

SYDNEY WESTERN CITY PLANNING PANEL

SSWPP No	2017SSW007
DA Number	2016/1462/1
Local Government Area	Camden
Proposed Development	Staged construction of a 500 seat place of public worship, ancillary facilities and associated site works
Street Address	30 Heath Road, Leppington
Applicant/Owner	Mr S Lincoln / Anglican Church Property Trust Diocese of Sydney
Number of Submissions	Five
Recommendation	Approve with conditions
Regional Development Criteria (Schedule 4A of the Act)	Private infrastructure and community facilities capital investment value >\$5 million
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No 55 – Remediation of Land • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Camden Development Control Plan 2011 • Camden Growth Centre Precincts Development Control Plan
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
List all documents submitted with this report for the panel's consideration	• Assessment report • Recommended conditions • Proposed plans • Correspondence from the Camden Local Area Command • Indicative layout plan for the site and surrounding area • Plan showing alternative public road access options for

	surrounding properties • Submissions • Submission writer's alternative road access plan • Plan showing future residential lot depths on adjoining properties • Plan of proposed subdivision for 18 Heath Road and 1339 Camden Valley Way
Report prepared by	Ryan Pritchard, Executive Planner
Report date	10 October 2017

Summary of Section 79C Matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative Clauses Requiring Consent Authority Satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the SEPP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S94EF)?	Yes
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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PURPOSE OF REPORT

The purpose of this report is to seek the Planning Panel's (the Panel) determination of a development application (DA) for a place of public worship at 30 Heath Road, Leppington.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$8,757,897 which exceeds the CIV threshold of \$5 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2016/1462/1 for a place of public worship pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a place of public worship at 30 Heath Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the consideration of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011	The Panel is the determining authority for this DA as the proposed development has a CIV of \$8,757,897 which exceeds the CIV threshold of \$5 million for Council to determine the DA
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The proposed development is permitted with consent in the applicable zone, consistent with the zone objectives and compliant with the applicable development standards and other matters for consideration
State Environmental Planning Policy No 55 – Remediation of Land	The applicant submitted a phase two detailed contamination assessment and remediation action plan as part of previous applications for development on the site. Subject to the completion of the previously approved remediation works, the site will be rendered suitable for the proposed development. A condition is recommended to ensure that this occurs
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)	The proposed development includes the removal of native vegetation. The proposed tree removal is dealt with under Appendix 9, Clause 5.9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which prevails over the SEPP
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 15 to 28 January 2017. Five submissions were received (all objecting to the proposed development).

The issue raised in the submissions relates to the proposed development not including the construction and dedication of a local road identified by the indicative layout plan (ILP) for the area.

The applicant's proposed variation to the ILP has been assessed and is supported. The primary purpose of the road was to provide access and road frontage should the site have been developed for residential subdivision. The purpose is now redundant given the proposed development of a place of public worship.

Not providing the local road will not unreasonably impact upon the adjoining properties' ability to be developed generally in accordance with the Camden Growth Centre Precincts Development Control Plan. There are six alternative opportunities for access to surrounding properties through the construction and dedication of other planned roads on those properties.

An alternative access road proposed by one of the submission writers has been considered but is not supported due to the poor visual amenity and passive surveillance outcome that will result.

It is noted that following the lodgement of the submissions, a separate DA was subsequently lodged for a residential subdivision at 18 Heath Road and 1339 Camden Valley Way, Leppington (directly adjoining the south eastern boundary of the subject site). This proposed subdivision will include the construction of a public road between Heath Road and 1351 Camden Valley Way. The separate DA is currently under assessment by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 30 Heath Road, Leppington and is legally described as lot 49A, DP 8979.

The site is rectangular in shape and has a frontage of 101m to Heath Road, a depth of 201m and an area of 2.02ha. The rear half of the site has a cross fall of 3.4m over 101m from south east to north west. The site also slopes downwards from its middle towards its south western corner by 5.3m over 108m.

The site contains a detached dwelling and scattered vegetation. The site is mapped as partially bush fire prone, is subject to biodiversity certification and is located in the Leppington Priority Precinct of the South West Growth Centre. On 22 September 2016, Council staff approved the conversion of the site's then existing garage into a 75 seat place of public worship and associated site works. These works have since been completed.

Heath Road is currently a rural road however it will ultimately be upgraded to a two lane collector road.

The surrounding area is characterised by undulating topography, scattered vegetation and a range of rural and rural residential land uses. On 4 August 2016 the Sydney West Joint Regional Planning Panel approved an 894 place Anglican primary and high school directly to the north west of this site at 50 Heath Road and 26 Byron Road, Leppington.

Leppington Railway station lies 2km to the north within the Leppington North Precinct with Camden Valley Way and the East Leppington Precinct lying to the east. On the

north eastern side of Heath Road, to the east, north and west of the site, lie existing rural/rural residential properties that are zoned for residential development. On the south western side of Heath Road lie existing rural and rural residential properties yet to be rezoned for urban development as part of the Leppington Priority Precinct.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
22 September 2016	Approval of DA/2016/535/1 for the conversion of the site's then existing garage to a 75 seat place of public worship and associated site works
25 November 2016	Approved of Section 96 Modification 2016/535/2 to include the remediation of contaminated land

THE PROPOSAL

DA/2016/1462/1 seeks approval for a place of public worship.

Specifically the proposed development involves:

- removal of 27 trees from the site;
- staged construction of a place of public worship in the following three stages:
 - stage 1 - construction of a 250 seat church auditorium with ancillary facilities including a kitchen/café, store rooms and amenities, conversion of the previously approved 75 seat church to a youth hall and construction of 22 off-street car parking spaces;
 - stage 2 - conversion of the site's existing dwelling into administration and meeting rooms and construction of an ancillary playground; and
 - stage 3 - expansion of the church auditorium to accommodate 500 seats, conversion of the stage 1 youth hall to meeting rooms, construction of a new youth hall, meeting rooms, ancillary basketball court and 34 additional off-street car parking spaces.

