLN Planning
Owner	Australian Muslim Welfare Centre Inc
Provisions	<i>Environmental Planning and Assessment Act 1979</i> Campbelltown Local Environmental Plan 2015
Date Received	27 November 2023

The Planning Proposal (attachment 1) provides a detailed assessment of the request against relevant local, district and regional strategic planning documents, relevant state environmental planning policies and the Local Planning Directions.

This report seeks Council's endorsement of the Planning Proposal and to forward the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

History

In 2012, Council granted development consent (DA No. 2118/2011/DA-O) for the construction of an outbuilding on the site, for use as a craft studio. The development consent included the following conditions:

- The use of the craft studio was limited to a maximum of 5 people.
- The hours of operation were restricted to between 9 am and 5 pm Monday to Friday, and 9 am to 1 pm on Saturdays.
- The use of the site for any purpose other than a craft studio, including a religious establishment, was confirmed as not permissible.

On 7 June 2018, Council granted a new consent (DA No. 3587/2017/DA-C) for alterations and additions to the existing outbuilding for use as a community facility. Under this new consent, the following conditions were imposed:

- occupancy at the site for events and gatherings was capped at 50 people for regular weekly activities.
- a maximum of 150 people was permitted 12 times a year for infrequent events such as birthday parties.
- the use of the site as a place of public worship, educational establishment, or any other land use not specified by that development consent is not permissible on the site.

On 19 October 2023, a modification application (3587/2017/DA-C/A) was submitted to Council seeking to:

- increase the maximum attendance at the site for regular weekly activities from 50 to 100 people.
- increase the maximum attendance for larger events at the premises on Friday, Saturday and Sunday from 100 to 220 people (maximum of 2 gatherings a day with a minimum 1-hour gap between each event).
- construction of an awning at the rear of the community facility.
- alter and upgrade the car park to increase the amount of parking available on site.
- construct a 1.8 m fence along the Northern, Eastern and Southern boundaries for noise attenuation.

The modification application was approved on 11 July 2024.

The site has a history of compliance action taken by Council staff and there is a matter recently considered by the NSW Land and Environment Court with judgement pending.

On 22 May 2024 the Planning Proposal was considered and generally supported by the Campbelltown Local Planning Panel (the Panel), subject to addressing matters relating to traffic management, access and the residential amenity of the neighbouring properties.

Report

1. The Site and Locality

The site consists of one allotment known as no. 13-17 Eagleview Road, Minto and has an area of 20,800 m². The site is located on the eastern side of Eagleview Road with direct access to the street. The site has a frontage of 79 m (Figure 1).

At present, the site comprises a:

- a community centre of approximately 200 m² in area;
- formal and informal car parking spaces; and
- a residential dwelling and carport with a storage room.

The remainder of the site is comprised of open grassed areas and is utilised to facilitate overflow parking for the community centre. The site is also affected by biodiversity on the southeastern corner of the site.

To the north of the site is a triangular allotment with an existing dwelling at no. 11 Eagleview Road. Further north is an off-leash dog area and electricity transmission corridor

The site is located approximately 3 km from Minto Railway Station and can also be accessed via the 873-bus service.



Figure 1: Aerial of the subject site

2. Campbelltown Local Environmental Plan 2015

The site is currently zoned C4 – Environmental Living (Figure 2). The site has a maximum permissible building height of 9 m. Part of the site has a minimum lot size of 4,000 m² and the rest of the site has a 2-ha minimum lot size (Figure 3).

