

COUNCIL FINAL ASSESSMENT REPORT

PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-381 – 3908/2023/DA-C
PROPOSAL	Retention of an existing dwelling and swimming pool, removal of 18 trees, demolition of an outbuilding and existing driveway, construction of a two storey community facility and outdoor recreation facility, and associated drainage and landscaping works.
ADDRESS	Lot 4 DP 539244, 221 Eagleview Road, MINTO NSW 2566
APPLICANT	Ms Alexandra Marks
OWNER	Rahima Aziz Charitable Organisation Limited
DA LODGEMENT DATE	30-Oct-2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : community facility over \$5 million
CIV	\$ 9,677,029 (excluding GST)
CLAUSE 4.6 REQUESTS	No
KEY SEPP/LEP	Campbelltown Local Environmental Plan 2015
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Seven (7), including one (1) petition. Key issues: <ul style="list-style-type: none"> • Capacity • Car parking • Traffic impact • Privacy • Operating Hours
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural plans, stormwater management plan, landscape plans, structural engineers report, access report, traffic report, acoustic report, arborists report, Statement of Environmental Effects, Plan of Management.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval, subject to conditions.
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	22/07/2024
PLAN VERSION	Version No. 08
PREPARED BY	Aaron Essenhig
DATE OF REPORT	12/07/2024

EXECUTIVE SUMMARY

The Development Application (DA 3908/2023/DA-C) seeks consent for the demolition of existing outbuildings, the construction of a community facility and outdoor recreation facility, the installation of business identification signage, and associated landscaping and stormwater infrastructure ('the proposal').

The subject site is known as 221 Eagleview Road, Minto ('the site') and comprises an oversized residential lot with a total site area of 1.297 hectares.

Existing development on the site consists of a single storey dwelling house, an outbuilding, inground swimming pool, and landscaping.

The locality is undergoing transition and the surrounding area is characterised by detached residential dwellings, rural housing, a place of public worship, and a community facility. A four lot subdivision and childcare centre has been approved at the adjoining site, 223 Eagleview Road.

The site is in the R2 Low Density Residential zone pursuant to Clause 2.2 of the Campbelltown Local Environmental Plan 2015 ('LEP 2015'). A community facility, outdoor recreation facility, and business identification signage are all permitted with consent.

The principle planning controls relevant to the proposal include the Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable Cities) Development Control Plan 2015 ('the DCP'). The proposal is consistent with the provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act').

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied:

- Section 4.6 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 for consideration of whether the land is contaminated.

The Application was placed on public exhibition from 13 November 2023 to 15 December 2023, with seven (7) submissions being received. These submissions raised issues relating to capacity, car parking, traffic impact, privacy, and operating hours. These issues are considered further in this report.

The Application was reviewed by the Design Excellence Panel on 22nd February 2024. Significant design amendments were made to the proposal in response to the Panel's comments, including a reduction in building height from 9.75m to 8.91m, and decrease in the number of storeys from three to two. Further, rooftop solar panels and 'green wall' installations on the southern elevation have been added. The revised design scheme represents a contemporary architectural form that incorporates varying materials and design elements to ensure design excellence is achieved.

The application is referred to the Sydney Western City Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clause (5) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is

development for a community facility with a CIV over \$5 million.

A briefing was held with the Panel on 4 March 2023 where key issues were discussed, including acoustic impacts, design excellence concerns, and impacts on adjoining sites.

Following a detailed assessment of the proposal against the matters for consideration under Section 4.15(1) of the EP&A Act, the proposal may be supported. Pursuant to Section 4.16(1)(b) of the EP&A Act, DA 3908/2023/DA-C is recommended for approval subject to the attached conditions.

1. THE SITE AND LOCALITY

The Site

The subject site is legally defined as Lot 4 in Deposited Plan 539244 and is commonly known as 221 Eagleview Road, Minto. The site is a large residential lot, with a frontage of 120.7 metres, a northern boundary of 105.46 metres, a southern boundary of 109.74 metres, and a rear boundary of 120.55 metres. The total site area is 1.297 hectares.

The site currently accommodates a single storey dwelling house erected in 1981, an outbuilding constructed in 1989 and a swimming pool installed in 1997.

The site is currently serviced by electricity, reticulated water, and an onsite wastewater system.

