

SYDNEY WESTERN CITY PLANNING PANEL - ADDENDUM REPORT

Panel Number:	PPSSWC-27.
Application Number:	2019/710/1.
Local Government Area:	Camden.
Development:	Demolition of existing structures and construction of a place of public worship and an associated hall and car park, landscaping and associated works.
Capital Investment Value:	\$23.95 million.
Site Address(es):	320 Dwyer Road, Leppington.
Applicant:	Holy Apostolic Catholic Assyrian Church of the East Property Trust c/o PMDL Architecture and Design.
Owner(s):	Holy Apostolic Catholic Assyrian Church of the East Property Trust.
Date of Lodgement:	9 September 2019.
Number of Submissions:	23 (15 objecting to the development, seven supporting the development, and one raising matters for consideration).
Number of Unique Objections:	15 (from nine objectors).
Classification:	Regionally significant and integrated development.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Community facility with a capital investment value >\$5 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy No 55 - Remediation of Land. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Local Environmental Plan 2010. • Camden Development Control Plan 2011.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • 23 December 2020 assessment report. • Record of deferral.

	<ul style="list-style-type: none"> • Recommended conditions. • Camden Local Environmental Plan 2010 assessment table. • Camden Development Control Plan 2011 assessment table. • Proposed plans. • Submissions.
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • None.
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • Permissibility. • Traffic impacts and road access issues. • Acoustic impacts. • Potential impacts upon the Precinct Plan for the locality. • Potential impacts upon the provision of future infrastructure. • Stormwater and drainage impacts. • Visual bulk and scale.
Report Prepared By:	David Rowley, Senior Town Planner.
Report Date:	19 April 2021.

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Clauses Requiring Consent Authority Satisfaction

	Yes
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?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 the construction of a church, hall and car park at 320 Dwyer Road, Leppington.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$23.95 million. This exceeds the CIV threshold of \$5 million (private infrastructure or community facility) for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

The Panel considered this DA at a determination meeting on 2 February 2021, where the application was recommended for refusal by Council. The Applicant made a written submission to the Panel requesting that consideration of the matter be deferred to provide them an opportunity to resolve the key issues identified in the Council officer's assessment report. The Panel agreed to the Applicant's request for a deferral. In deferring the matter, the Panel identified a number of issues that would need to be addressed as part of any additional/amended material.

This addendum report addresses the deferral issues/matters raised by the Panel at the determination meeting of 2 February 2021 and is now re-referred to the Panel for determination.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2019/710/1 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

At the determination meeting on 2 February 2021 the Panel deferred consideration of that DA to provide the applicant an opportunity to resolve the key issues identified in the Council officer's assessment report. In granting this deferral, the Panel identified a number of matters that would need to be addressed by any amended plans / additional material. The following discussion provides an assessment of how the issues identified / raised by the Panel in the minutes from the determination meeting of 2 February 2021 have been addressed:

1. *Intensity and scale of the development (i.e. too large, too many persons in congregation and children in childcare).*

The application has been amended such that the child care facility has been removed from the proposal and the church has been reduced in height. The maximum capacity of the church's congregation has remained the same. Concerns regarding the physical scale of the proposal are addressed below in response to the second deferral matter.

2. *Design in terms of visual bulk (i.e. too bulky and visually uncharacteristic in its context).*

As above, the application has been amended such that the child care facility and boundary retaining walls has been removed from the proposal. The visual impact

of the proposal has also been reduced through the reduction in height and relocation of the proposed acoustic barrier, as addressed below in response to the fifth and eighth deferral matters.

The height of the proposed church has been reduced, while the hall has remained largely unchanged. The church has been reduced in height from a maximum height of 11.25m to 8.95m (above the existing ground level), with the highest point of the roof below that of the proposed hall (RL 103.2 and 103.5 AHD respectively).

The church is also proposed to include an “*off-form concrete free-standing vertical element*” to a height of approximately RL 104. This will be approximately 7.5m above existing ground level (RL 96.5) and will be visible from the north, south and east. It is not anticipated that this element of the proposal will have adverse visual impacts.

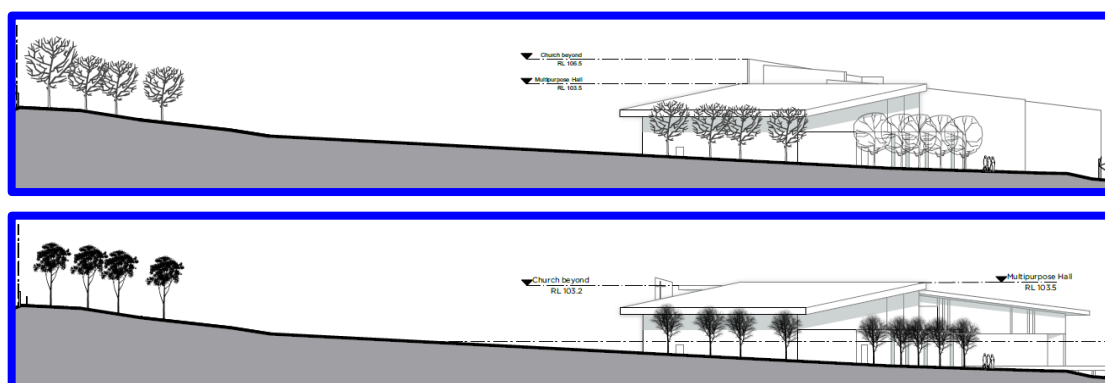
In addition to this reduction in height, the church’s design has been revised to a more compatible built form. The amended design employs a simpler roof form and varied materials and finishes that are more compatible with the existing character of the locality. The roof of the church has been amended to a pitched roof that generally follows the slope of the land at an angle of five degrees. The amended design proposes mid-tone masonry, off-form concrete, and a timber-look soffit as opposed to the previously proposed white textured masonry with dark grey window frames. The only change proposed to the hall was the use of mid-tone masonry rather than white textured masonry for its western portion.

It should be noted that the footprint of the proposed church has been increased by 57.8m² from 883.8m² to 941.6m² on the ground floor, and by 254.4m² from 506.5m² to 760.9m² on the lower ground floor. The relatively significant increase on the lower ground floor was predominantly due to the co-location of the 135m² effluent storage tanks. These tanks, located at the south-eastern end of the lower ground floor, will stand two metres above finished group level, but will largely be underground due to the slope of the land, thereby visually presenting as retaining walls rather than part of the building.