The buildings will be constructed of a mix of fibre cement sheeting, timber cladding, painted render and glazing. The buildings' maximum height will be 8.86m above ground level (existing).

The proposed development will include the demolition of ancillary features on the site to facilitate each stage. This will include the demolition of the site's existing dwelling, sheds, car parking, driveways, fencing, paths and a bridge;

- construction of a 22 space at grade car park (stage 1 and 2) and a 56 space at grade car park (stage 3);
- associated site works including the construction of earthworks, drainage, services and landscaping; and

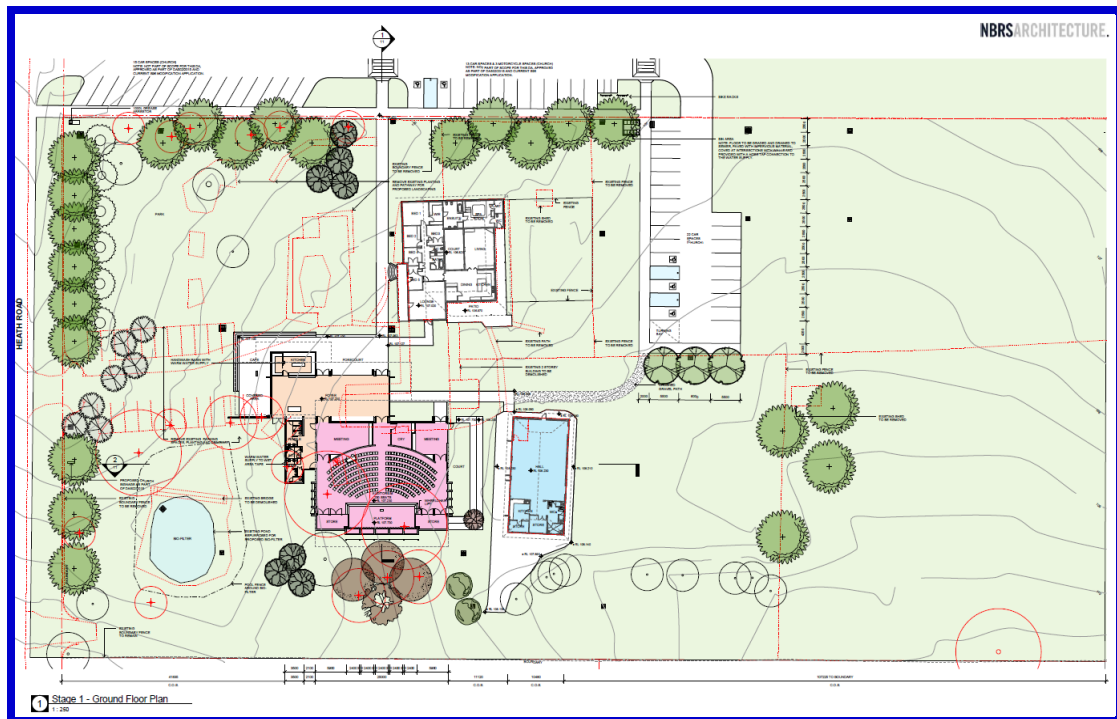
- operating hours of 7am to 10pm seven days a week. Consent is also sought to operate to 12.30am for 10 special occasions each year. The special services will cease at 12 midnight to allow attendees 30 minutes to leave the site.

The CIV of the proposed development is \$8,757,897.

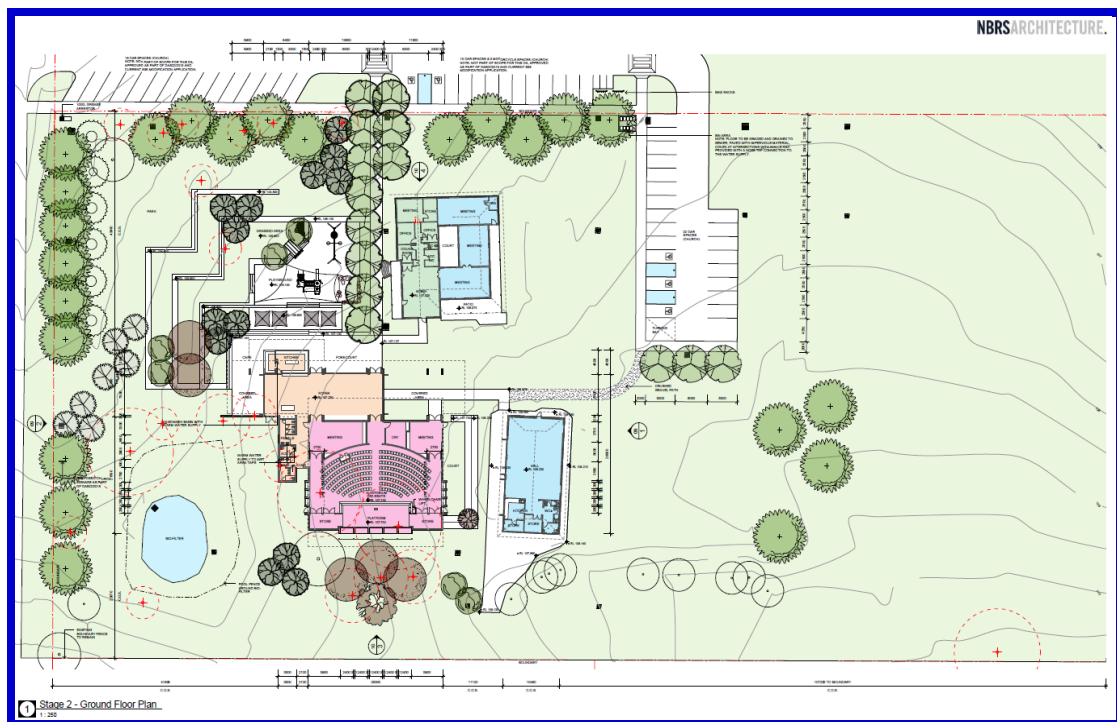
OVERALL SITE PLAN SHOWING THE PROPOSED DEVELOPMENT IN CONTEXT WITH ADJOINING SCHOOL