Note: A condition is recommended to ensure a Section 73 Certificate is obtained from Sydney Water prior to the issue of an occupation certificate, confirming the development is connected to the local water and wastewater network.



Figure 1: Aerial image, with subject site highlighted (source: Nearmap, March 2024)

The Locality

The locality is characterised by low-rise residential development to the west, generally comprising single and two storey detached dwelling houses. Immediately to the north and east of the site are environmental living lots generally characterised by detached dwellings and outbuildings. To the south are large residential lots, which adjoin further low-rise residential development characterised generally by single and two storey detached dwelling houses.

The adjoining site, 223 Eagleview Road, benefits from a development consent issued by the Land and Environment Court for a four lot subdivision and construction of a two storey childcare centre on the southernmost lot (refer to Figure 2).

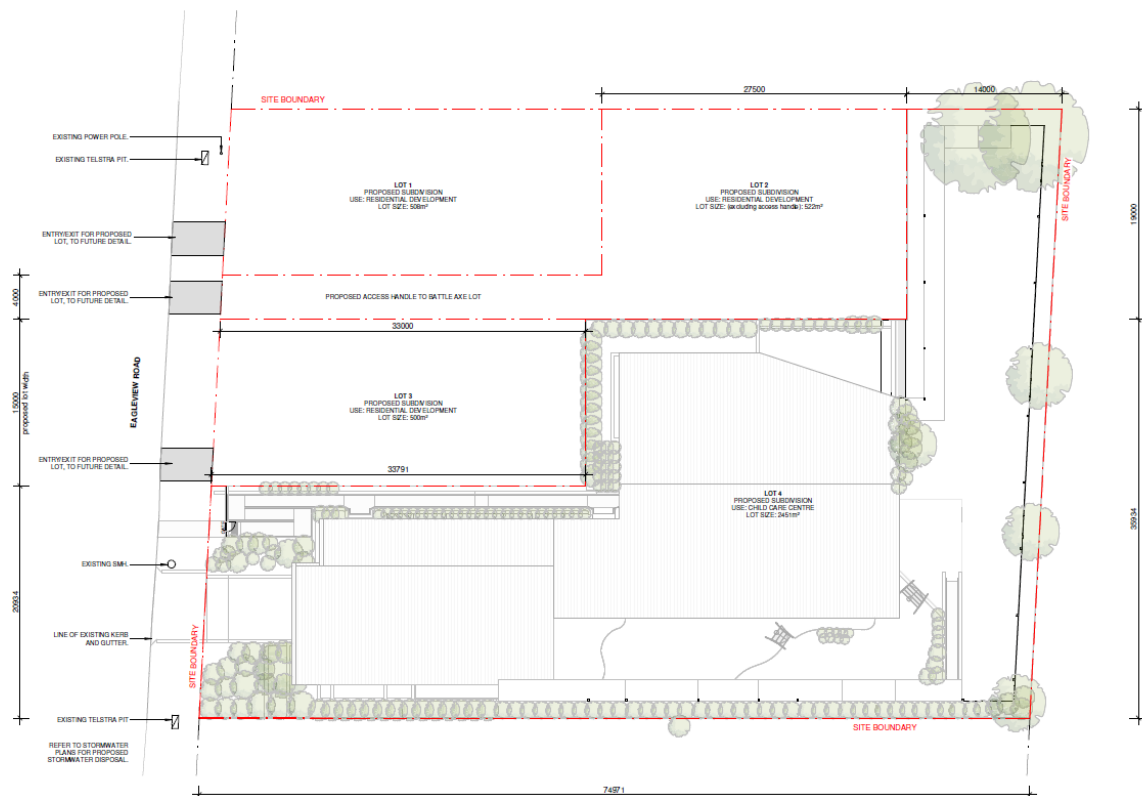


Figure 2: LEC approved development at 223 Eagleview Road

Within a 1km radius of the subject site is Minto Mall and 500m north of the site, at 201 Eagleview Road, Minto, is a place of public worship.

2. THE PROPOSAL AND BACKGROUND

The Proposal

Approval is sought for the construction and operation of a community facility with associated car parking, landscaping and civil works.