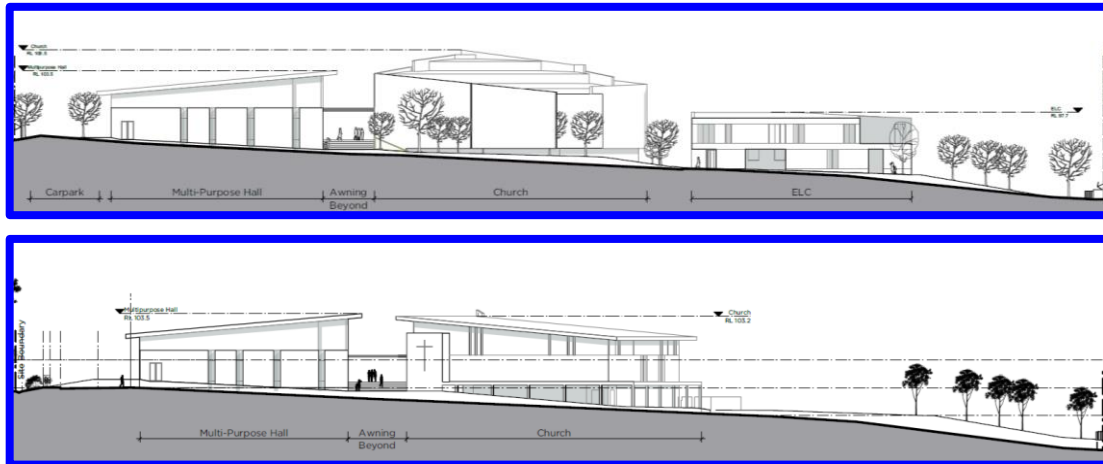
A comparison of the boundary elevations of the previous design and amended proposal is provided below.

Overall, the visual bulk of the church has been notably reduced, despite the increase in floor area.

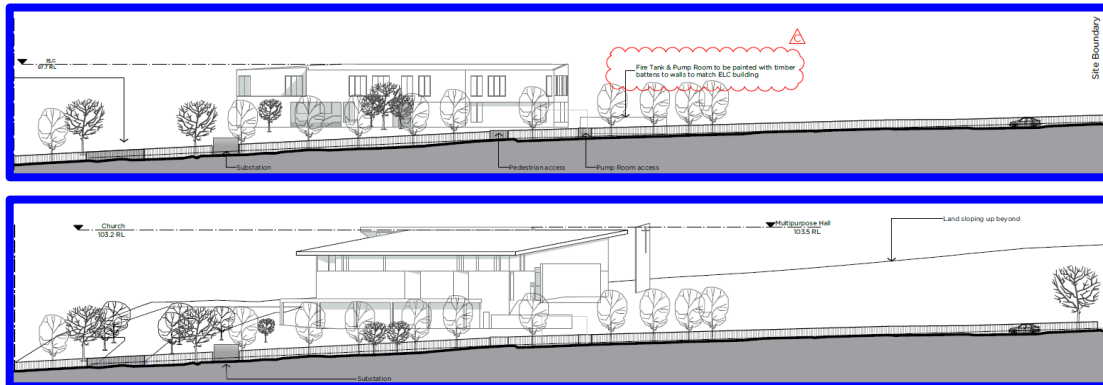
Northern Boundary Elevation Comparison



Western Boundary Elevation Comparison

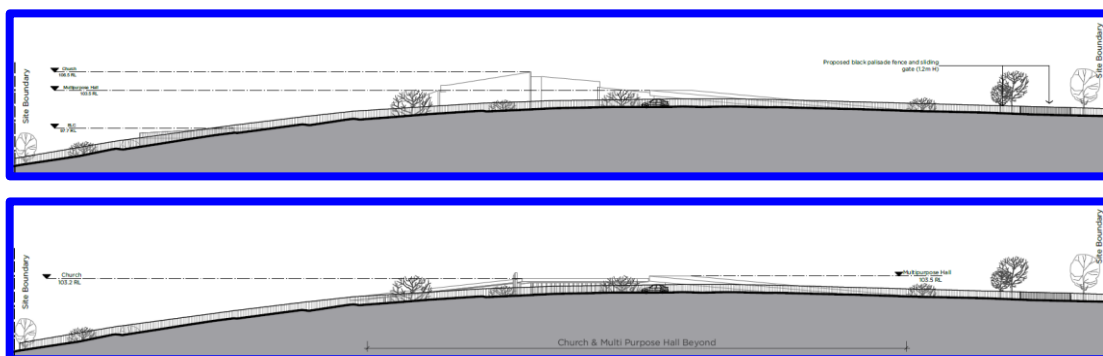


Southern Boundary Elevation Comparison



Note: Does not account for perspective and topography, with the Church having a front setback of 53m compared to the child care centre that had a front setback of 20m.

Eastern Boundary Elevation Comparison



3. Lack of visual analysis submitted with the original application.

Following the preparation and provision of the amended material, a Landscape Character and Visual Impact Assessment has been prepared by RPS on behalf of the applicant and submitted to Council. The Visual Impact Assessment concludes that the proposal would result in negligible, low or low-moderate impacts for all of the selected viewpoints, except Viewpoint 18 (300 Dwyer Road) and Viewpoint 24 (145 Dwyer Road).

Mitigation measures are proposed to assist with maintaining the desired visual quality of the landscape. To mitigate against potential impacts to Viewpoint 18 and 24, the Visual Impact Assessment has recommended the implementation of shrubbery planting in the landscape buffer, and the provision of some visual variety to the acoustic barrier. This visual variety could take the form of battens stained in a different tone, variety in timber species, or the combination of vertical and horizontal palings. It is proposed that these measures will be enforced by a condition of consent.

4. *Comment on the potential for health concerns arising from chemical use on adjoining agricultural uses (the interrelationship of the proposed uses, in particular the proposed child care use, with the agricultural uses and methods on neighbouring property).*

The proposal has been amended such that the child care facility has been removed from the proposal.

The potential health concerns arising from nearby agricultural uses have been considered by Council's Specialist Support Environmental Health Officer and it is not considered that these uses will adversely impact the amended proposal. All chemicals on agricultural premises are required to be stored within a covered and bunded area to ensure that there is no potential for spills or environmental pollution. There are no premises within the vicinity of the subject site producing odour above the adopted levels considered by Council to adversely impact development.

5. *Acoustic impacts both now and into the future and the visual and scale impacts of the proposed acoustic measures.*

A solid acoustic barrier was previously proposed on the northern and western boundaries so that the proposal could comply with the recommended amenity criteria. The barrier was proposed to a height of 2.5 metres in the north-western corner of the site and 2 metres on the southern end of the western boundary and eastern end of the northern boundary. This barrier was not supported due to the adverse visual impacts that it would have on neighbouring development.

The application has been amended such that the child care facility is no longer proposed, and the onsite noise and traffic emissions have been remodelled as a result. The amended remodelled on-site traffic movements are predicted to cause exceedances up to 6dB for traffic generated during the church services and hall functions. A solid fence with a height of 1.8m is required to limit the exceedance at R01 (146 Dwyer Road) and R02 (300 Dwyer Road) to 1dB. Such an exceedance is considered negligible.