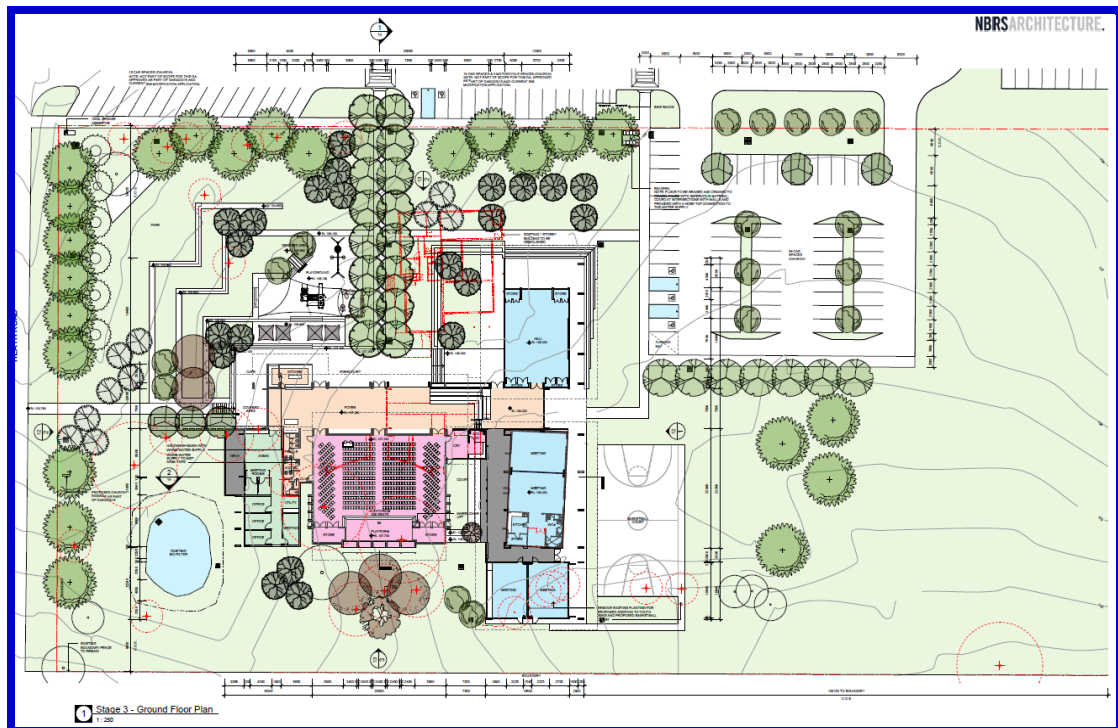
STAGE 1 GROUND FLOOR PLAN



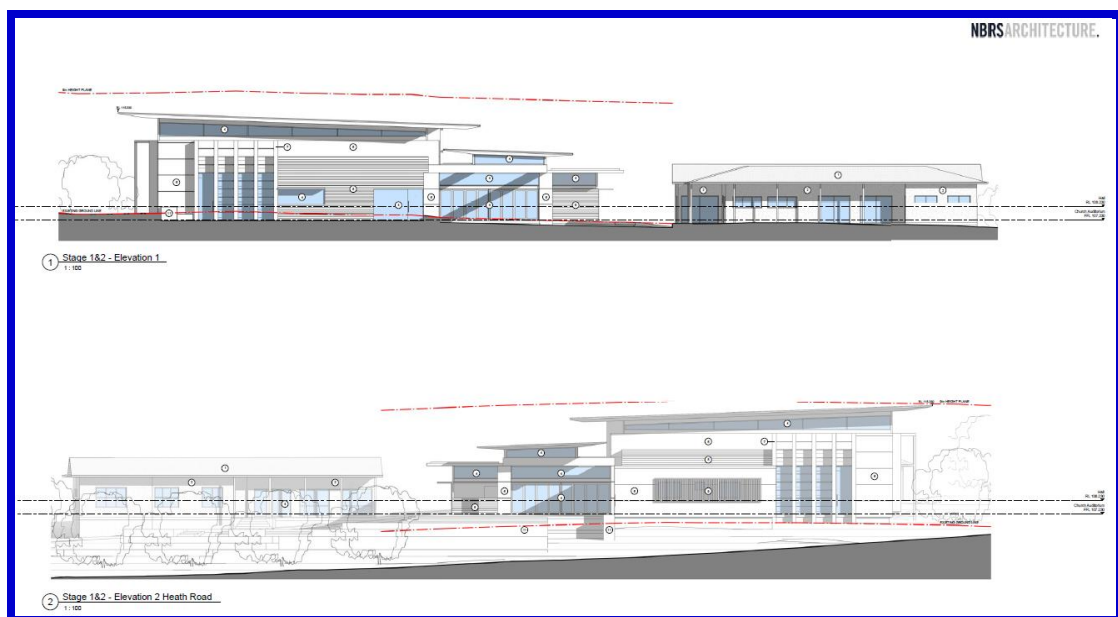
STAGE 2 GROUND FLOOR PLAN



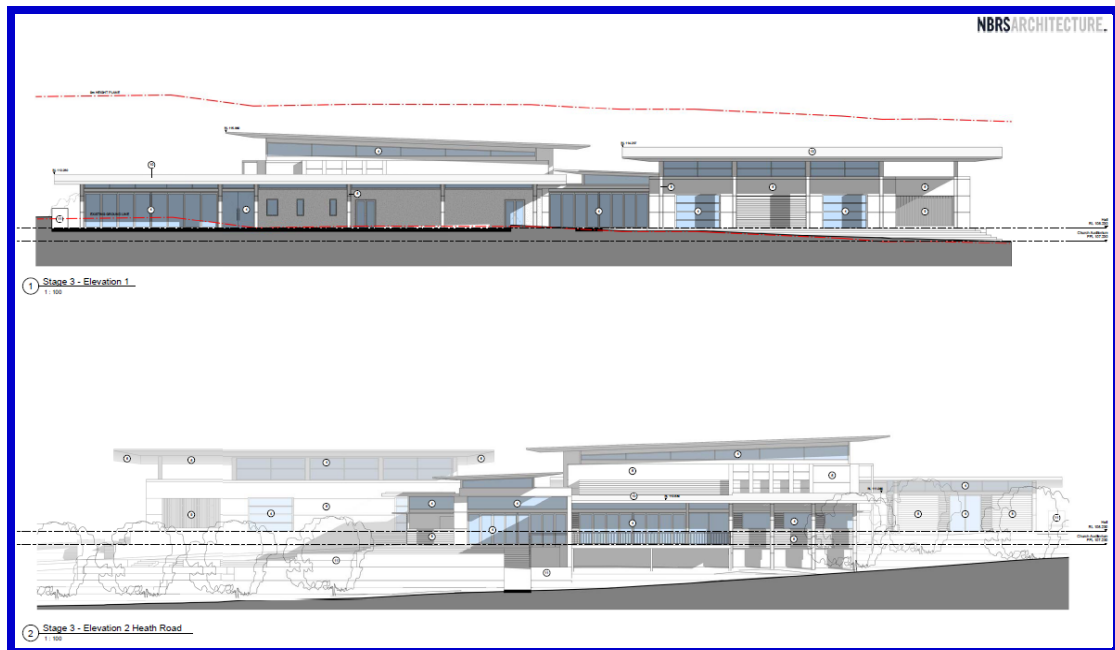
STAGE 3 GROUND FLOOR PLAN



STAGES 1 AND 2 ELEVATIONS



STAGE 3 ELEVATIONS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The environmental planning instruments that relate to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River

An assessment of the proposed development against these environmental planning instruments is detailed below.

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Part 4 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$8,757,897. This exceeds the CIV threshold of \$5 million for Council to determine the DA and therefore it is referred to the Panel for determination.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)

Permissibility

The site is zoned R2 Low Density Residential under the provisions of the SEPP. The proposed development is defined as a “place of public worship” which is permitted with consent in the R2 zone.

Zone Objectives

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a place of public worship.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The proposed development will provide a place of public worship that will assist in meeting the religious and community needs of future residents of the R2 Low Density Residential zone.

- To allow neighbours to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a place of public worship.

- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

Officer comment:

The proposed development will provide a place of public worship that will support the well-being of the community by providing a religious and community orientated facility. The proposed development has been assessed and, subject to the conditions attached to this report, will be compatible with the amenity of the surrounding area's planned low density residential environment.

- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a place of public worship.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP.

Clause	Requirement	Provided	Compliance
Appendix 9, 2.7 Demolition	Development consent is required for demolition	The DA seeks development consent for the demolition of the site's existing dwelling, sheds, car parking, driveways, fencing, paths and a bridge	Yes
Appendix 9, 4.3 Height of Buildings	Maximum building height of 9m above ground level (existing)	The proposed development's maximum building height will be 8.86m above ground level (existing)	Yes
Appendix 9, 5.9 Preservation of Trees or Vegetation	Development consent is required for tree removal	The DA seeks development consent for tree removal	Yes
Appendix 9, 6.1 Public Utility Infrastructure	The consent authority is to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required	This consideration of this clause is detailed in the "likely impacts of the development..." section of this report	Yes

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The applicant submitted a phase two detailed contamination assessment and remediation action plan (RAP) as part of previous applications for development on the site (DA/2016/535/1 and Section 96 Modification 2016/535/2). Asbestos and zinc contamination was identified and the RAP provided an acceptable remediation strategy which involves excavation and off-site disposal to a licensed landfill. The RAP was approved by Section 96 Modification 2016/535/2.