Specifically, the development proposes:

- Retention of the existing dwelling house as a caretakers residence;

- Retention of the existing swimming pool;
- Removal of 17 trees;
- Demolition of existing outbuilding and driveway;
- Construction of a two storey community facility with basement car park comprising 40 car parking spaces (including two accessible car parking spaces). The upper floors of the community facility accommodate a multipurpose hall, gym, library, offices, meeting rooms, prayer rooms, kitchens, male and female amenities, and storage spaces.
- At grade carpark involving 11 car parking spaces (including two accessible car parking spaces).
- Construction of an outdoor recreation facility involving a basketball court, tennis court and soccer field.
- Landscaping of the site, including the planting of 138 trees.
- Erection of a 2.45m (w) x 1.2m (h) business identification sign on a 3.45m (h) freestanding pylon structure.
- Installation of a 1.2m (h) x 1.2m (w) wall sign.
- Associated civil and drainage works.

According to the Plan of Management submitted with the Development Application, the community facility component of the development is proposed to operate Monday to Sunday, 5am-10pm, whereas the recreation facility component of the development will operate Monday to Sunday, 9am-10pm.

Note: given the site is within a residential area and there are a number of dwelling houses within close proximity to the subject site, the proposed operating hours are not considered appropriate. A condition is recommended to ensure the community facility will operate Monday to Sunday, 7am to 10pm. The 7am start time is consistent with other non-residential land uses in residential zones across the Campbelltown local government area, including the approved childcare centre at 223 Eagleview Road.

The community facility building and outdoor recreation facility will be operated by the Rahima Aziz Foundation Limited, involve 3-4 staff members, and host up to 150 visitors.

Cultural events are scheduled to occur no more than four times a month, on either Fridays, Saturdays and Sundays, between 6pm and 10pm.

Table 1: Development Data

Control	Proposal
Site area	1.297 ha
Max Height	8.91m
Landscaped area	7113sqm
Car Parking spaces	51
Setbacks	Front: 10m Rear: 3m Side (north): 47m (existing) Side (south): 1.8m (to ramp); 3m (to main building).

Background

Pre-Lodgement Meeting

A pre-lodgement meeting was held on 20/03/2023 where various issues with the development were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Characterisation of the development

The pre-lodgement meeting with Council raised concerns with the development and how it would suitably be characterised with respect to the land use definitions contained within the Campbelltown Local Environmental Plan 2015. In this regard, the applicant has amended their proposal so that it relates only to a community facility and outdoor recreation facility, both of which are permissible with consent in the zone.

- Presentation to the street

The pre-lodgement meeting with Council raised concerns with having a multi-storey carpark situated at the front of the site adjacent to Eagleview Road. In this regard, the proposed development has been redesigned to situate the community facility towards the front of the site, and incorporate a basement car park to avoid having a multi-storey car park as the face of the development.

- Vehicular access

The pre-lodgement meeting with Council raised concerns with multiple vehicle crossings and driveways into the site. The applicant was advised that Council does not generally permit two driveways in residential zones; the proposed development proposes the removal of the existing driveway and construction of a new driveway to the community facility and outdoor recreation facility.

- Landscaping

The pre-lodgement meeting with Council raised a concern with the extent of landscaping at the site. In this regard, the Development Application is accompanied by an appropriate landscape plan that includes the planting of 138 trees, in addition to shrubs, groundcovers and other soft landscaping elements.

Development Application

The Development Application was lodged 30/10/2023. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
30/10/2023	DA lodged
13/11 – 5/12/2023	Exhibition of the application
19/01/2024	Request for Information from Council to applicant

Date	Event
22/02/2024	Design Excellence Panel meeting
04/03/2024	Panel briefing
03/05, 07/05, 11/05, 15/05, 21/05, 27/05, 14/06/, & 21/06/2024	Amended plans lodged and accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation').

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
 - (i) any environmental planning instrument, and
 - (ii) 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) 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, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Campbelltown Local Environmental Plan 2015*

A summary of the key matters for consideration arising from these Environmental Planning Instruments are outlined in the following table and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 6: Water Catchments. The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none">• Section 3.6 – granting consent to signage• Section 3.11(1) – matters for consideration The proposed signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and will be of high-quality design and finish. Therefore, the proposal is consistent with the aims and objectives of Chapter 3 and complies with the assessment criteria of Schedule 5.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises a community facility in excess of \$5 million.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none">• Section 4.6 Contamination and remediation has been considered and the proposal is satisfactory subject to conditions.	Y
LEP	<ul style="list-style-type: none">• Clause 2.3 – Permissibility and zone objectives• Clause 4.3 – Height of buildings	Y

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
	<ul style="list-style-type: none"> • Clause 7.1 – Earthworks • Clause 7.4 – Salinity • Clause 7.10 – Essential services • Clause 7.13 – Design excellence 	
DCP	<ul style="list-style-type: none"> • Volume 1, Section 2 • Volume 1, Section 6 • Volume 1, Section 16 	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 applies to land in the Georges River and Hawkesbury-Nepean Catchments. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- (b) the impact on water flow in a natural waterbody will be minimised.