R03 (141 Dwyer Road) will not benefit from the noise barrier as it has direct line of sight to the southern site entrance. The exceedance at R03 is 1dB, which is considered negligible.

The amended proposal has been assessed and supported by Council's Specialist Support Environmental Health Officer.

6. *Stormwater and waste management (details of how to be satisfied).*

Modelling has been provided by the applicant to demonstrate that post-development overland flows from the site will not exceed pre-development flows.

It is likely that there will be a reduction in overland flows, as the size of the proposed on-site stormwater detention system has not been reduced following the removal of the proposed child care facility. Additionally, Council staff are satisfied that waste collection vehicles will be able to access and service the proposed development.

7. *Parking shortfall having regard to anticipated car dependency of the use (which goes to the proposed intensity of the use).*

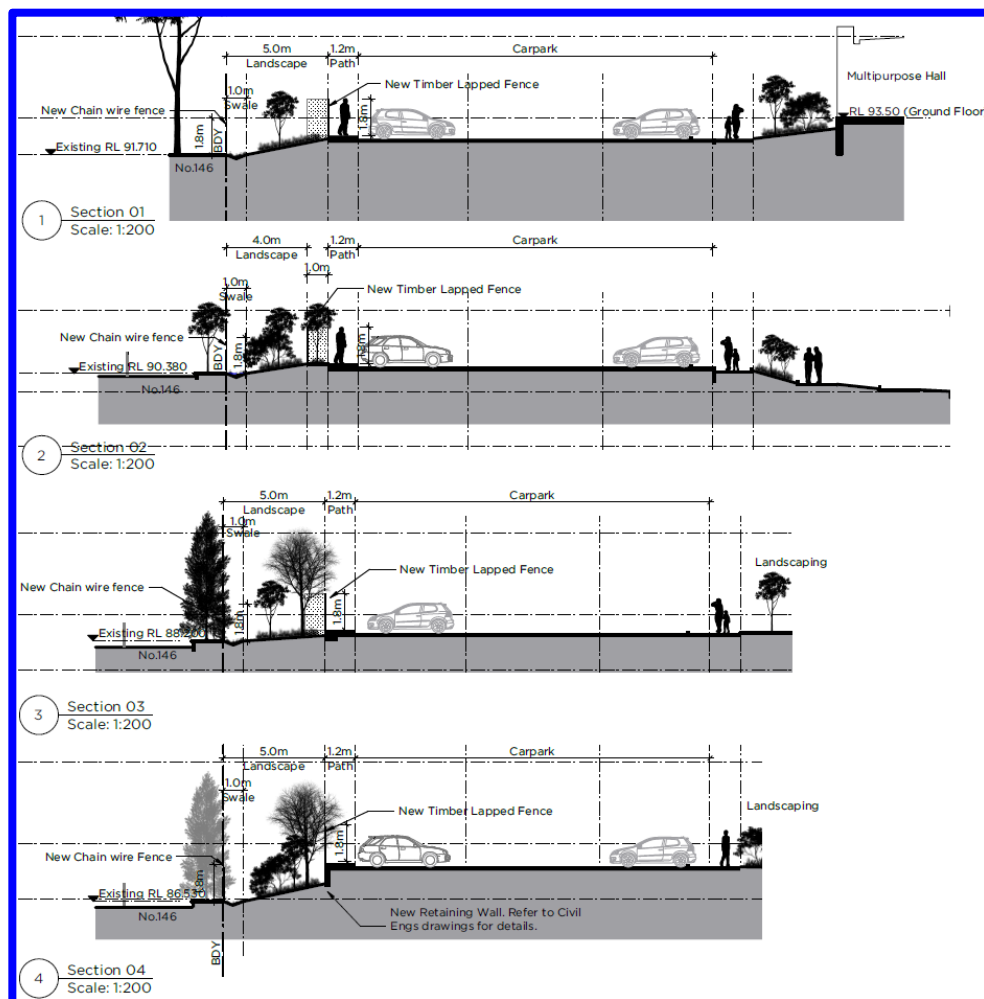
The proposal has been amended such that the child care facility has been removed from the proposal. As a result, the proposed car parking is compliant with the provisions of the Camden DCP.

8. *Management of retaining walls on the boundaries.*

The proposal has been amended such that the retaining walls have been removed from the boundaries.

Per the extract of the boundary cross sections provided below (from sheets DA302 and DA303 of the amended architectural plans) a 1.8 metre high chain wire fence is proposed on the northern and western boundaries, with a 125mm-deep grassed drainage swale alongside it. Behind the drainage swale, a landscaped batter is proposed to a maximum grade of 1:6, with retaining walls and an acoustic barrier proposed at the top of the batter.

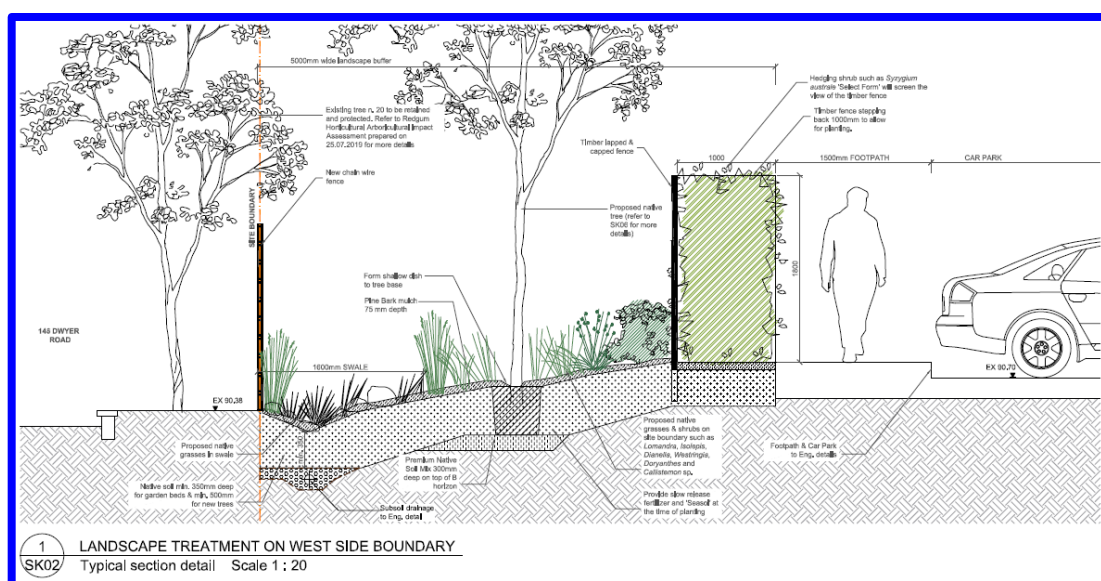
Architectural Plan Sections Extract



Per the proposed landscaping plans, the acoustic barrier will be partially concealed by a 4 to 5 metre wide landscaped buffer, which will include native trees, as well as grasses, and hedges. The proposed acoustic barriers will be on top of retaining walls that have a maximum height of 1.4m near the top of the entry ramp. Excluding the top of the entry ramp, the retaining walls will have a maximum height of 750mm and will generally be less than 450mm in height. Due to the co-location of the acoustic barrier and retaining walls, a condition of consent is recommended requiring additional shrubbery in their proximity to ensure that these retaining walls do not eliminate the intended mitigation of visual impacts of the proposed landscaped buffer.