Subject to the completion of the previously approved remediation works, the site will be rendered suitable for the proposed development. A condition is recommended requiring that the approved remediation works for the site are completed prior to the issue of a construction certificate for the proposed development.

A standard contingency condition is also recommended that requires that if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)

The proposed development includes the removal of 27 trees including some native vegetation.

It is noted that Clause 6 of the SEPP provides that the SEPP does not affect the provisions of other State Environmental Planning Policies and only prevails over inconsistencies with local environmental plans.

The proposed tree removal can therefore be dealt with under Appendix 9, Clause 5.9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as assessed in this report.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)

The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft environmental planning instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (Camden DCP)

The following is an assessment of the proposed development's compliance with the applicable controls of the Camden DCP.

Control	Requirement	Provided	Compliance
A2 Notification Requirements	DAs are to be publicly exhibited in accordance with the Camden DCP	The DA has been publicly exhibited in accordance with the Camden DCP	Yes

Camden Growth Centre Precincts Development Control Plan (DCP)

The following is an assessment of the proposed development's compliance with the applicable controls of the DCP.

Control	Requirement	Provided	Compliance
2.2 Indicative Layout Plan (ILP)	Development to be undertaken generally in accordance with the ILP	The ILP identifies this site as being for low density residential development and a public road. The proposed development is inconsistent with the ILP in that it proposes a place of public worship and does not propose the construction of a public road. A plan showing the ILP for the site and surrounding area is provided as an attachment to this report	No – DCP Variation 1
2.3.2 Water Cycle Management	Consistency with Council's engineering specifications	A standard condition is recommended to address this matter	Yes
	Compliance with the Precinct's Water Cycle Management and Ecology Strategy	The proposed development is consistent with the Precinct's Water Cycle Management and Ecology Strategy	Yes
	Compliance with the DCP's water quality and environmental flow targets	The proposed development will achieve the DCP's water quality and environmental flow targets	Yes
2.3.3 Salinity and Soil Management	A salinity assessment and compliance with the DCP's Appendix B is required	A salinity assessment and management plan were approved as part of previous applications for development on the site. A condition requiring compliance with the approved management plan and the DCP's Appendix B is recommended	Yes
	Sediment and erosion control measures must be implemented	A standard condition is recommended to address this matter	Yes
2.3.4 Aboriginal and European Heritage	DAs must consider the requirements of the <i>National Parks and Wildlife Act 1974</i> . An Aboriginal	The applicant has submitted an Aboriginal heritage due diligence assessment in support of the DA. The assessment	Yes