The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6 of the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Section 3.6 of the Industry and Employment SEPP states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and,
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Aims and Objectives

The proposed signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and will be of high-quality design and finish. Therefore, the proposal is consistent with the aims and objectives of Chapter 3.

An assessment against the criteria of Schedule 5 of the Industry and Employment SEPP is included in attachment 2.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for a community facility with a value over \$5 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

An assessment against the requirements of Section 4.6 of the Resilience and Hazards SEPP is included in attachment 2. In accordance with Section 4.6 of the Resilience and Hazards SEPP, the land is considered suitable for the proposed development.

Campbelltown Local Environmental Plan 2015

The relevant local environmental plan applying to the site is the Campbelltown Local Environmental Plan 2015 ('the LEP').

Zoning and Permissibility (Part 2)

The site is located within the R2 Low Density Residential zone pursuant to Clause 2.2 of the LEP.

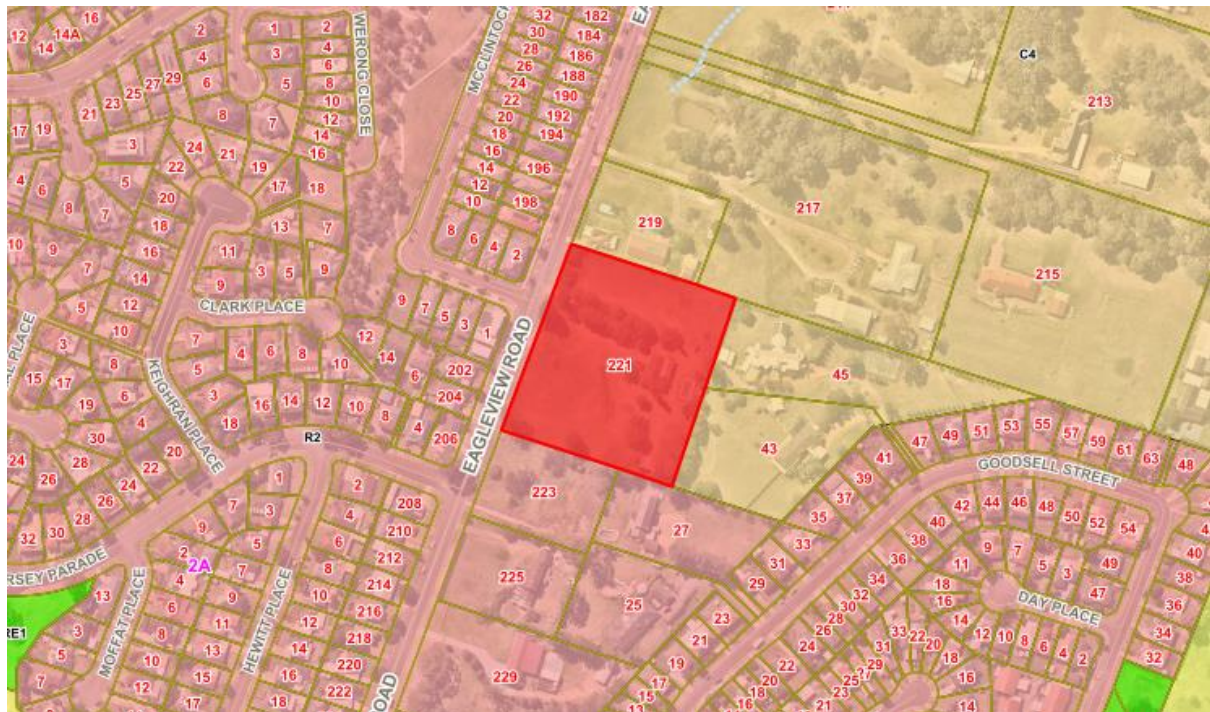


Figure 3: Zoning Map

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of a community facility, recreation facility (outdoor), and business identification signage, all of which are permissible uses with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.*
- *To minimise overshadowing and ensure a desired level of solar access to all properties.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal provides for a community facility and outdoor recreation area that serve the social and physical needs of the broader community on a day-to-day basis.
- The proposal is for a two storey development that complies with the maximum building height permitted under Clause 4.3 of the CLEP, and the relevant building setback controls in the Campbelltown (Sustainable Cities) Development Control Plan 2015. It is, therefore, a suitable scale for the area in which it is located.
- The proposal results in minimal overshadowing to the adjoining property to the south; overshadowing impacts in this instance are a natural consequence of the orientation and topography of the site and not an indication of poor building design. It is noted a compliant two storey dwelling or other residential development of the same scale with a minimum side setback of 0.9m (as opposed to 3m proposed under this Development Application) would result in comparable or additional overshadowing impacts. Further, the development site and the adjoining sites (in their existing form and as approved by the Land and Environment Court) can achieve the minimum solar access requirements of the Campbelltown (Sustainable Cities) Development Control Plan 2015.

General Controls and Development Standards (Parts 2, 4, 5 and 7)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in attachment 2.

(b) Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Campbelltown (Sustainable Cities) Development Control Plan 2015 ('the DCP')*

The proposal is generally compliant with the SCDCP. Matters for consideration under SCDCP are addressed in attachment 2.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Campbelltown Local Infrastructure Plan 2018*

This Contributions Plan has been considered and a condition is recommended to ensure payment of the development contribution prior to the issue of a construction certificate.

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(d) Section 4.15(1)(a)(iv) – Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

Section 4.15(1)(b) – Likely Impacts of Development