The proposed retaining wall/fencing combination is not considered to adversely impact the preservation of the rural qualities and the overall amenity of the area.

Landscape Plan Section Extract



REVISED ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 55 - Remediation of Land.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

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

The SRD SEPP identifies development that is State significant or regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$23.95million. This exceeds the CIV threshold of \$5 million for Council to determine the DA pursuant to Schedule 7 of the SRD SEPP.

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

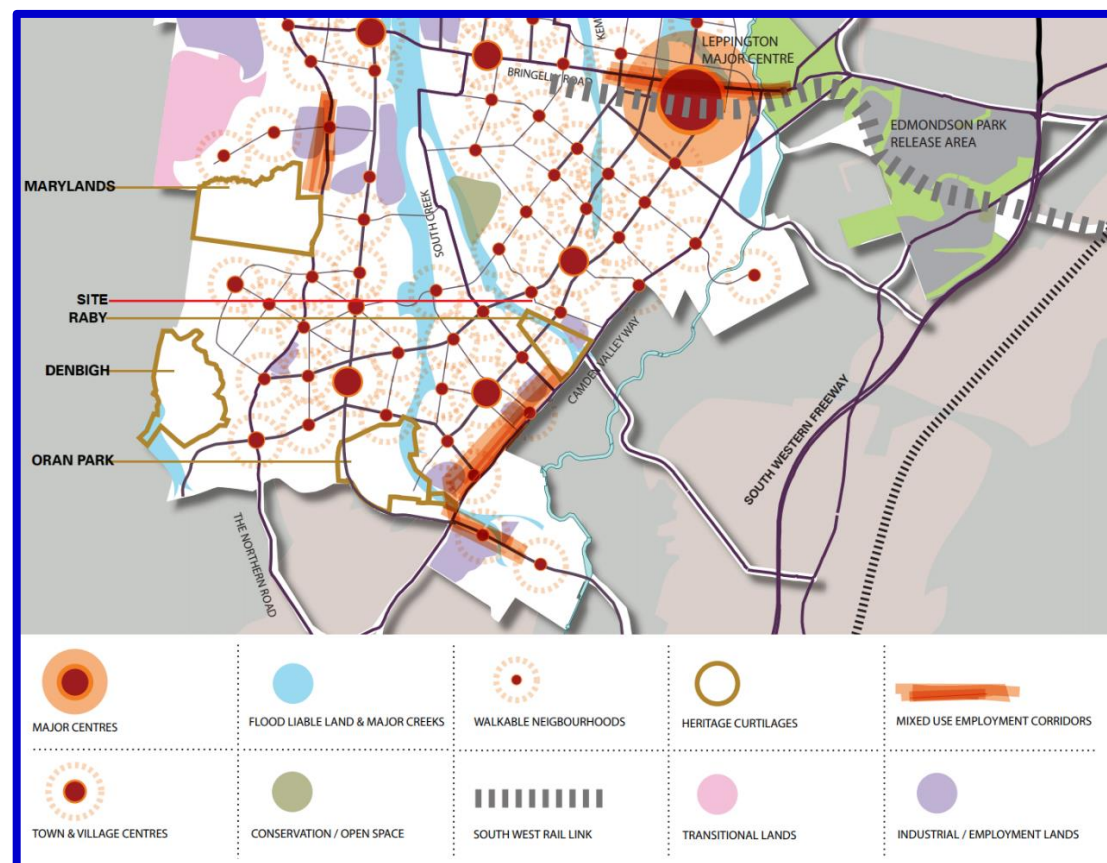
The Growth SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Growth Area.

Clause 16 of the Growth SEPP identifies matters for consideration until the finalisation of precinct planning for land. Consideration for these matters is provided as follows:

- (a) *whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,*

Per the extract of the South West Growth Centre Structure Plan provided below, the subject site is in close proximity to a 'walkable neighbourhood'. It is not identified as employment, flood-labile, conservation, transitional, or heritage-affected land. The proposed land uses are considered to be consistent with a neighbourhood centre.

South West Growth Centre Structure Plan Extract



- (b) *whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,*

The future zoning of the subject site is uncertain and unknown at this stage. Despite this, some conclusions can be drawn, as the precinct planning process considers physical site constraints. The subject site is not currently identified as bushfire-prone, flood-prone, environmentally-sensitive, or heritage-affected land. As above, the site is not identified in the South West Growth Centre Structure Plan as employment land or transitional land either. The proposed development involves land uses that are permitted in a range of zones, and as such it is not anticipated that the proposed development will result in the alienation of land from future planned land uses.

Further consideration of the site's strategic planning merits and site development constraints is dependent on the input of technical studies that are commissioned through the precinct planning process. This process would also consider existing land uses, along with projections of community demands and the required social infrastructure based on forecasted population catchments.

- (c) *whether the proposed development will result in further fragmentation of land holdings,*

Subdivision is not proposed with this application and, as such, the proposed development will not result in further fragmentation of land holdings.

- (d) *whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,*

There is no draft environmental planning instrument that proposes to specify provisions in a Precinct Plan. Clause 7A does not apply to the subject site. There are no desired land uses specified in any draft environmental planning instrument for the subject site.