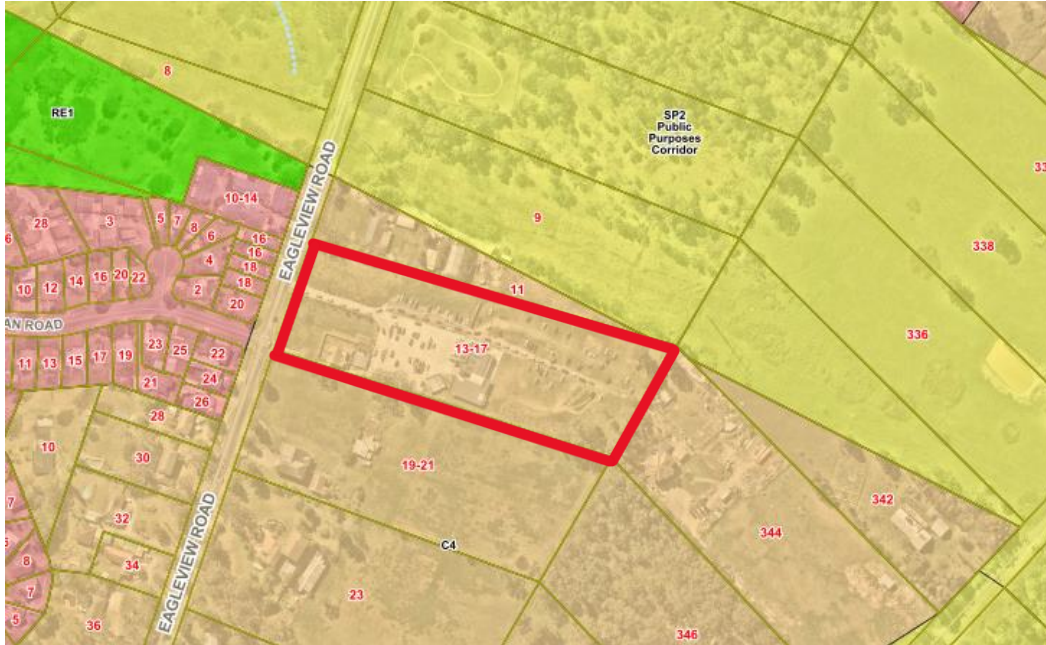


Figure 2: Current zoning – CLEP 2015

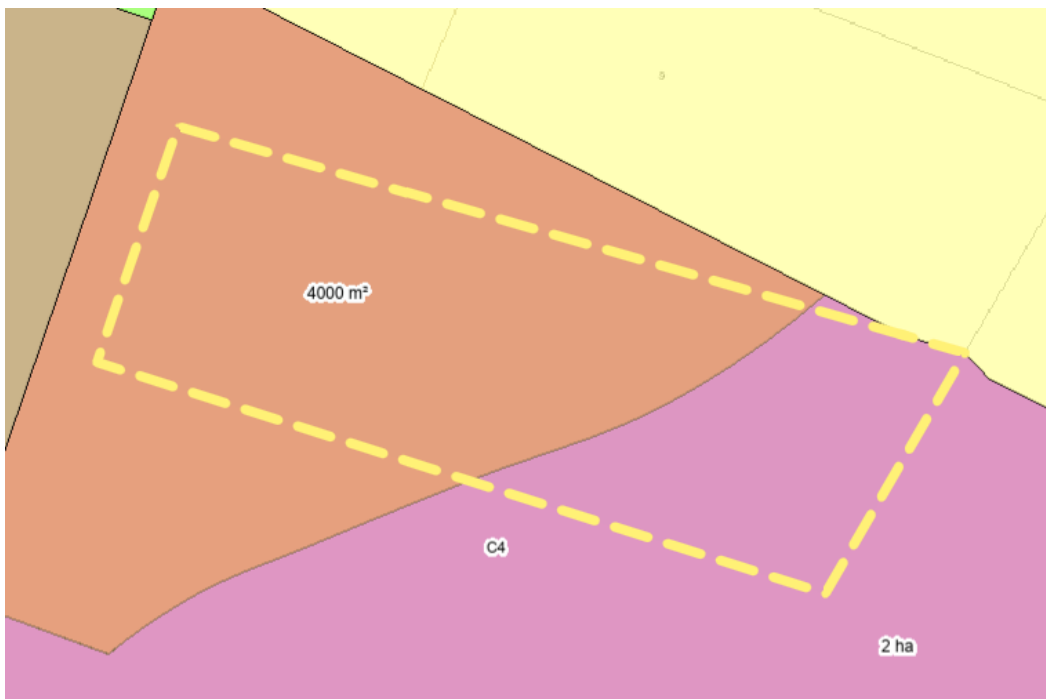


Figure 3: Lot Size Map – CLEP 2015

The site does not have a maximum floor space ratio requirement under the CLEP 2015. A small portion of the site, in the southeastern corner, has biodiversity values and is mapped under the CLEP 2015.

3. Planning Proposal

The Planning Proposal requests to amend Schedule 1 of CLEP 2015 by inserting 'places of public worship' as an additional permitted use for 13-17 Eagleview Road, Minto (Lot 7 DP 39165).

The Planning Proposal does not seek to amend any other development standards within the CLEP 2015.

Assessment of the Planning Proposal – Regional, District and Local Plans

The Planning Proposal was assessed against all the relevant regional, district and local plans. The assessment found that the proposed additional permitted use of the site for a place of public worship was not inconsistent with the overarching plans. Further information on the assessment of the Planning Proposal against the regional, district and local plans is located under attachment 1 of this report. The Planning Proposal meets objective 8: 'Greater Sydney's communities are culturally rich with diverse neighbourhoods' within the Greater Sydney Regional Plan.