Section 4.15 (1)(b) of the EP&A Act requires that the consent authority consider the development's potential impacts on the natural and built environment, as well as potential social and economic impacts of the development.

Conditions are recommended to ensure adequate erosion and sediment control during works, therefore ensuring the development does not result in adverse impacts on the natural environment. Significant landscaping is proposed and results in the planting of 138 trees, which is a significant improvement on current site conditions. The development also includes the installation of solar panels, which reduces dependency on the energy grid and results in an energy efficient building.

The proposed development represents a contemporary architectural form that contributes to design excellence in the broader locality. The building incorporates varying materials and architectural design elements including vertical and horizontal offsets in the wall surfaces to ensure it is suitably articulated, thereby having a positive impact on the built environment.

In delivering a facility designed to promote the physical, social, and cultural development of the community, the proposal will have a positive impact on the social wellbeing of the community. It will generate employment during the construction phase of the project, provide employment opportunities for up to 4 staff during the operating phase of the development, and contribute positively to the overall economic activity within Minto and the broader locality.

Section 4.15(1)(c) – Suitability of the site

Section 4.15 (1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site when determining a development application.

The site is considered to be suitable for the proposed development. In this regard, it is noted the site is predominantly undeveloped, does not accommodate significant vegetation or ecological communities, nor is burdened by easements and rights of way which would obstruct the redevelopment of the site. Further, the site is of a size that can accommodate the proposed land use, including the provision of 51 car parking spaces, up to 150 visitors during special events, and a building which complies with the relevant development controls

pertaining to built form. Therefore, the site is considered suitable for the proposed development.

Section 4.15(1)(d) – Public Submissions

These submissions are considered in Section 5 of this report.

Section 4.15(1)(e) – Public interest

Section 4.15(1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application.

In this regard, the proposal is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community. The development provides for a community facility as place of community growth and development through a range of activities and education, and provides facilities for recreation and physical activity, thereby contributing to the social and physical wellbeing of the community. Accordingly, it is considered that approval of the proposed development would be in the public interest.

4. REFERRALS AND SUBMISSIONS

Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and supported the proposal subject to conditions.	Y
Health	Council's Environmental Health Officer reviewed the submitted stormwater concept plan and supported the proposal subject to conditions.	Y
Waste	Council's Resource Recovery and Waste Planning Officer reviewed the submitted stormwater concept plan and supported the proposal subject to conditions.	Y
Environment	Council's Environment Officer reviewed the submitted stormwater concept plan and supported the proposal subject to conditions.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.2 Community Consultation

The proposal was notified in accordance with Campbelltown's Council's Community Participation Plan from 13/11/2023 until 05/12/2023. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (100m radius - 61 letters issued);
- Notification on the Council's website.