- (e) *whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,*

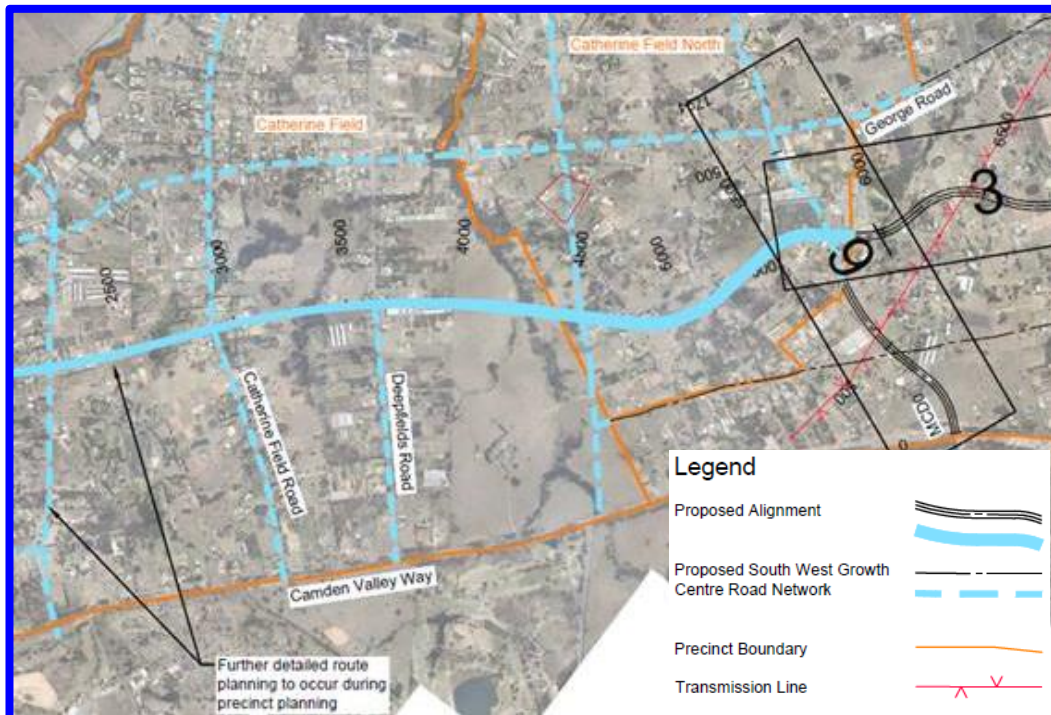
The proposal is not inconsistent with the strategies and principles of the Western City District Plan.

- (f) *whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,*

Concern was raised by a neighbour regarding the impact of the proposal on an indicative road location that is shown in the '*Rickard Road Strategic Route Study – Preferred Route Option Report*' prepared by ARUP on behalf of the then Department of Planning and Infrastructure and dated 9 January 2014.

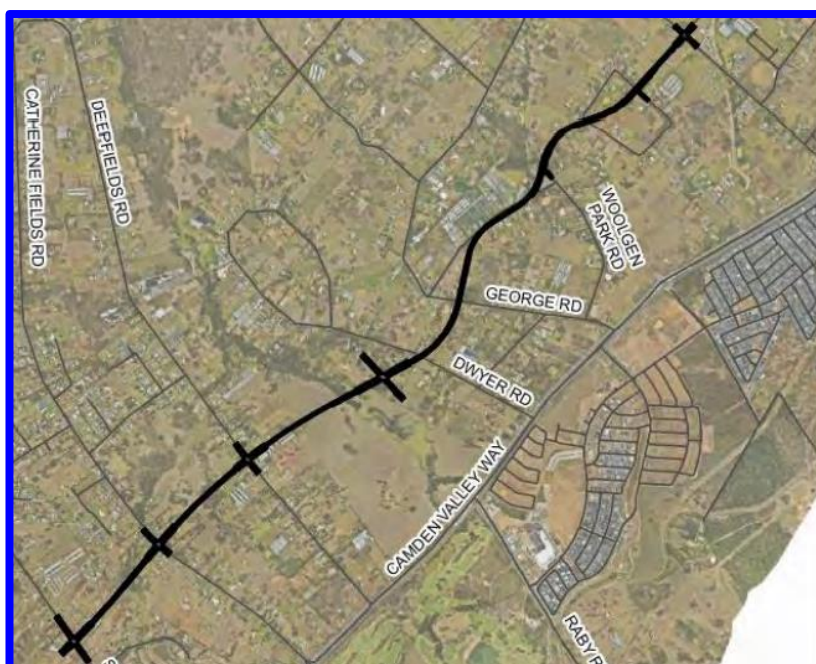
The Design Plans in Appendix A of the Report (p. 60, extract below) show a proposed road that extends from Raby Road to intersect with the proposed Rickard Road extension. This indicative road then continues through the site (bordered in red), to the indicative George Road extension and beyond.

Rickard Road Preferred Route Option 2014



A further report, titled the '*Rickard Road Strategic Route Assessment – Preferred Route Option Report*' was prepared by ARUP on behalf of Transport for NSW following community consultation in July 2020, and is dated 7 September 2020. The preferred route identified in this report is more detailed than that identified in the 2014 Report and also includes an intersection to the south-east of the subject site to cater to a Raby Road connection. It is noted that a section of the main Rickard Road alignment between the proposed Raby Road and Catherine Fields Road will be raised above the existing terrain via a bridge, approximately 9 metres above the existing ground level.

Rickard Road Preferred Route Option 2020



While it is noted that the proposed use may be a sensitive receiver in terms of acoustic amenity, and that this may have an impact on the design of future roads, no road corridor conservation process has been undertaken by Transport for NSW for the proposed Rickard Road extension, particularly for the section within Catherine Field North Precinct. Additionally, the application was referred to Transport for NSW in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007, and no comments were provided with regard to the Raby Road connection.

As such it is not considered that the proposal will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre.

- (g) *in the case of transitional land - whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.*

The subject site has not been identified as 'transitional land' in the South West Growth Centre Structure Plan, per the extract provided previously. The subject site is 300 metres from Rileys Creek and is not likely to be considered as a valuable site with regard to ecological or biological diversity. The potential for Aboriginal heritage onsite has been considered through the assessment of this application and impacts to Aboriginal objects are not anticipated.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State.

Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Clause 104 of the ISEPP as, pursuant to Schedule 3 of the ISEPP, the development is classed as traffic generating development.

TfNSW provided a response that specified that it had no objection to the proposed development and did not recommend any conditions of consent. The response recommended that Council consider pedestrian safety and swept paths of the longest vehicle entering and exiting the subject site.

Pedestrian safety has been addressed within the site through the provision of a curbed walkway serving all car parking spaces, and two pedestrian crossings in close proximity to the building entrances. A separate pedestrian entry to the site has also been included with the amended proposal.

Swept paths were provided by the applicant and considered by Council's Traffic Engineer, Land Development Engineer and Waste Officer who are satisfied that accessibility to the site and manoeuvrability within the site will not be an issue.

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

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires

remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The applicant has submitted a phase two detailed contamination assessment and addendum in support of the DA. This assessment found the site to be suitable for the development from a contamination perspective. Council staff have reviewed the assessment, agree with its findings and are satisfied that the site is suitable for the development, subject to conditions of consent.

There is a data gap associated with the footprint of the existing dwelling, and if approved, a condition of consent should be imposed requiring soil testing within the dwelling footprint following demolition.

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

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Site Zoning

The site is zoned RU4 Primary Production Small Lots pursuant to Clause 2.2 of the LEP.

Land Use Definitions

The development is defined as a “place of public worship” by the LEP.

Permissibility

The development is permitted with consent in the zone in which it is proposed pursuant to the land use table in the LEP.