Assessment of the Planning Proposal – Local Planning Directions.

The Planning Proposal was assessed against the Local Planning Directions and is generally consistent with them. Further detailed assessment is included in attachment 1 as part of the Planning Proposal. The Planning Proposal is consistent with a number of local planning directions notably 1.1 'Implementation of regional plans' and 3.1 'Conservation zones' as the additional permitted use seeks to promote a cultural and religious facility without having an impact on the existing C4 zoning.

4 Local Planning Panel Advice

On 22 May 2024, the Panel met and provided the following advice on the Planning Proposal.

Whilst the Panel were generally supportive of the Planning Proposal, they identified the following matters for consideration:

- the appropriateness of the proposed use on the C4-zoned land and the site-specific merit of the proposal in terms of the potential impact of intensity and frequency of use on the local area.
- investigation into specific clauses in the CLEP 2015 that would preserve the environmental amenity of the area.
- potential DCP amendments to address design and environmental issues associated with the site and its future use.
- the need to prepare a traffic study to assess all potential impacts on the residential amenity of the local neighbourhood.
- limitations on the scale and number of users on the site at any one time to mitigate the impact on street parking and public safety risks

The applicant has provided Council with additional information addressing the comments raised by the Panel. In summary, the applicant:

- Conducted further traffic analysis, confirming that local roads would continue to function at an acceptable level.
- Submitted a revised preliminary design for the roundabout at Plowman Road and Eagleview Road, allowing entry and exit to the site from two points.
- Proposed a mechanism to employ an on-site person to close the gates if patronage exceeds the approved capacity for the site.
- Indicated that the frequency and patronage limits could be managed through conditions placed on any future approval for the site's use as a place of public worship.

While the proposed elements relating to traffic do shown and intent to address potential future traffic issues where the site was used for a place of public worship, the Planning Proposal process does not approve those aspects, and the assessment and resolution of all traffic matters would be subject to a more detailed assessment where a separate Development Application was lodged.

Further details and assessment of the Proposal against the advice of the Panel is located within attachment 1.

5. Key Issues and Concerns

The following issues have been identified and have either been addressed or can be managed post Gateway determination:

Permissibility

The existing approved use for the site as a community facility is permissible with consent under the C4 Environmental Living (C4) Zone; however, places of public worship are prohibited.

Schedule 1 of the CLEP provides a mechanism to make a land use that is otherwise prohibited under a zone, permissible by listing the site and the specific use under it.

Currently, there are three separate properties identified in Schedule 1 of CLEP 2015 that allow places of public worship as an additional permitted use within the C4 zone on the following properties:

- 201 Eagleview Road, Minto
- 78 Amundsen Street, Leumeah
- 43 Acacia Avenue, Ruse

The properties listed above were historically legally permissible with consent under previous environmental planning instruments and were included under Schedule 1 of the CLEP 2015 to ensure they continue to be permissible with consent. In terms of this subject site, religious establishments/places of public worship were prohibited under the previous environmental planning instrument.

Despite places of public worship being prohibited in the C4 zone, some properties within the C4 zoned land may be able to accommodate a place of public worship because of their large lot sizes and location. Large lots can accommodate on-site parking and provide generous setbacks from neighbouring properties, mitigating noise and privacy impacts.

It is also important to note that even if the planning proposal to permit a place of public worship on the site were approved and finalised, a development application would still need to be lodged assessed and approved by Council for the site to operate as a place of public worship.

Number of people attending the site

The current development consent (3587/2017/DA-C/A) for the use of the site as a community facility allows a maximum of 100 people for regular weekly activities and up to 220 people for larger events held on Fridays, Saturdays, and Sundays, with no more than 2 gatherings per day and a minimum one-hour gap between events.

The operational impact of a place of public worship on the amenity of the surrounding area may be comparable to the impacts of the currently approved community facility use depending on how patronage of the site is managed.

Any future use of the site for a place of public worship could be effectively managed through development consent conditions and a plan of management associated with any future development consent. These conditions would be similar to those already in place for the community facility use including a possible cap on maximum number of people attending the site and or the number of cars allowed on site at any one time.

Traffic

Traffic and access to the site were key concerns raised by the Panel and Council's Traffic Engineers, particularly the control of vehicles at the site, along the road in front of the site, and the impact on traffic flows moving past the site at times of worship.

