

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Monday, 3 May 2021
PANEL MEMBERS	Justin Doyle (Chair), Susan Budd, Sue Francis, Lara Symkowiak and Michael File
APOLOGIES	Louise Camenzuli, Nicole Gurran and Theresa Fedeli
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 3 May 2021, opened at 1:49pm and closed at 2:49pm.

MATTER DETERMINED

PPSSWC-27 – Camden – DA2019/710.1 at 320 Dwyer Road, Leppington – Demolition of existing structures and construction of a place of public worship and an associated hall and car park, landscaping and associated works. (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

While the original proposal was non-compliant with the height development standard of 9.5 metres applying under clause 4.3 of Camden LEP, the height of the church has been reduced in height from a maximum height of 11.25m to 8.95m such that the proposal is now compliant with the height standard.

The proposal is compliant with all applicable development standards.

Development application

The Panel determined to approve and grant development consent to the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, but with the conditions of consent recommended by the Council assessment staff changed to limit the permitted capacity of persons attending the facility to 275 and the other matters set out below.

The decision was 4:1 in favour, against the decision was Lara Symkowiak.

REASONS FOR THE DECISION

The majority of the Panel determined to approve the application in substance for the reasons outlined in the council assessment report, and particularly taking into account the significant revisions to the proposal made during the development application process to reduce its scale to one more consistent with the existing character of the area.

The proposal is a permitted use in the zoning and will be accommodated on a large site. The visual assessment material provided satisfied the Panel that with the reductions made to the scale of the proposal, the built form proposed could be accommodated within the surrounding area without threatening its rural character. Notably, functions are not part of the DA and a condition of consent is proposed to ensure that functions are not to be convened at the premises.

The application proposed a maximum attendance total of 600 persons, with advice from the Applicant at the determination meeting that ordinary weekly attendances would average around 200 persons. However, the formal parking provided for in the application was limited to 100 cars. While the site undoubtedly has space for overflow parking on presently proposed grass areas, no management plan was

included in the application to protect against amenity impacts arising from the parking of the anticipated substantial number of additional vehicles. Nor could the Panel be satisfied on the information available that the additional traffic generated would not unacceptably alter the character of the area which at present retains its RU4 Primary Production Small Lots zoning notwithstanding evolution occurring elsewhere in Leppington around the developing Town Centre.

For that reason, the Panel has resolved to limit the number of persons to occupy the site to 275. The anticipated vehicle occupancy rates cited from the traffic report are 2.2 – 2.5 persons per vehicle. The number of 275 will still therefore likely involve on some occasions limited overflow parking, but in manageable numbers. Anything beyond that would seem to require more detailed assessment and planning to identify and appropriately manage impacts from any overflow parking. A management plan will be required in any event to address the limited potential for overflow parking, and a condition is proposed to that end.

That said, as Leppington evolves and infrastructure such as improved roads is constructed, the capacity of the building may well be consistent with the area, and the Panel did not see it necessary to require reduction in the size of the building at present so that future capacity can be allowed for.

The Applicant advised that it anticipated around 5 larger events per year which might accommodate 600 churchgoers such as Christmas and Easter. If such irregular events were to be acceptably catered for (without the Panel deciding in any way that they should be allowed), the impacts of the additional vehicle numbers would need to be justified and better managed through management plans and specific proposals (and potentially works) to address overflow parking.

It was proposed at the determination meeting that this could be dealt with through additional information being supplied or a deferred commencement condition. The Panel did not agree. If additional numbers that would effectively double the parking that has been designed for, the details should be clearly described so they can be considered with the benefit of comment from the community which on the basis of the objections received has significant opposition to larger numbers attending the site.

The Panel does not know whether such events can be reasonably and acceptably accommodated, but they should be the subject of a separate application which will allow the specific impacts to be properly assessed.

The Panel does however see a management plan as being appropriate to manage 275 guests and any overflow parking that is to occur.

With that limit on numbers the Panel is satisfied that the proposed use is sufficiently consistent with the zoning objectives, noting deletion of the childcare centre and the fact that 'place of public worship' is a permissible use in the zone.