During assessment concern was raised with the applicant that the proposed multi-purpose hall could be viewed as a “recreation facility (indoor)”, which is prohibited development. The applicant has indicated that the multi-purpose hall will function as an ancillary facility for the proposed church and will therefore operate at the same time and capacity as the church (i.e. the maximum capacity across both buildings will be 600 patrons). A condition of consent is recommended to enforce this.

Planning Controls

An assessment table in which the development is considered against the LEP’s planning controls is provided as an attachment to this report.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority

that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

(a)(iii) the provisions of any development control plan

Camden Development Control Plan 2011 (Camden DCP)

Subsection 1.1.11 of the Camden Development Control Plan 2019 states:

“This DCP does not apply to an application under EP&A Act which was lodged with Council but not finally determined before the commencement of this DCP. Any application lodged before the commencement of this DCP will be assessed in accordance with any relevant previous DCPs or other Council’s policy which applied at the time of application lodgement.”

This application was lodged with Council on 9 September 2019. The Camden Development Control Plan 2019 commenced on 16 September 2019.

Planning Controls

An assessment table in which the development is considered against the relevant applicable provisions of the Camden DCP is provided as an attachment to this report.

Proposed Variation

The applicant proposes a variation to Section B1.2 of the Camden DCP regarding the proposed quantum of earthworks. Controls 1 and 2 under the heading ‘General’ in Section B1.2 of the Camden DCP state:

- 1. Subdivision and building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill (i.e. for steep land houses will need to be of a ‘split level’ design or an appropriate alternative and economical solution.)*
- 2. Subdivision and building work shall be designed to ensure minimal cut and fill is required for its construction phase.*

Cut is proposed to a maximum depth of 5.95m for the church lower ground floor (RL 95.25 to 89.5 plus slab), 4.5m for the plaza (RL 97.8 to 93.5 plus slab), and 2.5m for the hall (RL 96.3 to 93.5 plus slab).

Fill is proposed to a maximum height of approximately 1.75m near the eastern boundary at the top of the entry ramp.

Variation Assessment

Section A1.9 of the Camden DCP states that “Council may grant consent to a proposal that does not comply with all the relevant controls, providing the objectives of the controls are achieved”. Additionally, section 4.15(3A)(b) of the Environmental Planning & Assessment Act 1979 specifies that the consent authority is to be flexible in applying

those provisions of the DCP and allow reasonable alternative solutions that achieve the objects of the standards in the DCP.

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

- Given the steep slope of the site, significant land forming would be required to provide a level surface for the ground floor level of any building with a large footprint, such as a hall or a church. The proposed approach of generally excavating, rather than importing fill to the site, in order to enable the provision of a level surface is therefore considered appropriate.
- The proposal has minimised the perceptible depth of cut and fill through site sensitive road layout and building design in accordance with the objectives of the controls. Areas where the subject controls are most significantly varied are either contained within a building footprint (and therefore not apparent at ground level) or are not visible from the site boundaries, with the exception of the fill for the entry ramp. The proposed fill for the entry ramp is a result of the steep slope of the site and enables the provision of a compliant car park. It is considered that the impacts of this fill will be satisfactorily mitigated by the provision of landscaping.
- Further to the above, it is considered that the proposal has controlled the form, bulk and scale of land forming operations to appropriate levels in accordance with the objectives of the control.
- The proposed earthworks enhance the use and character of land for a community use, in accordance with the objectives of the control.
- Retaining walls are proposed to be constructed in a manner that is aesthetically compatible with the surrounding environment, in accordance with the objectives of the control. The walls will be setback four to five metres from the northern and western boundaries and batters are proposed at the base of the walls to a maximum grade of 1:6. These batters will provide a vegetated buffer screen, including native trees (*Corymbia maculata* (spotted gum), *Eucalyptus tereticornis* (red gum) or *Eucalyptus citriodora* (lemon scented gum)), as well as grasses and hedges (*Lomandra*, *Isolepis*, *Dianella*, *Westringia*, *Doryanthes*, and *Callistemon*).

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

(a)(iia) the provisions of 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

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* 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 in the locality

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the 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 the Camden Development Control Plan 2011. The exhibition period was from 15 to 28 October 2019. Two submissions were received (one objecting to the development and one raising matters for consideration).

A Notice of Public Meeting was sent to neighbouring landowners prior to the original determination meeting held on 2 February 2021. Following this, a further seven submissions were received, all objecting to the proposal.

Following the submission of amended plans and additional information, the DA was publicly re-exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 18 to 31 March 2021. Eight submissions were received (one supporting the development and seven objecting to the development. One of the objections was raised on behalf of a resident's collective and included a petition with 59 signatures from 33 properties. Following the conclusion of the re-exhibition period, six identical submissions were received in support of the proposal.

The following discussion addresses the issues raised in the submissions.

1. Permissibility

"The development does not comply with the current RU4 Zoning and its objectives, it is not a permissible use as per the zoning principles".

"This type and scale of development is not in accordance with the current RU4 zoning and its objectives as set down by Camden Council. The proposed development is not a permissible use".

"Current zoning for the site is RU4 Primary Production Small Lots which currently does not allow for religious facilities, as well as pre-school or hall facilities".

Officer comment:

A 'place of public worship' is permitted with consent in the RU4 Primary Production Small Lots zone as an innominate land use in that it is "any other development not specified in item 2 or 4".

As identified in this report and its attachments, during the assessment process concern was raised with the Applicant that the proposed hall could be viewed as a 'recreation facility (indoor)', which is prohibited development. The Applicant has indicated that the hall will function as an ancillary facility for the proposed church and will therefore operate at the same time and capacity as the church.

As the proposed hall is ancillary to the place of public worship it is permissible with consent. A condition of consent is recommended to limit use of the hall accordingly.

The proposed development is consistent with the objectives of the zone in that it is a compatible land use with sustainable primary industry, and steps have been taken to minimise conflict between land uses within the zone. These steps include the proposed landscaping buffer, acoustic barrier, sympathetic materials, reduced roof form in line with the topography, and the depth of proposed cut.

2. Traffic & Car Parking

"The infrastructure in place is not fit for the traffic flow that the Methodist church generates, and the proposed development will generate"

"Traffic lights be installed at the intersection of Dwyer Road and the Camden Valley Way to ensure the safety of the current and future community around that intersection."

"A roundabout, or a give-way sign, be installed at the road-fork near the south-east corner of 320 Dwyer Road. This will regulate the anticipated traffic-increase... Alternatively, Dwyer Road can be changed to a clockwise one-way road, past the fork."

"Reduced general maximum speeds be considered along Dwyer Road, with appropriate signage"

"There would be a significant impact with the increase in daily additionally traffic and associated noise with this type of development within our current rural setting and along a small rural road"

"This will also affect the traffic congestion on Dwyer road as we have only one way in & one way out on Dwyer road. No street lights on Dwyer road to be able to guarantee safety of all residents with the large volume of cars coming & going all hours".