In response, a traffic assessment report was prepared by Arc Traffic + Transport and provided to council for review. The assessment identified that further work would be required at the development application stage, particularly in evaluating the impact of potential increased traffic at the Plowman Road and Eagleview Road intersection during cultural events and on Fridays between 11 am and 3 pm.

To address access to the site, an option was proposed which outlines a redesign of the roundabout at Eagleview Road and Plowman Road.

The design seeks to show that improvements to local traffic circulation can be achieved, and could prevent illegal vehicle turns, such as U-turns, especially for vehicles travelling south to the site.

The Applicant's design concept indicates that site access and circulation could be improved with adjustment to internal circulation and on-road works.

Notwithstanding the concepts provided by the application, a full and more considered traffic design assessments would be conducted during the development application phase.

Car parking

The site currently provides 84 formal parking spaces, including 4 accessible parking spaces, and the capacity for 30 informal parking spaces. The site is currently required to provide 120

sealed car parking spaces to cater for the maximum 220 users of the approved community facility. Notably, under the SCDCP, the number of car parking spaces required for 220 people, if the site were to be used for a place of public worship, would be 63 spaces. As such, the provision of on-site car parking would not be an issue if the site were to be used as a place of public worship.

The applicant has proposed a method to manage the number of cars and people on-site during busy periods. The plan involves designating a person at the entry gate to count the number of people and vehicles entering the site. Once the maximum capacity is reached, both the pedestrian and vehicle entry gates will be closed, and a sign will be placed at the front of the property to notify people that the event has reached capacity. This method can be further addressed and refined at the development application stage.

Additionally, Council could install no-stopping signs in front of the facility to discourage off-street parking, thereby preventing issues for surrounding residents. Other potential measures, such as green travel plans and shuttle buses, could also be considered. It is important to note that these matters will be addressed at the development application stage, as the provisions within the CLEP 2015 do not specifically regulate parking or traffic on sites.

Environment

This site is currently slightly constrained by biodiversity values. The vegetation on site is mapped as 'terrestrial biodiversity' located in the southeastern corner of the site. This mapping provides protection to the threatened ecological community of the Cumberland Shale-Sandstone Ironbark Forest and core Koala Habitat (Figure 4). The proposal to include 'a place of public worship' as a permissible use for the site will not impact biodiversity values on the site as no vegetation will require clearing in this area.



Figure 4: Biodiversity mapped area
Bottom right-hand corner of site - light green

Bushfire

The site is identified within the Vegetation Buffer and Vegetation Category 3 of Bushfire Prone Land classification. The applicant has advised Council it intends to keep the existing allowable number of visitors to the site consistent with the approved community facility.

Should a future gateway determination be issued for the Proposal, the NSW Rural Fire Service (RFS) would be consulted during the public exhibition period, and any raised concerns would be addressed.

5. Site Specific Merits

The Planning Proposal seeks to include 'place of public worship' as an additional permitted use under Schedule 1 of CLEP 2015. The proposal is considered to have site-specific merits for the following reasons:

- The site has sufficient area (over 2 ha) to accommodate a place of public worship.
- While the site contains a small portion of significant vegetation that is mapped for conservation, there is no direct impact on vegetation from allowing the site to be used as a place of public worship.
- The site can accommodate all the required off-street parking.
- With suitable alterations to internal traffic circulation and adjustments to Eagleview Road (subject to further detailed consideration under a future Development Application), it is considered that an adequate traffic response can be delivered.
- Should this proposal be supported by Council, conditions related to limiting the number of patrons, prohibiting off-street parking, and regulating operating hours can be imposed to mitigate impacts on neighbouring residential properties.

Conclusion

The Planning Proposal seeks to amend Campbelltown Local Environmental Plan 2015 by including places of public worship as an additional permitted use for 13-17 Eagleview Road, Minto (Lot 7 DP 39165) under Schedule 1.

As a result of the detailed assessment of the proposal against strategic and site-specific merits, the inclusion of a place of public worship as an additional permitted use for 13-17 Eagleview Road, Minto is considered reasonable.

The proposal could be managed and conditioned to mitigate any potential impacts on the surrounding road network and residential properties through appropriate plans of management and conditions at the development application stage,

The inclusion of the site under Schedule 1 would facilitate a place of public worship which is important to a section of the local community.

It is recommended that Council endorse the Planning Proposal and forward it to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination.

Attachments

8.2.1 Planning Proposal (contained within this report)