Control	Requirement	Provided	Compliance
	Heritage Impact Permit may be required were Aboriginal objects will be impacted	advises that the site does not contain any known Aboriginal objects and is unlikely to contain any due to past disturbance via vegetation clearing and agricultural activities. A condition is recommended that requires that, if any aboriginal objects are found during works, work must cease and the find must be reported to the Office of Environment and Heritage for resolution	
2.3.5 Native Vegetation and Ecology	Council is to consider a number of matters when assessing proposed tree removal	The proposed development will necessitate the removal of 27 existing trees from the site. The matters listed for consideration have been assessed and the proposed tree removal is supported. This is because the trees are either in poor condition or will be impacted by the proposed building works and that suitable replacement landscaping has been proposed	Yes
	All existing indigenous trees are to be replaced where retention is not possible	The trees to be removed will be offset by suitable replacement landscaping on the site	Yes
	The eradication and minimisation of weed dispersal is to be considered	A standard condition is recommended to address this matter	Yes
	A suitable landscaping plan must be submitted	A suitable landscaping plan has been submitted in support of the DA. Compliance with the plan is a recommended condition	Yes
2.3.6 Bush Fire	Asset protection zones are to be	A bush fire report has been submitted in	Yes

Control	Requirement	Provided	Compliance
Hazard Management	identified and comply with the NSW Rural Fire Service Publication 'Bush Fire Protection 2006'	support of the DA. The report notes that the development of the adjoining school will include the removal of existing vegetation on the school site to establish that area as an asset protection zone. Following this removal, and in consideration of existing surrounding vegetation assessed to not be a bush fire threat, there will be a reduced bush fire threat to the subject site. A condition that requires that the relevant vegetation on the school site be managed as an asset protection zone, or the proposed development be constructed to achieve compliance with Planning For Bush Fire Protection 2006, prior to the issue of an occupation certificate, is recommended. This condition was applied to previous applications for development on this site. A standard condition is also recommended to ensure that the report's recommendations are complied with. The recommendations are for the site to be managed as an asset protection zone and for new landscaping to comply with Planning for Bush Fire Protection 2006	
2.3.7 Site Contamination	A contamination assessment (and RAP if required) must be submitted	A detailed contamination assessment and RAP have been assessed and approved as part of previous development proposals on the site.	Yes

Control	Requirement	Provided	Compliance
		Subject to compliance with the RAP, the site will be rendered suitable for the proposed development. A condition is recommended to ensure that this occurs	
2.3.9 Noise	An acoustic report, demonstrating that the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008) and Council's Environmental Noise Policy have been considered, must be submitted	An acoustic report that considers the relevant DCP criteria has been submitted in support of the DA. The report recommends a number of acoustic attenuation features including thicker glazing, keeping doors windows closed during services and control of sound amplification systems. Council staff have reviewed the report and agree with its recommendations	Yes
2.3.10 Odour Assessment and Control	Odour impacts, and the need for an odour assessment, must be considered	An odour assessment was previously considered as part of the assessment of the DA for the adjoining school. This assessment indicated that the subject site will be impacted by odour slightly above 2 odour units (2 odour units being the applicable odour criteria) during the evening after 9pm (from surrounding rural activities). As the proposed development will generally only operate until 10pm, this minor level of odour impact is considered to be acceptable. It is also noted that the area is in transition from a rural to an urban environment and that over the long term odour impacts will significantly diminish	Yes
2.4 Demolition	A number of demolition controls are to be	Demolition of existing buildings and works throughout the various	Yes

Control	Requirement	Provided	Compliance
	implemented	development stages is proposed. A condition is recommended to ensure consistency with the DCP's demolition controls	
2.5 Crime Prevention Through Environmental Design (CPTED)	Buildings should be designed to overlook streets and other habitable areas	The proposed development will overlook Heath Road and other areas frequented by attendees	Yes
	The design of all development is to enhance public surveillance of public streets and open space/conservation areas	The proposed development has been designed to provide surveillance of public streets	Yes
	Developments are to avoid creating areas for concealment and blank walls facing the street	The proposed development will not create concealment opportunities or blank walls facing the street	Yes
	Pedestrian and communal areas are to have sufficient lighting to secure a high level of safety	A condition is recommended to address this matter	Yes
	All developments are to incorporate CPTED principles	The proposed development is consistent with CPTED principles. Recommendations from the Camden Local Area Command have been received and a condition requiring compliance with the majority of them is recommended	Yes
2.6 Earthworks	Subdivision and building work is to be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill both during subdivision and when buildings are constructed. Finished levels must be integrated with	The proposed development will include cut and fill in order to facilitate reasonable building platforms. The proposed levels will still generally maintain the site's existing north east to south west fall pattern but adjusted to facilitate its urban redevelopment. The proposed levels will reasonably integrate with those of the adjoining	Yes

Control	Requirement	Provided	Compliance
	nearby land and facilitate appropriate drainage	properties	
	All retaining walls must be identified, be designed by a practicing structural engineer and be of masonry construction	Retaining walls have been indicated and a standard condition is recommended to address their design and construction. The applicant has requested that retaining walls be allowed to be constructed of either masonry or stone. This is supported as either will provide a suitable built outcome for the site	No, however minor variation supported
	Retaining walls that front a public place are to be finished with an anti-graffiti coating	No retaining walls directly fronting a public place are proposed	Yes
	A validation report must be submitted prior to the placement of any imported fill on the site	A standard condition is recommended to address this matter	Yes
	Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the <i>Noxious Weeds Act 1993</i>	A standard condition is recommended to address this matter	Yes
	Applicants are to ensure that the management of construction activities is undertaken in accordance with the Camden DCP	A standard condition is recommended to address this matter	Yes
	Trees are to be protected with fencing installed to conform to a tree protection zone that is consistent with current arboricultural	A condition is recommended to address this matter	Yes