"Dwyer Road is a one way rural road and does not have the necessary capacity to cater for additional hundreds of vehicles as a result of this large scale development, thus causing major traffic issues, concerns and the increase of motor vehicle accidents and pedestrian accidents".

The Leppington Residents Group *"have concerns that both of these buildings will be operating simultaneously, according to the time frames described under point 4.1.1 of the report. Therefore there is the likelihood that 600 people will be in the church building, whilst another potential 600 people could be in the multi-purpose hall. This would equate to an amount of 1200 people on site. This would equate to over 500 vehicles being on site and travelling along this small rural road. It is simply not appropriate and unacceptable for this amount of people and vehicles to be allowed to access this location without the necessary infrastructure and essential services as detailed within this submission."*

“There is no public transport close by so people associated with the church would have to have vehicles with insufficient parking spaces proposed.”

“It will lead to a significant increase in traffic along Dwyer Road, Hull Road and George Road. This increase in traffic will cause noise pollution and it also raises safety concerns on the weekend”.

“The car park size is inadequate to facilitate safe and orderly parking for the number of people that the buildings can hold”.

Officer comment:

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections.

The church has a capacity of 600 persons. It is stated that the hall and the church will not run independently of one another so the maximum capacity of all uses of the site is 600 at any one time. A condition of consent is recommended to enforce the use in this manner.

The operating times of the proposed use is detailed in the traffic report as follows:

Day	Hours of Operation	Nature of Use
Monday	7:00pm to 9:30pm	Small worship, study groups, visiting Heads of Church gatherings
Tuesday	7:00pm to 9:30pm	
Wednesday	7:00pm to 9:30pm	
Thursday	7:00pm to 9:30pm	
Friday	7:00pm to 10:00pm	Youth group, visiting Heads of Church gatherings
Saturday	9:00am to 10:00pm	Small scale youth group activities, alternative worship service to Sunday, visiting Heads of Church gatherings
Sunday and Public Holidays	8:00am to 10:00pm	Main morning service of church, smaller scale evening service, Christenings, Communion service, visiting Heads of Church gatherings, Easter & Christmas services

These proposed times of use occur outside of road network peak periods. That is, during weekdays prior to 7:00pm, no operations are proposed within the site, and network peak times on weekdays generally occur between 6:00am and 9:00am, and 3:00pm and 6:00pm.

The site's peak operation is expected to occur on Sundays. The traffic report identifies vehicle occupancy rates of 2.2 to 2.5 persons per vehicle. On the basis that the Sunday morning service operated at capacity of 600 persons, traffic generation would be in the order of 240 to 300 vehicles before and after each service, and services are stated to run between one and two hours. It is anticipated that capacity would only be reached

during special occasions such as Christmas or Easter services, rather than weekly services.

From a traffic generation perspective the site's traffic generation occurs outside of peak travel periods, and Dwyer Road is a loop road which would predominantly accommodate resident traffic trips. The SIDRA analysis undertaken by Positive Traffic assuming 85% capacity of the church (i.e. 510 seats) shows that the intersection of Dwyer Road and Camden Valley Way operates at level of 'Service B' during the Sunday peak. A capacity of 85% is considered reasonable for the majority of the services.

The 85% capacity assumption incorporates the assumption that vehicle occupancy is 2.5 persons, and therefore 204 trips inbound and 204 trips outbound. Despite this, the Camden Development Control Plan 2011 ('the DCP') requires one parking space per six seats, and the consent authority is not able to require more onerous standards than those in the DCP in accordance with section 4.15(3A) of the *Environmental Planning and Assessment Act 1979*. As identified in the main body of the report the proposed development provides on-site car parking in accordance with the requirements outlined in Camden DCP 2011.

Further, to reduce any additional traffic impacts as a result of the development, a condition of consent is recommended to ensure that services do not begin within one hour of the conclusion of the previous service. This will ensure that the vehicles associated with the previous service are dispersed prior to the vehicles of the next service arriving.

3. Noise

"The noise created by 240-300 vehicles and the 2-3 people in each vehicle is significant ... The noise created by the proposed early childcare centre in a quiet country setting is also significant. The Noise Impact Assessment indicates that compliance is expected however the mechanical plant data was unavailable and the noise levels were based on a prediction that may not be accurate. Our concern is that the predictions and reports do not represent the reality of the noise and disruption the proposed develop will have on the area"

"Noise levels will be increase dramatically with large amount of people & events at all hours of the day & nights".

"These noise predictions are in no way a true or accurate indication of what the actual noise will be emanating from the proposed site when operating. Property owners located on 146 and 300 Dwyer Rd, which both adjoin the applicants site have had no sound recording requests for their respective properties."

"The report is not a true or accurate assessment of noise levels that will be generated by 600 + people, along with 100 vehicles in the car park and spillage of over another 300/400 vehicles along Dwyer road."

"The 'multi-purpose' hall will have a large noise impact on our property and the other adjoining property"

Officer Comment:

The Applicant has submitted an acoustic report in support of the DA. An addendum to the report with regard to on-site traffic movements was provided at Council's request,

and a further addendum has been provided following the removal of the proposed child care facility. The remodelled on-site traffic movements without the child care facility are predicted to cause exceedances up to 6dB for traffic generated during the church services and hall functions. These predictions are based on carpark movements, including door slams and accelerating, as well as operational noise breakout from the church and hall. These exceedances are based on short-term attended noise monitoring that was undertaken on Monday 17 June 2019 on the eastern and southern boundary of the subject site.

A solid acoustic barrier is required along the northern and western boundaries, acoustic louvers are required to screen mechanical plant equipment, and acoustic treatment is required to the windows and doors of the proposed multi-purpose hall. This barrier will limit the exceedance at 146 Dwyer Road and 300 Dwyer Road to 1dB, which is considered negligible. The dwelling 141 Dwyer Road will not benefit from the noise barrier as it has direct line of sight to the southern site entrance; however, the exceedance at 141 Dwyer Road is 1dB, which is considered negligible.

Management of the impacts of the acoustic barriers on adjoining development is considered in this report, in response to the eighth deferral matter.

4. Strategic Impact:

“How is the proposed use of land, at 320 Dwyer, going to impact/influence the future zoning of surrounding lands?”

“The proposed development will have a significant impact on the future zoning within Stage 5 of the Leppington Precinct and could significantly effect the surrounding land owners future zoning of their properties”.

“The proposed development should not be approved and deferred until the draft exhibition plan for Stage 5 – Leppington Precinct is publicly displayed and available for public comment and feed back and final approval and gazettal has taken place with the NSW Department of Planning”.