The Council received a total of seven (7) unique submissions, comprising objections to the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	Council Comments
Capacity	A concern was raised with the proposed development, its proposed capacity, and how it would be managed. In this regard, it is noted that conditions are recommended to ensure the development is operated as a community facility and outdoor recreation facility only. Further, conditions have been recommended to ensure there are no more than 150 people on site at any given time, and that only four cultural events are permitted per month with attendance also capped at 150. Notice is to be provided to Campbelltown City Council four weeks prior to a cultural event, to allow Council to maintain a record of events and ensure no more than four (4) are held per month. Subject to compliance with the recommended conditions of consent, the development will have the capacity to serve its intended purpose.
Traffic & Parking	<p>A concern was raised with the proposed development, its impact on the local traffic network, and the number of car parking spaces proposed. The Campbelltown (Sustainable Cities) Development Control Plan does not specify a car parking rate for community facilities. However, the Development Application is accompanied by a Traffic & Parking Assessment prepared by Transport and Traffic Planning Associates, which relies on a rate of one car parking space for every 3.5 site users. The application of this rate to a maximum site attendance of 150 people results in a requirement for 43 car parking spaces. It is noted the proposal includes 40 basement car parking spaces and 11 ground level car parking spaces, for a total of 51 car parking spaces.</p> <p>In response to concerns raised regarding ingress and egress (noting the proposed entrance to the site is in close proximity to a crest in the roadway), a condition is recommended to restrict access to the site to left-in, left-out only. The access driveway is to be line marked and sign posted accordingly.</p>
Privacy	A concern was raised with the proposed development and its potential for overlooking to neighbouring properties. It is noted the southern elevation, which is closest to an adjoining property boundary, includes no windows, balconies, rooftop terraces, or the like, which would provide for any overlooking opportunities.

Issue	Council Comments
	<p>Windows at the rear of the community facility building overlook the carpark and outdoor recreation facility and are unlikely to result in overlooking opportunities to residential lots at the rear (which are further screened by landscaping and acoustic barriers).</p>
Inclusivity	<p>A concern was raised with the proposed development and whether it would be exclusive to members of particular ethnic groups. Council is satisfied that the proposed development would constitute a "community facility" and notes there is no evidence within the development application suggesting the operators would attempt to deny access to any particular groups or individual within of the broader community.</p>
Operating Hours	<p>A concern was raised with the proposed operating hours, which are as follows:</p> <p><i>Community facility</i> Monday to Sunday, 5am-10pm,</p> <p><i>Recreation facility</i> Monday to Sunday, 9am-10pm.</p> <p>Given the site is within a residential area and there are a number of dwelling houses within close proximity to the subject site, the proposed operating hours are not considered appropriate. A condition is recommended to ensure the community facility will operate Monday to Sunday, 7am to 10pm. The 7am start time is consistent with other non-residential land uses in residential zones across the Campbelltown local government area, including the approved childcare centre at 223 Eagleview Road.</p>
Acoustic Amenity	<p>A concern was raised with the proposed development and its acoustic impact. In this regard, it is noted the Development Application is accompanied by an Acoustic Report prepared by Koikas Acoustics. The report recommends the installation of a 4m high noise barrier on the southern and eastern boundaries of the outdoor recreation facility, and a 1.8m high noise barrier on the northern end of the outdoor recreation facility. A condition to this effect is recommended to form part of the development consent.</p> <p>Conditions are also recommended to prohibit the use of amplified music and public announcement speakers, and to ensure all mechanical plant including carpark exhaust fans and air conditioning systems are turned off between 10pm and 7am.</p> <p>Further, conditions are recommended to require a detailed review of mechanical noise emissions from the development to be carried out if any new noise generating equipment is added. (the noise level generated by any equipment must not exceed an</p>