Control	Requirement	Provided	Compliance
	industry standards		
	A report outlining existing tree conditions must be submitted with DAs and include a tree retention management plan (where relevant). The report must be prepared by a suitably qualified person	An adequate arborist report, prepared by a suitably qualified person, was submitted in support of the DA	Yes
4.1.1 Site Analysis	A site analysis plan, consistent with the DCP, is required	Sufficient site analysis information has been submitted in support of the DA	Yes
4.1.2 Cut and Fill	DAs are to illustrate and justify any proposed cut and fill	Cut and fill details together with suitable justification have been provided	Yes
	All retaining walls are to be identified in the DA and be a minimum of 0.3m from property boundaries	Proposed retaining walls have been indicated and a standard condition is recommended to ensure they are at least 0.3m from property boundaries	Yes
4.1.3 Sustainable Building Design	The majority of plant species are to be selected from Appendix C of the DCP	Council staff have assessed the proposed landscaping and consider it to be acceptable	Yes
	Roof and paving materials and colours are to minimise the retention of heat from the sun	A condition is recommended to address this matter	Yes
4.4.1 General Requirements for Other Development in Residential Areas	Site analysis information as required by clause 4.1.1 of the DCP is to be submitted with all applications for non-residential development in residential zones	Sufficient site analysis information has been submitted in support of the DA	Yes
	Non-residential development on residential zoned land is to be located on allotments that have a frontage	The site has a frontage width of 101m	Yes

Control	Requirement	Provided	Compliance
	width of greater than 15m		
	The following setbacks are required:	A 35m front setback to the building façade line is proposed	Yes
	4.5m front setback to the building façade line	A 10m ground floor side setback (side A) is proposed	
	0.9m ground floor side setbacks (sides A and B)	A 30m ground floor side setback (side B) is proposed	
	4m ground floor rear setback	A 99m ground floor rear setback is proposed	
	Vehicular access is to be integrated with site planning to minimise conflicts	The proposed development will share an approved vehicular access for the adjoining school. This is supported as it will minimise the number of driveways onto Heath Road (a future collector road)	Yes
	A maximum of 60% site coverage is permitted	The proposed development will have a site coverage of less than 60%	Yes
	A minimum 20% landscaped area is required	An area in excess of 20% of the site will be landscaped	Yes
	Where non-residential uses are proposed as part of, or in association with, a dwelling, parking and storage are to be located behind the building façade or screened from view (including a 1m setback from the front property boundary). Parking and storage are not to encroach on the private open space or landscaped area of the dwelling	The proposed car parking area on the site will be located behind the building line. This area will not encroach upon the private open space or landscaped areas of the site's existing dwelling in stage 1	Yes
	Council is to consider a number of matters relating to	The proposed matters for consideration have been assessed. The proposed	Yes

Control	Requirement	Provided	Compliance
	the effects of non-residential development in residential zones	development is supported in that it is considered to be compatible with the scale and character of surrounding development (noting the approved adjoining school), it will not have any unreasonable amenity impacts and adequate access and parking facilities have been proposed	
	Non-residential development in residential zones should be similar in bulk, scale, height and siting to the surrounding buildings	The proposed development is similar in bulk, scale, height and siting to the approved adjoining school	Yes
	Finishes, materials, paving and landscaping are to be consistent with those of surrounding residential development	The proposed finishes, materials, paving and landscaping are considered to be compatible with the approved adjoining school and appropriate for non-residential development in the applicable low density residential zone	Yes
	Storage of materials and equipment is to be contained within internal storage areas or outdoor storage areas that are suitably screened, fenced and landscaped	All proposed storage will be internal to the proposed buildings	Yes
4.4.4 Educational Establishments and Places of Worship	Places of worship are to be located within centres or co-located with other community facilities in residential areas so as to create a community focal point, to share facilities such as parking and to	The proposed development will be co-located with an adjoining Anglican primary and high school at 50 Heath Road and 26 Byron Road. This will create a focal point of activity for the area and allow for the sharing of off-street car parking facilities	Yes

Control	Requirement	Provided	Compliance
	minimise impacts on residential areas		
	Places of public worship and educational establishments are preferably to be located on land with frontage to a collector road	Heath Road will ultimately be upgraded to a two lane collector road	Yes
	Council is to consider a number of matters relating to design, amenity and environmental impacts	The proposed matters for consideration have been assessed. The proposed development is supported in that it is considered to be compatible with the scale and character of surrounding development (noting the approved adjoining school), it will not have any unreasonable amenity impacts and adequate access and parking facilities have been proposed	Yes
	A traffic and transport report is to accompany the DA	A traffic and parking assessment report was submitted in support of the DA	Yes
	A landscape plan is to be submitted with the DA	A landscape plan has been submitted with the DA	Yes
	Places of public worship require 1 car parking space per 6 seats and 1 bicycle and 1 motorcycle space per 25 parking spaces in excess of the first 25 car parking spaces	<u>Stages 1 and 2</u> 250 seats / 6 = 41.7. Total car parking spaces required = 42 spaces. Total proposed = 22 on the site and 28 on the adjoining school site for a total of 50. 1 bicycle space and 1 motorcycle space is required. Total proposed = 10 bicycle spaces and 3 motorcycle spaces on	Yes

Control	Requirement	Provided	Compliance
		the adjoining school site. <u>Stage 3</u> 500 seats / 6 = 83.3. Total car parking spaces required = 84. Total proposed = 56 on site and 28 on the adjoining school site for a total of 84 spaces. 3 bicycle spaces and 3 motorcycle spaces are required. Total proposed = 10 bicycle spaces and 3 motorcycle spaces on the adjoining school site. The proposed development complies with the DCP's numerical parking facility requirements. Whilst not all of the required facilities are provided on the site this is supported in this instance. The site will share a vehicular access with the adjoining school (an Anglican school) and the facilities on that site will be located in close proximity to the entrance to the subject site. It is noted that the facilities on the school site will include an easement allowing them to be used by the church when required	
	Overflow parking may be necessary for certain uses and may be provided on open grassed areas	A condition is recommended that requires the grassed areas at the rear of the site to be utilised for overflow parking should the need arise	Yes
	Development must	An acoustic report	Yes

Control	Requirement	Provided	Compliance
	be designed to minimise noise impacts upon neighbouring dwellings. An acoustic report and appropriate noise attenuation measures may be required	recommending appropriate noise attenuation measures has been submitted in support of the DA	
	The general operating hours for places of public worship and education establishments is 7am-9pm although this can be varied subject to a merit assessment	The proposed development will operate between 7am-10pm and include 10 special occasions to 12.30am each year. The impacts of these additional hours have been assessed and on merit and they are considered acceptable as they will not have an unreasonable impact upon the amenity of existing or future residents	Yes

DCP Variation 1 – Development of a Place of Public Worship / No Construction and Dedication of a Local Road

DCP Control

The DCP's ILP and precinct road hierarchy figure identify this site as being for low density residential development and require a local road to be constructed and dedicated to Council. The required road would run through the middle of the site from Heath Road to the rear of the site.