“Our current location falls within Stage 5 of the future Leppington Precinct development. It is only prudent that this type and scale of development be rejected and deferred until the draft zoning has been publicly displayed and placed on notice for community feedback and submissions on what the likelihood Stage 5 will cater for within the Leppington Precinct.”

“This development comes at a time when the broader plans for Dwyer Road are uncertain to the public. As a way forward, we would ask the relevant government planning authorities to investigate, design and release re-zoning plans for all of Dwyer Road (or the applicable precinct), so that its residents and developers understand when and how future development will occur for the entire area, with the infrastructure and services to support such development”.

Officer Comment:

The subject site is located in the Catherine Fields North Precinct, which is yet to be released for precinct planning by the Minister for Planning and Public Spaces. Within this report, the proposal has been considered against clause 16 of the Growth SEPP which identifies matters for consideration until the finalisation of precinct planning for land. In accordance with the assessment against the provisions of clause 16 of the

Growth SEPP, the proposal is not considered to have a significant or adverse influence on the future precinct planning process.

5. Wastewater Management:

“The installation of a sewer trunk in Dwyer Road is likely to be the most economical option, even for a one-off development... The reason for this is that the distance between 320 Dwyer Road and the location of the existing sewer main (along the Camden Valley Way) is only around 1,200 metres.”

“To have an approved wastewater system on a rural property for the amount of 3 or 4 people (normal residential house), it is Camden Council requirements that an area of 750 square metres is set aside as an open area to allow semi-surface irrigation sprinklers to be installed in order to successfully operate and function.”

“No town sewer to cater for such a large development.”

“There is no sewer”

Officer Comment:

The applicant has submitted an *Onsite Wastewater Management Assessment* in support of the application, which has identified three options.

The first potential option is the construction of a private rising main to Sydney Water sewer. Sydney Water have advised the applicant that connections to the rising main in Camden Valley Way are not permitted, as the proposed development has not been considered in the sewage design.

The second potential option is onsite wastewater management, using a pump out system. The proposed pump out system was not supported by Council.

The third option is onsite wastewater management using a sewer treatment plant, an effluent storage tank with a minimum capacity of 40kL, and an onsite effluent management area with a minimum area of 1,285m². Subsurface irrigation is proposed to prevent possible effluent / human interaction. In accordance with Council's requirements, an additional 50% reserve area is required for the effluent management area, meaning 1,930m² of land will be reserved for subsurface irrigation of secondary treated effluent. The applicant has demonstrated that the site has an area of more than 4,000m² available and suitable for the effluent disposal area.

Council staff have reviewed the report and agree with its conclusions. If the development application is approved, the proposed onsite sewage management system will be the subject of further detailed assessment by Council in accordance with section 68 of the *Local Government Act 1993*.

6. Water Supply:

“Confirmation of this may be needed to ensure that sufficient water flow is available to support the proposed development.”

Officer comment:

The applicant has submitted a letter from Sydney Water in support of the DA, which confirms that there is capacity in the existing network to service the proposed

development, and as such it will not warrant an upgrade of the existing water main in Dwyer Road.

7. Stormwater Drainage and Infrastructure Provision

"There is no Infrastructure in place to support such a large scale development estimated \$23m, such as: (Waste Water, Storm Water, Street Lighting, Kerb and Gutter, Roads, Public transport)".

"There are significant concerns with the overflow, management & treatment of storm water and waste water from the proposed development into other adjoining rural land owner and surrounding area".

"A development of this size and scale will create enormous amounts of additional storm water run off, with a retention basin having to be constructed on site. The associated issues with storm water run off will create flooding along the lower side of Dwyer Road, where there are significant market gardens and animal yards established, including farm houses and farm sheds".

"There is no stormwater drains."

Officer comment:

As identified in response to the sixth deferral matter at the beginning of this report, modelling has been provided by the applicant to demonstrate that post-development overland flows from the site will not exceed pre-development flows. It is likely that there will be a reduction in overland flows, as the size of the proposed on-site stormwater detention system has not been reduced following the removal of the previously proposed child care facility.

8. Bulk and Scale

"The size and scale of the development does not blend in with the rural setting and characteristics of land use and farming that the current zoning of RU4 provides".

"Regardless of any adjustment of the building height, set back designs of the boundary walls, church and multi-purpose buildings, it is a rural area and the proposed building structures are still not compatible with the area / setting and does not engage, blend or interact with the existing rural character of the locality."

"The proposed building design and structure will be an 'eyesore' within this rural setting, it is simply out of place. The entire design is not in whatsoever compatible with any other buildings /structures along Dwyer Road and Hulls Road. There are no other building designs similar to the proposed building located along these roads, it is a rural / farming area."

Officer comment:

As detailed in response to the second deferral matter at the beginning of this report, the proposed bulk and scale is considered to be satisfactory.

9. Use of Proposed Hall

"... concerns that both of these buildings will be operating simultaneously, according to the time frames described under point 4.1.1 of the report. Therefore

there is the likelihood that 600 people will be in the church building, whilst another potential 600 people could be in the multi-purpose hall. This would equate to an amount of 1200 people on site. This would equate to over 500 vehicles being on site and travelling along this small rural road. It is simply not appropriate and unacceptable for this amount of people and vehicles to be allowed to access this location without the necessary infrastructure and essential services as detailed within this submission.”

Officer comment:

A condition of consent is recommended to limit the use of the hall to an ancillary facility to the church, operating at the same time and in the same capacity (i.e. the maximum capacity of all uses of the site is 600 persons at any one time).

10. Hours of Operation

“The operating hours of the facility will have a material impact on our day-to-day life, particularly when the church and hall are operating outside of normal business hours (i.e., when it is operating on weekends and after 5pm on weekdays)”.

Officer comment:

The proposed hours of operation will be enforced by a recommended condition of consent and are considered acceptable, as the proposal is a community use, not a commercial use. The applicant has indicated that the extended hours will facilitate smaller scale gatherings, as per the table provided in response to Submission Issue 2 – ‘Traffic and Car Parking’. Further to the consideration given to the noise impacts of the proposed development above (Submission Issue 3), conditions of consent are recommended to limit the noise exposure to surrounding neighbours during ongoing use of the proposed development by:

- prohibiting external public address systems and amplified music;
- limiting the noise level of internal public address systems and amplified music; and
- requiring windows and doors of the multi-purpose hall to remain closed during internal activities.

(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 development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Transport for NSW.	No objection and no conditions recommended. Recommendation that Council consider pedestrian safety and swept paths of the longest vehicle entering and exiting the subject site.

Pedestrian safety and swept paths of the longest vehicle entering and exiting the subject site were considered in the assessment of the proposed development, as per the ISEPP assessment in this report.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2019/710/1 for the demolition of existing structures and construction of a church, hall, and car park, with landscaping and associated works at 320 Dwyer Road, Leppington subject to the conditions attached to this report.