The assessment report from Council staff set out why the degree of excavation proposed is acceptable in context having regard to the applicable principles of the Camden DCP. The Panel agrees that the excavation allows the form of the church to be more sympathetically accommodated into the area without significant adverse effects, taking into account the slope of the site and the extent to which the perceptible depth of cut and fill through site sensitive road layout, building design, and buffer screening to the resulting retaining walls.

Lara Symkowiak disagreed with the majority decision for the following reasons:

1. Traffic and parking issues - particularly for the larger events on the religious calendar which will attract up to 600 people at a time.
2. Operating times – noise impacts to neighbours, up to 9.30pm Mon-Thurs and up to 10pm Fri-Sat.
3. Incompatible with the objectives of the RU4 zoning of primary production small lots of the Camden LEP.
4. Potential impacts on the future precinct plan and zoning for surrounding residents

CONDITIONS

The consent is to be subject to the conditions recommended in the staff assessment report, but amended as follows:

Deferred Commencement Condition

The consent is **not to operate** until the applicant satisfies the consent authority, in accordance with the regulations, as to:

- (a) the preparation of a management plan in consultation with Camden Council directed to ensuring that:
 - i. all parking associated with use of the premises is to occur within the site,
 - ii. any overflow parking that occurs is appropriately managed so as to minimise any impacts on surrounding residents;
 - iii. attendance numbers will be reliably controlled to be kept within the maximum number of 275 imposed by the conditions;
 - iv. There are to be no functions convened on the site; and
 - v. Compliance with the recommendations of the acoustic report.
- (b) provision for solar panels installed within the height development standard applying to the site to contribute to the energy use of the approved development to the satisfaction of Council.

Ordinary Condition

- (c) The maximum number of persons to be present on the site at one time is 275.
- (d) The use is to comply at all times with the management plan approved as satisfying the deferred commencement condition forming part of this consent.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel.


Issues of concern raised in those submissions included:

- 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

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and through the conditions of consent and that no new issues requiring assessment were raised during the public meeting.

The Panel is satisfied the substance of those objections is addressed above.

PANEL MEMBERS



Justin Doyle (Chair)



Susan Budd



Sue Francis



Lara Symkowiak



Michael File

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-27 – Camden – DA2019/710/1
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a church, hall, centre based child care facility, car park, landscaping and associated works.
3	STREET ADDRESS	320 Dwyer Road, Leppington.
4	APPLICANT/OWNER	Applicant: Holy Apostolic Catholic Assyrian Church of the East Property Trust c/o PMDL Architecture and Design. Owner: Holy Apostolic Catholic Assyrian Church of the East Property Trust.
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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 (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy No. 55 Remediation of land Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2011 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Late information received – Visual Impact Assessment: 3 May 2021 Supplementary Report: 20 April 2021 Council assessment report: 23 December 2020 Clause 4.6 Request Councils Maximum Building Height Proponent correspondence received: 28 January 2021 Written submissions during public exhibition: 1 Verbal submissions at the public meeting 3 May 2021: <ul style="list-style-type: none"> Domenic Pezzano (On behalf of the Leppington Residents Group) and Dianna Simo On behalf of the applicant – Lachlan Rodgers The Planning Hub), Deborah Young PMDL Architecture and Dean Brodie Positive Traffic Verbal submissions at the public meeting 2 February 2021: <ul style="list-style-type: none"> Domenic Pezzano On behalf of the applicant – Deborah Young and Jeremy Swan Total number of unique submissions received by way of objection: 1

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 2 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Lara Symkowiak ○ <u>Council assessment staff</u>: Jamie Erken, Ryan Pritchard, Stephen Pratt and David Rowley • Site inspection: Monday, 2 March 2020 • <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Lara Symkowiak • <u>Council assessment staff</u>: Jamie Erken, Ryan Pritchard, Stephen Pratt and David Rowley • Final briefing to discuss council's recommendation: Tuesday, 2 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Susan Budd, Sue Francis and Lara Symkowiak ○ <u>Council assessment staff</u>: David Rowley, Ryan Pritchard, Stephen Pratt and Mathew Rawson • Final briefing to discuss council's recommendation: Monday, 3 May 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Susan Budd, Sue Francis, Lara Symkowiak and Michael File ○ <u>Council assessment staff</u>: David Rowley, Ryan Pritchard and Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the assessment report