The proposed development does not include the construction and dedication of this road. Instead the proposed church buildings will occupy the site and no road will be provided.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- whilst the ILP doesn't identify churches or similar uses, they are assumed, due to the general permissibility of these uses in residential zones, to be encompassed within that land use categorisation within the ILP;
- the removal of the local road will not cause any adverse impacts to the surrounding road network. Surrounding properties will still be accessible through the construction and dedication of other planned roads on those properties;

- the local road would have been located well inside the property boundary and its purpose would have been to facilitate residential subdivision of the site. As no residential subdivision is proposed for the site the local road is now redundant;
- the DA for the adjoining school did not require the construction of a number of local roads required by the DCP; and
- the inclusion of the local road is considered inappropriate and obstructive to the cohesive setting of the proposed new church and school.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- the DCP provides that development is to be generally in accordance with the ILP. Sites for places of public worship are not identified by the ILP and so it is a reasonable expectation that some residentially zoned land will be developed for this purpose. It is noted that the DCP provides controls for non-residential development in residential areas that further attests to this expectation;
- the DCP allows for variations to the ILP where consistency with the relevant precinct planning outcomes and vision is demonstrated and where the variations will not adversely impact upon adjoining land or the ability of that land to be developed generally in accordance with the DCP. The proposed ILP variations have been assessed and they are considered to be consistent with this criteria;
- a school adjoining the site was approved by the Sydney West Joint Regional Planning Panel. The DCP encourages places of public worship to be co-located with other community facilities to create focal points and minimise impacts upon surrounding residential properties. The proposed development will achieve this;
- the local road shown on the ILP would have provided road frontage and access to this site if it was to be developed for residential subdivision. As no residential subdivision is proposed the purpose of the road is largely redundant;
- not providing the local road will not unreasonably impact upon the adjoining properties' ability to be developed generally in accordance with the DCP. There are six alternative opportunities for access to surrounding properties through the construction and dedication of other planned roads on those properties.

A plan showing alternative public road access options for surrounding properties is provided as an attachment to this report;

- a separate DA has been lodged for a residential subdivision at 18 Heath Road and 1339 Camden Valley Way, Leppington (directly adjoining the south eastern boundary of the subject site). This proposed subdivision will include the construction of a public road between Heath Road and 1351 Camden Valley Way.

This public road is alternative access option 1 as shown on the attached plan showing alternative public road access options for surrounding properties.

The separate DA is currently under assessment by Council staff and a copy of the proposed subdivision plan is provided as an attachment to this report;

- it is noted that a number of ILP local roads were not required to be constructed on the adjoining school site following a detailed merit assessment. A similar merit assessment has been undertaken in this report; and
- overall the proposed development is considered to be generally consistent with ILP when considered as a whole, the DCP's objectives and the precinct planning vision.

Consequently it is recommended that the Panel support this proposed variation to the DCP.

(a)(iiia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of the DA.

(a)(iv) The Regulations

The Regulation prescribes several matters that are addressed in the conditions attached to this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on either the natural or built environments, or the social and economic conditions of the locality.

Public Utility Infrastructure

Clause 6.1, Schedule 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP) prohibits development consent from being granted unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The SEPP defines public utility infrastructure as the supply of water and electricity and the disposal and management of sewage.

Water and Sewerage

The DA was referred to Sydney Water for comment however no response was received.

The applicant has submitted a hydraulic services assessment in support of the DA. This assessment notes that the site is serviced by an existing 200mm water main in Heath Road and proposes to upgrade the water supply, including a new water meter and backflow assembly, in accordance with Sydney Water requirements. The assessment notes that the potable water capacity in the existing water main is sufficient to meet the proposed development's potable water demands.

The assessment also included preliminary discussions with Sydney Water who advised that the nearest wastewater infrastructure is located in Willowdale Drive in the East Leppington Precinct to the south east. Sydney Water advised of its intention to build a new sewer main in Heath Road by December 2018. It is proposed to connect the church buildings to the new sewer main once constructed.

Electricity

The applicant has submitted a mechanical and electrical discipline services statement in support of the DA. The statement notes that the electricity demands of stages 1 and 2 of the proposed development can be catered for by the existing electricity connection to the site (subject to confirmation and approval by Endeavour Energy). The statement also notes that stage 3 of the proposed development will require a new electricity substation.

Conclusion

It is noted that the Leppington area is being progressively serviced by public utility infrastructure over time. It is therefore considered that adequate arrangements for the provision of public utility infrastructure can be made via conditions.

A standard condition is recommended that requires documentary evidence to be obtained demonstrating that satisfactory servicing arrangements have been made with Sydney Water and Endeavour Energy prior to the issue of a construction certificate. A further standard condition is recommended that requires a Section 73 Compliance Certificate and Notice of Arrangement prior to the issue of an occupation certificate for the proposed development.

Future Upgrade of Heath Road

Heath Road will not be upgraded as part of the proposed development. No detailed design for the road upgrade has been completed and it is considered more practical for the design and upgrade of significant lengths of the road to be undertaken in a consolidated manner. This will produce the best built outcome for the road and minimise disruption to the public.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 15 to 28 January 2017. Five submissions were received (all objecting to the proposed development).