Issue	Council Comments
	<p>LAeq (15 min) of 5dB(A) above background noise at the property boundary), and that the development be designed so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings must not emit 'offensive noise' as defined in the Protection of the Environment Operation Act, 1997.</p>
Site Compatibility	<p>A concern was raised with the proposed development and whether it meets the objectives of the R2 Low Density Residential zone under the Campbelltown Local Environmental Plan 2015.</p> <p>The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):</p> <ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale. • To minimise overshadowing and ensure a desired level of solar access to all properties. <p>The proposal is considered to be consistent with these zone objectives for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides for a community facility and outdoor recreation area that serve the social and physical needs of the broader community on a day-to-day basis. • The proposal complies with the maximum building height permitted under the Campbelltown Local Environmental Plan 2015 and is a two storey development; it is, therefore, a suitable scale for the area in which it is located. • The proposal is accompanied by shadow diagrams which show the development will result in minimal overshadowing to the adjoining property to the south; overshadowing impacts in this instance are a natural consequence of the orientation and topography of the site and not an indication of poor building design. It is noted a compliant two storey dwelling or other residential development of the same scale with a minimum side setback of 0.9m (as opposed to 3m proposed under this Development Application) would result in comparable or additional overshadowing impacts. Further, the development site and the

Issue	Council Comments
	<p>adjoining sites (in their existing form and as approved by the Land and Environment Court) can achieve the minimum solar access requirements of the Campbelltown (Sustainable Cities) Development Control Plan 2015.</p>
Land Use	<p>A concern was raised with the proposed development and its intended use. Reference was made to the prayer rooms located on the first floor of the community facility. In this regard, it is noted that conditions are recommended to ensure the development is operated as a community facility and outdoor recreation facility only. Further, the prayer rooms make up less than 10% of the community facility and are considered ancillary to the community facility, in that they are not of a scale commensurate with a separate land use. Subject to compliance with the recommended conditions of consent, the development will be restricted to be used as a community facility and outdoor recreation facility only.</p>
Notification Plans	<p>A concern was raised with the community consultation process and the plans made public on Council's Development Application Tracker. In this regard, it is noted the DA was notified in accordance with Council's Community Participation Plan. Whilst some plans within the plan set uploaded to the DA Tracker were redacted, ground floor and first floor plans were visible on the 'Floor Area Calculations' plan. Elevations, sections, site plans, and landscape plans were also available on the DA tracker.</p>
Waste Management	<p>A concern was raised with the proposed development and its waste management, including the location of the bin storage area. Regarding the bin storage area, it is noted the landscape plan accompanying the Development Application details extensive planting between the bin storage area, and both the southern and eastern property boundaries. The planting schedule includes two Angophora costata (Sydney Red Gum) trees with a mature height of up to 20m, and 18 Elaeocarpus reticulatus (Blueberry Ash) trees with a mature height of up to 10m, interspersed with mass shrub planting. On this basis, it is considered the bin storage area will be suitably screened from adjacent development.</p> <p>Further, conditions are recommended to require the following:</p> <ul style="list-style-type: none"> • The submission of a revised Waste Management Plan prior to the issue of a construction certificate. <p>The Waste Management Plan submitted with the Development Application is inconsistent with the updated Traffic Impact Assessment, in that the Traffic Report identifies that all waste collection will occur on-site and by a private waste contractor. The proposed</p>

Issue	Council Comments
	<p>uses across the site, number (and frequency) of patrons and days/hours of operation are outside the capacity of the Council's Residential Domestic service due to the volume (and variation in frequency) of waste generated. Given the inconsistency between the Waste Management Plan and the Traffic Impact Statement, a revised Waste Management Plan for the operational component prepared by a qualified waste consultant is to be submitted to Council's Coordinator Development Assessment, or equivalent, for review and approval prior to the issue of a construction certificate. The revised Waste Management Plan is to be prepared in accordance with Campbelltown (Sustainable Cities) DCP 2015 and demonstrate that a private waste collection company can service the development.</p> <ul style="list-style-type: none"> • All waste collection and servicing is to be undertaken on site by a private waste collection contractor, no earlier than 8am and no later than 5pm, Monday to Saturday. <p>Subject to compliance with the recommended conditions, the site's waste management and disposal will be satisfactory.</p>

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, the proposal is considered to be satisfactory and worthy of support.

6. RECOMMENDATION

That Development Application 3908/2023/DA-C for the retention of an existing dwelling and swimming pool, removal of 18 trees, demolition of an outbuilding and existing driveway, construction of a two storey community facility and outdoor recreation facility, and associated drainage, car parking and landscaping works, at 221 Eagleview Road, Minto, be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report.

The following attachments are provided:

- Attachment 1: Draft conditions of consent
- Attachment 2: Compliance tables
- Attachment 3: Architectural Plans
- Attachment D: Plan of Management