

SYDNEY WESTERN CITY PLANNING PANEL - ADDENDUM REPORT

Panel 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 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Private infrastructure and community facilities capital investment value >\$5 million.
List of All Relevant s4.15(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. • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Development Control Plan 2011. • Camden Growth Centre Precincts Development Control Plan.
Does the DA Require Special Infrastructure Contributions Conditions (s7.24)?	Yes.
List all Documents Submitted with this Report for the Panel's Consideration:	• 10 October 2017 assessment report. • Record of deferral. • Recommended conditions.
Report Prepared By:	Ryan Pritchard, Principal Planner.
Report Date:	July 2018.

PURPOSE OF ADDENDUM REPORT

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

The Panel is the consent authority for this DA as, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the capital investment value (CIV) of the proposed development is \$8,757,897. This exceeds the CIV threshold of \$5 million for Council to determine the DA.

The Panel considered this DA at a determination meeting on 23 October 2017 and resolved to defer its determination. The Panel resolved that it was "minded to approve" the DA subject to amended conditions and further consideration of the applicant's request seeking that Section 7.11 Contributions be waived. The Panel agreed to electronically determine the DA once this had occurred.

This addendum report addresses the deferral matters raised by the Panel at the determination meeting of 23 October 2017, and is now referred to the Panel for electronic determination.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2016/1462/1 for a place of public worship pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

DEFERRAL MATTERS

Amended Conditions

At the determination meeting of 23 October 2017, the Panel resolved that amendments be made to two of the recommended conditions for the proposed development. The conditions are:

Condition 1.0(1) General Terms of Approval/Requirements of State Authorities

The Panel resolved that this condition be amended to delete all references to "general terms of approval." The proposed development is not subject to any general terms of approval but is subject to recommendations from the Camden Local Area Command (NSW Police Force).

The deleted elements for this condition are struck through below for clarity:

General Terms of Approval/Requirements of State Authorities - The ~~general terms of approval/~~requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The ~~general terms of approval/~~requirements are:

1. Letter from the Camden Local Area Command dated 11 May 2017 (except for point 6 in the section titled "Landscaping (Surveillance)."

Condition 1.0(2) Approved Plans and Documents

The Panel resolved that this condition be amended to include a reference to the traffic report submitted in support of the DA. The traffic report provides relevant operational details for the proposed development.

The additional elements for this condition are shown in red overleaf for clarity:

Approved Plans and Documents - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
15447-DA01-6 – 15447-DA17-1 (inclusive and as stamped approved by Camden Council)	Architectural plans	NBRS Architecture	Various
15447-LDA00-K – 15447-LDA07-J (inclusive and as stamped approved by Camden Council)	Landscaping and related plans	NBRS Architecture	22 July 2017
DA1.01(5) – DA5.01(4) (inclusive and as stamped approved by Camden Council)	Engineering and related plans	Northrop	6 March 2017

Document Title	Prepared by	Date
Environmental Noise Assessment	Day Design Pty Ltd	12 April 2017
Site Waste Minimization & Management Plan	NBRS Architecture	3 March 2017
Salinity Management Plan	Martens Consulting Engineers	September 2016
Hazardous Building Materials Survey	Hibbs & Associates Pty. Ltd.	April 2016
Arborists Report	David Potts	8 November 2016
Bush Fire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions Pty Limited	4 November 2016
Hydraulic Services Assessments	AJ Whipps Consulting Group	16 November 2016
NCC Section J JV3 Energy Modelling Report	Wood & Grieve Engineers	9 November 2016

Mechanical, Electrical Discipline Services Statement	Wood & Grieve Engineers	11 November 2016
DA Review Access for People with a Disability	Access Associates Sydney	November 2016
Plan of Management	Anglican Church Property Trust Diocese of Sydney	November 2016
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	8 December 2016

The amendments to the two conditions have been incorporated into the recommended conditions attached to this addendum report.

Section 7.11 Contributions

Pursuant to the Camden Growth Areas Contributions Plan (CP), the proposed development would be levied \$1,533,673 in Section 7.11 Contributions (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.

It is noted that the contribution figures in this report have been revised to reflect the current indexation of March 2018.

During the assessment of the DA, the applicant made a written submission requesting an exemption from contributions. In summary, the rationale for this was 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 an internal committee of Council officers (known as the Development Contributions Management Committee (DCMC)) in 2017. At that time, it was resolved to vary, but not exempt, the applicable contributions. This resolution was based on the proposed development providing its own on-site water cycle infrastructure and calculating the demand on transport infrastructure based upon the gross floor area of the development, rather than the overall site area. The varied contributions would have been \$94,207 which equated to a reduction of \$1,439,466 or 93.9%.

At a determination meeting on 23 October 2017, the Panel resolved to defer determination of the DA to allow consideration of the applicant's request seeking that the contributions be waived by Council due to the financial significance involved. At that time it was unclear if Council officers had delegation to vary the contributions as recommended.

Following the determination meeting, this matter was reconsidered by Council officers at a further DCMC meeting. Following reconsideration, DCMC has clarified that:

1. exemptions to contributions, either entirely or on a per category basis, can be granted where a development does not result in a net increase in demand for that infrastructure type. Clause 1.9 of the CP provides for this and such exemptions would be consistent with the CP, and
2. Council officers have delegated authority to determine DAs where they are consistent with the CP.

Considering the above, Council officers at a DCMC meeting resolved to exempt the proposed development from contributions for on-site water cycle infrastructure. This is because the proposed development will provide its own on-site water cycle infrastructure. However, the full contribution for transport infrastructure will be required in accordance with the CP.

It is noted that the CP does not require contributions towards open space, recreation or community facilities for non-residential development such as the proposed development.

It is also noted that should the vacant areas of the site be developed in the future, (subject to separate DAs), they will be subject to contributions in accordance with the CP. This will have regard to any contributions already levied for the site as part of the subject DA including for transport infrastructure and plan administration.

Taking into account the above, the applicable contribution for this development is \$589,833. Further, Council officers (through DCMC) have delegated authority to approve the revised contributions. The applicant has been informed of this contribution and accepted the revised contributions in writing.

The revised contributions have been incorporated into the recommended conditions attached to this addendum report.

CONCLUSION

Following the determination meeting of 23 October 2017, the deferral matters listed by the Panel have been addressed as described in this addendum report. The DA is recommended for approval subject to the conditions attached to this addendum 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 addendum report.