The following discussion addresses the issues and concerns raised in the submissions.

1. *Removal of the ILP local road will severely affect the potential for surrounding properties to be developed.*

Officer comment:

The applicant's proposed variation to the ILP has been assessed in this report and is supported.

Not providing the local road will not unreasonably impact upon the adjoining properties' ability to be developed generally in accordance with the DCP. There are six alternative opportunities for access to surrounding properties through the construction and dedication of other planned roads on those properties. A plan showing alternative public road access options for surrounding properties is provided as an attachment to this report.

It is noted that following the lodgement of the submissions, a separate DA was subsequently lodged for a residential subdivision at 18 Heath Road and 1339 Camden Valley Way, Leppington (directly adjoining the south eastern boundary of the subject site). This proposed subdivision will include the construction of a public road between Heath Road and 1351 Camden Valley Way.

This public road is alternative access option 1 as shown on the attached plan showing alternative public road access options for surrounding properties.

The separate DA is currently under assessment by Council staff and a copy of the proposed subdivision plan is provided as an attachment to this report.

2. *Council has previously required other DAs that proposed to vary the ILP to apply for the ILP to be formally amended as otherwise no variations could be granted.*

Officer comment:

All proposed variations to the ILP are assessed on their merits and in the context of whether or not the overall objectives for the development of an area will still be achieved.

Some ILP variations can have significant impacts upon the environment and surrounding properties and require detailed assessment, often involving consultation with external stakeholders, through a formal amendment to the ILP.

The proposed ILP variation has been assessed on its merits and is not considered to have any unreasonable impacts upon the environment, surrounding properties or the achievement of the overall objectives for the development of the area. Consequently it is recommended that the variation be supported without the need for a formal amendment to the ILP.

3. *As an alternative, an access road could be provided along the south eastern boundary of the site. This would be generally in accordance with the intent of the ILP and minimise the impact on the church proposal. This could involve only the dedication of this area of land by the applicant and the construction of the road being fully funded by the submission writer.*

Officer comment:

A plan showing the submission writer's alternative public road access proposal is provided as an attachment to this report. This alternative road proposal would create a road access point from/to Heath Road similar to that shown on the ILP.

However the adjoining residential land on 18 Heath Road and 1339 Camden Valley Way, measured from their shared boundary with the subject site to the next ILP planned local road to the south east, has a depth ranging between 17.3m and 45.5m. This is too shallow to develop two front loaded rows of residential lots and would likely result in rear boundary fences adjoining the south eastern boundary of the alternative road for a length of 200m. This would be a poor outcome in terms of visual amenity and passive surveillance for the alternative road and is not supported. A plan showing the future residential lot depths on these adjoining properties is provided as an attachment to this report.

The applicant has considered the submission writer's alternative road proposal but declined to adopt it. This is on the basis that the ILP's planned local road would have been located well inside the property boundary and its purpose would have been to facilitate residential subdivision of the subject site. As no residential subdivision is proposed for the site the local road is now largely redundant. The surrounding properties will still be accessible through the construction and dedication of other planned roads on those properties.

It is considered that no road (in either position) is required through this site and that the surrounding properties can still be developed generally in accordance with the DCP as aforementioned.

As aforementioned, Council is currently assessing a separate DA for the residential subdivision of adjoining land that will provide the construction of a public road from Heath Road to 1351 Camden Valley Way.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

Draft South West Sydney District Plan (the Plan)

A draft district plan or district plan is not a mandatory matter for consideration in the determination of a DA. However it is considered to be in the public interest to consider the proposed development's consistency with the Plan given that it is publicly exhibited government planning policy.

It is considered that the proposed development is broadly consistent with the Plan, which acknowledges the need to support residents with community orientated facilities. The proposed development will help achieve the Plan's Livability Priority 11 by providing an appropriate community orientated facility that will help serve the religious and community needs of future residents of the R2 Low Density Residential zone.

EXTERNAL REFERRALS

Sydney Water

The DA was referred to Sydney Water for comment however no response was received. However the provision of potable water and wastewater services for the

proposed development has been considered in this report and appropriate conditions are recommended.

Camden Local Area Command (CLAC)

The DA was referred to the CLAC for a safer by design/CPTED analysis.

The CLAC has raised no objection to the proposed development, identified its crime risk rating as being low and recommended a number of conditions related to CCTV cameras, building security, lighting, vegetation management, security signage and graffiti removal. Compliance with the majority of the CLAC's comments is a recommended condition.

FINANCIAL IMPLICATIONS

Pursuant to the Camden Growth Areas Section Contribution Plan (CP), the proposed development would be levied \$1.4 million in Section 94 contributions. These contributions are to fund road works, drainage and the administration of the CP. This is based on the net developable area of the entire site in hectares.

The applicant made a written submission requesting an exemption from Section 94 contributions. In summary, the rationale for this is that:

- the proposed development will be a destination for vehicular trips but not an originator of those trips. The demand for roads results from population incoming to the area, not the proposed development;
- the site provides its own on-site stormwater detention and water quality treatment and so does not generate a demand for off-site drainage facilities;
- the contribution would be unreasonable as the proposed development does not increase demand for public amenities; and
- the proposed development will provide an invaluable contribution to the community/particular denomination as it will serve their spiritual, health, welfare, educational, social and other needs.

The exemption request was considered by Council's internal Development Contributions Management Committee. The Committee resolved to reduce, but not exempt, the proposed development from Section 94 Contributions. The reduced contribution is \$90,866 and was resolved taking into account the merits of this particular development.

The rationale for this includes not levying for drainage given the provision of on-site detention and water quality for the proposed development. In addition, it was considered that road works and plan administration should still be levied for but based on the gross floor area (GFA) of the proposed development rather than the net developable area of the entire site. Levying based on GFA was considered more reasonable in this instance as it is the GFA of the development that generates the demand for the remaining CP items, not the entire site.

The applicant has been informed of the Committee's decision and accepted the reduced Section 94 Contributions.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2016/1462/1 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2016/1462/1 for a place of public worship at 30 Heath Road, Leppington subject to the conditions attached to this report.